

1 (g) 38-33.3-122 and 38-33.3-123; ~~(2)~~;

2 (1.5) Except as provided in section 38-33.3-119, the following
3 sections shall apply to all common interest communities created within
4 this state before July 1, 1992, with respect to events and circumstances
5 occurring on or after January 1, 2006:

6 (a) ~~38-33.3-123(1)~~;

7 (e) ~~38-33.3-223~~;

8 **SECTION 3.** 38-33.3-123 (1) (c), Colorado Revised Statutes, is
9 amended to read:

10 **38-33.3-123. Enforcement - limitation.** (1) (c) ~~For each claim~~
11 ~~or defense, including but not limited to counterclaims, cross-claims, and~~
12 ~~third-party claims, and except as otherwise provided in paragraph (d) of~~
13 ~~this subsection (1); In any legal proceeding CIVIL ACTION to enforce or~~
14 ~~defend the provisions of this article or of the declaration, bylaws, articles,~~
15 ~~or rules and regulations, the court shall award to the party prevailing on~~
16 ~~such claim the prevailing party's reasonable collection costs and attorney~~
17 ~~fees, and costs, incurred in asserting or defending the claim AND COSTS~~
18 ~~OF COLLECTION TO THE PREVAILING PARTY.~~

19 **SECTION 4.** 38-33.3-124 (1), Colorado Revised Statutes, is
20 amended to read:

21 **38-33.3-124. Legislative declaration - alternative dispute**
22 **resolution encouraged - policy statement required.** (1) (a) The
23 general assembly finds and declares that the cost, complexity, and delay
24 inherent in court proceedings make litigation a particularly inefficient
25 means of resolving neighborhood disputes. Therefore, common interest
26 communities are encouraged to adopt protocols that make use of
27 mediation or arbitration as alternatives to, or preconditions upon, the
28 filing of a complaint between a unit owner and association in situations
29 that do not involve an imminent threat to the peace, health, or safety of
30 the community.

31 (b) EACH ASSOCIATION SHALL ADOPT A WRITTEN POLICY SETTING
32 FORTH ITS PROCEDURE FOR ADDRESSING DISPUTES ARISING BETWEEN THE
33 ASSOCIATION AND UNIT OWNERS. THE ASSOCIATION SHALL MAKE A COPY



1 OF THIS POLICY AVAILABLE TO UNIT OWNERS UPON REQUEST.

2 **SECTION 5.** 38-33.3-209.4 (1) and (2) (e), Colorado Revised
3 Statutes, are amended to read:

4 **38-33.3-209.4. Public disclosures required - identity of**
5 **association - agent - manager - contact information.** (1) ~~The~~
6 ~~association shall provide to all unit owners, at least once per year, a~~
7 ~~written notice stating~~ WITHIN NINETY DAYS AFTER ASSUMING CONTROL
8 FROM THE DECLARANT PURSUANT TO SECTION 38-33.3-303 (5), THE
9 ASSOCIATION SHALL MAKE THE FOLLOWING INFORMATION AVAILABLE TO
10 UNIT OWNERS UPON REASONABLE NOTICE IN ACCORDANCE WITH
11 SUBSECTION (3) OF THIS SECTION. IN ADDITION, IF THE ASSOCIATION'S
12 ADDRESS, DESIGNATED AGENT, OR MANAGEMENT COMPANY CHANGES, THE
13 ASSOCIATION SHALL MAKE UPDATED INFORMATION AVAILABLE WITHIN
14 NINETY DAYS AFTER THE CHANGE:

15 (a) The name of the association;

16 (b) The name of the association's designated agent or management
17 company, if any; and

18 (c) A valid physical address and telephone number for both the
19 association and the designated agent or management company, if any;

20 (d) ~~The notice shall also include~~ The name of the common interest
21 community;

22 (e) The initial date of recording of the declaration; and

23 (f) The reception number or book and page for the main document
24 that constitutes the declaration. ~~If the association's address, designated~~
25 ~~agent, or management company changes, the association shall provide all~~
26 ~~unit owners with an amended notice within ninety days after the change.~~

27 (2) Within ninety days after assuming control from the declarant
28 pursuant to section 38-33.3-303 (5), and within ninety days after the end
29 of each fiscal year thereafter, the association shall make the following
30 information available to unit owners upon reasonable notice in
31 accordance with subsection (3) of this section:

