

[Subscribe](#)[Past Issues](#)[Translate ▼](#)[View this email in your browser](#)

**SPRINGMAN,
BRADEN,
WILSON,
& PONTIUS, P.C.**
Attorneys at Law

MANDATORY MEDIATION IS NOW REQUIRED PRIOR TO FILING SOME EVICTIONS

June 7, 2023

The Colorado General Assembly has passed a Bill that will make mediation mandatory before filing some eviction cases. HB 23-1120 was passed and awaits Governor Polis' signature. It will become effective immediately when signed and we anticipate that will be on June 8, 2023.

The Bill provides that any residential tenant who receives Supplemental Security Income, Social Security Disability Insurance under Title II of the Federal "Social Security Act", 42 U.S.C. Sec. 401 et seq., as amended, or cash assistance through the Colorado Works Program created in C.R.S. Part 7 of Article 2 of Title 26 has a right to mediation prior to their landlord filing an eviction complaint with the court. Notice of this right to mediation must be included in a Notice to Vacate or a Demand for Possession and cannot be waived by the tenant in the lease. We are providing new notices with a revision date of June 1, 2023, that include the notice of a right to mediation. The new law does not apply to mobile home site leases, but it does apply to park owned mobile home rentals.

To determine if a tenant receives any government assistance, a landlord may make an inquiry in writing. We recommend that such an inquiry be made at the time that a new lease is signed with new tenants and that the inquiry be sent out as soon as possible to existing tenants. The tenant has the right to either not answer or decline to answer the inquiry, in which case the mediation requirement is waived. We are providing a form to use for this inquiry.

Mediation may be done by the State Judicial Department's Office of Dispute Resolution and must be scheduled within 14 days of a landlord's request to their office for mediation. We recommend that landlords attempt to schedule the mediation as soon as a Demand is served on a tenant. Private trained mediators are also allowed. Both the tenant and the landlord may be represented by counsel at the mediation if they so desire. If the eviction is eventually filed in the court, an affidavit must be filed with the court verifying that the mediation took place or explaining the reason(s) why no mediation was required.

[Subscribe](#)[Past Issues](#)[Translate ▼](#)

- a. The tenant did not disclose, or declined to disclose, that they are receiving government assistance.
- b. The tenant does not receive government assistance.
- c. The tenant waived or otherwise did not participate in mediation.
- d. The landlord is a 501(c)(3) nonprofit organization that offers opportunities for mediation.
- e. The landlord has five or fewer single-family rental homes and no more than five total rental units, including any single-family homes.
- f. The Office of Dispute Resolution was not able to schedule the mediation no later than fourteen calendar days after the landlord requested the mediation. (There is no guarantee that a Judge or tenant advocate will agree with this position.)

We are providing a form to use for this Affidavit.

If you have any questions regarding this new law, do not hesitate to contact us.

https://mcusercontent.com/988acf0cfce2504c029ccd116/files/63b603b4-a17e-9ce3-6116-57bd5964d7bc/2023_Demand_Nonpayment.01.pdf

https://mcusercontent.com/988acf0cfce2504c029ccd116/files/d81dd006-ea6c-c0a3-bfa8-8d9ccee9d8a/2023_Demand_Compliance.pdf

https://mcusercontent.com/988acf0cfce2504c029ccd116/files/baa914d9-6ac5-6399-904c-871bf5312267/2023_Demand_Repeated.pdf

https://mcusercontent.com/988acf0cfce2504c029ccd116/files/b867b424-656f-e8cc-01f4-84f513f5b621/2023_Demand_Substantial.pdf

https://mcusercontent.com/988acf0cfce2504c029ccd116/files/ea2d9116-cb01-3503-0ccf-eba6bdd2bb44/2023_Demand_Notice_to_Vacate.pdf

https://mcusercontent.com/988acf0cfce2504c029ccd116/files/86ad973d-3a5e-5d94-30b1-8e59c16fe44d/Form_Government_Assistance_Inquiry.pdf

https://mcusercontent.com/988acf0cfce2504c029ccd116/files/1395c38d-ca90-66b6-8ba1-27094de981cb/Form_Government_Assistane_Affidavit_Pursuant_to_C.R.S._13_40_110_1_a_06_01_2023.pdf

[Subscribe](#)[Past Issues](#)[Translate ▼](#)

Ph: (303) 685-4633 | Fax: (303) 685-4637
www.sbwp-law.com

Kristi Bunge, Managing Partner
Karen Kelly-Braem, Partner | Oscar Brueckner, Associate

Of Counsel:
John D. Carver

Copyright © 2023 Springman, Braden, Wilson & Pontius, P.C., All rights reserved.

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).

