

MINUTES
CBA Real Estate Law Section Council
Date: Tuesday, February 21, 2023 – 3:00 p.m.

Colorado Bar Association
1290 Broadway, Ste. 1700
Denver, Colorado 80203

Call to Order	Amy Brimah
1. Introductions	Amy Brimah
2. Approval of January Minutes	Amy Brimah

Joan Fritsche moved to approve the minutes. Lyndsey O’Connell seconded the motion. The motion passed unanimously.

3. Financial Report (61,822.57 as of January 31, 2023)	Angie Schmitz
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Angie Schmitz summarized the financial report. There were no questions or comments.

4. Chair’s Report	Amy Brimah
a. Discussion of subgroup for Affordable Housing.....	Melinda Paquini, Amy Brimah

Melinda Pasquini introduced the idea of creating a subgroup of some kind for affordable housing attorneys.

Jess Ham noted that CBA has subsections of Section, and subcommittees. If you are a member of the relevant section, there is no additional fee to belong to a subcommittee.

Ms. Pasquini would like to proceed with exploring such a group. She noted it may require a change to the bylaws. The existing task force for affordable housing and liaison to Housing Counsel would be part of the subgroup’s responsibilities. The Chair of the RESC would appoint the chair of the group and its members. Members would not necessarily need to be section council members.

Alex Gano asked whether there could be an affordable housing listserv through the CBA? And could it include non-attorneys?

Ms. Brimah asked for a motion to create a committee to explore the options and make a recommendation.

Erin Clark agreed with that plan as a next step.

Eric Snyder stated he is supportive of including non-council representatives in the group

Ms. Pasquini moved that the council review the bylaws and explore the options for this group, and report back in March or April

Ms. Fritsche seconded.

The motion passed unanimously.

- b. Community Associations Inst. (CAI)—discussion of liaison with Section.....Amy Brimah

Ms. Brimah reported that a person from CAI (a group representing HOAs) approached us about adding a liaison to the section.

Joey Lubinski stated that he is neutral on the idea. The section has had success with liaison relationships with these groups where the liaison is someone involved in both organizations.

Ms. Brimah stated that the CCIOA task force will meet and make a recommendation on this at the next (March) Section Council meeting.

Reagan Larkin stated that adding CAI to the Interprofessional Committee may be an option.

- c. Happy Hour, following the meeting, Bar OfficesAmy Brimah
- d. Applications for Section Council and Leadership.....Amy Brimah

Ms. Brimah requested that attendees encourage their friends to apply, the deadline is March 17.

- e. Application Review and Nominating Committee: Joan Fritsche, Angie Schmitz, Lyndsey O’Connell.....Amy Brimah

Ms. Brimah announced that the nominating committee will meet after the application due date to review applications. The committee is Ms. Schmitz, Ms. Fritsche, and Ms. O’Connell

- f. Implicit bias information:.....Amy Brimah

https://harvardlpr.com/wp-content/uploads/sites/20/2013/05/4.1_8_Bennett.pdf

<https://www.law.uci.edu/lawreview/vol5/no4/Lee.pdf>

5. Action Items:

- a. Votes on Reviewed Bills.....Amy Brimah

Bill number	Bill Name	Recommendation	Reviewer	
SB 100	Uniform Disposition of Property at Death Tyler Mounsey reported that the Trusts and Estates Section has created a version of the bill that they are fine with.	Monitor	Angie Schmitz	Motion to monitor by Ms Second by Deanne Stodd Unanimous vote in favor

SB 148	Concerning Property Used to Illegally Manufacture Drugs Ron Jung reported that the recommended “amend” position is because the bill creates a list of impacted properties and there is not a mechanism to challenge inclusion on the list.	Amend	Ron Jung	Motion to Amend as desc Stodden Second by Mr. Jung Unanimous vote in favor
SB 52	Survival of Municipal Priority Lien Ms. Brimah noted that this bill can be internally monitored rather than use lobbying resources for support	Revote to monitor rather than support	Landlord Tenant	Motion to internally mon Second by Ms. Stodden Unanimous vote in favor.
SB 110	Transparency for Metro Districts Ms. Fritsche reported that this bill codifies procedures for special districts that have become industry practices. There are also disclosure requirements regarding debt.	Monitor	Joan Fritsche	Motion to monitor by Ms Second by John Koechel Unanimous vote in favor.
SB 42	Tax Lien Sale Changes Adam Aldrich announced that the fill failed in committee and is dead.	Revote to internally monitor	Michelle Devoe, Steve Nagy	No Vote.
HB 1171	Eviction for Cause Ms. Stodden presented the memo. Primary reasons for opposing are that it will have the unintended effect of making it too burdensome for small landlords to continue renting, and so reduce rental units. Mr. Mounsey noted that an oppose position now does not mean we cannot change to amend later, and changes are expected in the senate.	Oppose	Landlord Tenant	Motion to oppose by Ms. Second by Zak Kessler Unanimous vote in favor
HB 1068	Pet Animal Ownership in Housing Ms. Stodden presented the memo. The bill prohibits security deposits for pets, and creates a government program to reimburse landlords for pet damages if funds allow. There is one sponsor and no co-sponsors	Monitor	Landlord tenant	Ms. Stodden moved to m Second by Ms. O’Connell Unanimous vote in favor
HB 1066	Land Touching at Corners	Revote	John Koechel	Mr. Snyder moved to mo Second by Ms. O’Connell

	<p>John Koechel presented information about this bill. It reduced or eliminates liability for people crossing from parcel to parcel at corners, and prohibits barriers over 4 feet tall.</p> <p>Geoff Anderson noted that this issue has been around since the 1860s, related to landgrants for railroads. In other western states, people are buying land that adjoins public land so they can access the public land and no one else can.</p> <p>Mr. Snyder noted that liability is a concern for people who do corner crossings. He is in favor of the bill, but has clients that would be against it.</p>			Unanimous vote in favor
HB 1186	<p>Remote Participation in Residential Evictions (due on 2/20)</p> <p>Mr. Kessler described the bill, which requires courts do specific things for remote participation of parties in evictions. He believes the amendments can make the bill work with the reality of court procedures. One issue is that it's limited to county court, which could cause more evictions to be filed in district court.</p>	Amend	Landlord Tenant	<p>Ms. O'Connell moved to</p> <p>Ms. Fritsche seconded</p> <p>Unanimous vote in favor</p> <p>Ms. Brimah inquired whether would take a similar position. Kessler will contact Caro</p>
HB 1184	<p>Low income housing property tax (due on 2/20)</p> <p>Ms. Pasquini stated that this bill would benefit groups like Habitat for Humanity. Specifically it applies to ownership plans where a community land trust owns the land and individual owns the improvements and leases the land. She would recommend amending to include more groups.</p>	Support and amend	Multifamily and Affordable Housing	<p>Ms. Fritsche moved to amend</p> <p>Mr. Kovacevic seconded</p> <p>Unanimous vote in favor</p>
HB 1190	<p>Gov't right of first refusal sale of property</p> <p>Ms. Pasquini reported that a big problem with the bill is that it is not a true right of first refusal because the government entity is only required to</p>	Oppose	Multifamily and Affordable Housing	<p>Mr. Snyder moved to oppose position to amend in accordance</p> <p>Ms. Stodden seconded.</p> <p>10 votes in favor of the motion</p> <p>Mr. Jung voted no because of position.</p>

	<p>match price term, not any other terms. The time lines for government to proceed are so long that it will slow down closings for a large number of properties. There is no apparent support from local governments. The City of Denver has its own similar program which has not resulted in any government purchases.</p> <p>Ms. Clark noted that the structure in the bill to implement this has many problems. She supports the goal of creating more affordable housing, but this does not accomplish it.</p> <p>Mr. Anderson noted that the bill is contrary to how real estate transactions occur in Colorado.</p> <p>Mr. Snyder believes the bill creates a form of taking.</p> <p>Mr. Cox noted that CAR is looking at an amend position, and believes this has a chance of passing</p> <p>Ms. Pasquini stated that ways to improve the bill would be to make it a real right of first refusal, and shorten the time times.</p> <p>Mr. Mounsey stated that if the group takes an oppose position now, the lobbyist can present their concerns. The bill does not have a fiscal note now. That’s possibly because fiscal notes have been very slow.</p>			
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- 6. Legislative.....Tyler Mounsey
 - a. Update on Legislative Session.....Tyler Mounsey, Adam Aldrich
 - b. HB 1137 HOA Bill.....Adam Aldrich

Mr. Aldrich reported on this CCIOA clean up bill. The coalition does not support the new draft. The coalition is working on putting together their recommendations.

- c. SB23-090 UCC Bill Andy Toft

Mr. Toft reported that the bill was heard in committee and there were minor amendments. Business Section is informally monitoring, and has issues with the protected series portion. It is expected to pass.

Ms. O’Connell will review and circulate a memo to the UCC task force. Mr. Kessler with assist.

7. In the News

- a. NY Times: “It’s Public Land, But the Public Can’t Reach it”Amy Brimah
- b. Business Den: “Brokerage sued, scrutinized over liens and 40-year Contracts”Amy Brimah

REPORTS AND INFORMATIONAL ITEMS

8. Interprofessional Committee Reagan Larkin, Eric Snyder

Mr. Snyder reported that the committee met last week. Members are happy that the good funds bill is not proceeding.

9. Education CLE Committee Steve Nagy, Ron Jung, Miro Kovacevic, Michelle DeVoe

Ms. Brimah encouraged the group to attend the March 10, 2023 CLE and reception at the Art Hotel.

Ms. McNulty reported that 18 people are registered for the live presentation, 12 for virtual. This includes faculty and planners.

10. Education/Topical Lunches Committee Deanne Stodden, Marjorie Sant, Michelle DeVoe, Miro Kovacevic

Ms. Sant reported that lunches are scheduled through the fall, and the March lunch is ready.

11. Communications Committee..... Zak Kessler, Eric Snyder, Joan Fritsche, Reagan Larkin, Michelle DeVoe

Mr. Kessler reported that a newsletter will come out at the end of March on symposium and legislature.

12. Publications Committee..... Eric Snyder, Steve Nagy, Reagan Larkin

Mr. Snyder reported that a case law update will be published in march, and short term rental regs in April. Upcoming: presumptions in adverse possession, zoning.

13. Community Service Committee..... Ron Jung, Marjorie Sant, Steve Nagy, Lyndsey O’Connell, John Koeche

Mr. Jung reported that no money was used for tailoring, expects to ask for the money to be used for something else.

- 14. Membership and Practice Development** Joan Fritsche, Zak Kessler, John Koechel, Lyndsey O’Connell

Ms. Fritsche reported that there will be a reception at the end of the Real Estate Practice CLE.

- 15. UCC Taskforce**.....Zak Kessler, Eric Snyder, Joan Fritsche, Andy Toft, Lyndsey O’Connell
- 16. CBA Ethics Committee Liaison** Kate Strauss
- 17. CBA Tax Section Liaisons**.....Tyler Murray, Bobbie Collins
- 18. Colorado Housing Council**.....Deanne Stodden
- 19. CBA Trust and Estate Section**Chad Rounds
- 20. Forms Committee Liaison** Geoff Anderson
- 21. CAR Liaison**Damian Cox
- 22. CBA Business Section Liaison** Andy Toft
- 23. Board of Governors**Katy Dunn
- 24. CBA Title Standards**.....Catherine Hance, Geoff Anderson
- 25. Multifamily and Affordable Housing Taskforce**....Erin Clark, Zak Kessler,Lyndsey O’Connell, John Koechel, Michelle DeVoe, Melinda Pasquini
- 26. CCIOA Taskforce** Ron Jung, Miro Kovacevic, Eric Snyder, Reagan Larkin, Justin Nyberg, Suzanne Leff, Joey Lubinski
- 27. Landlord/Tenant and Foreclosure Taskforce** Deanne Stodden, Steve Nagy, Reagan Larkin, Zak Kessler, Carolin Topelson

INACTIVE

- 28. Oil and Gas, Water & Natural Resources Taskforce** Marjorie Sant, Steve Nagy, Michelle DeVoe, Amy Mowry
- 29. Eminent Domain Taskforce** Steve Nagy, Miro Kovacevic, Jody Alderman
- 30. Removal of Race-Based Restrictive Covenants Taskforce** ..Eric Nesbitt, Brianna Dowling, and Erin Clark

- 31. **Special Districts Taskforce**.....Joan Fritsche, Marjorie L. Sant, John Koechel
- 32. **Records Redaction Taskforce** Steve Nagy, Geoff Anderson, Reagan Larkin
- 33. **CBA Young Lawyers Division**Diana Mendez, Dani Kaiser
- 34. **Diversity and Inclusion Liaison** Eric Nesbitt
- 35. **CBA Cannabis Law Committee Liaison**.....vacant
- 36. **Regional Membership Liaison**Doug Tueller
- 37. **Access to Justice Liaison** Andy Toft

NEW MATTERS

Mr. Toft reported that CU needs volunteers for mock trials

ADJOURN

2022-2023 Meeting Dates

Tuesday August 16, 2022

Tuesday September 20, 2022

Tuesday October 18, 2022

Tuesday November 15, 2022

December Holiday Party – December 8, 2022 Location: Catherine Hance’s Home, One Cheesman Park, 1201 N Williams St, 19th floor party room

Tuesday January 17, 2023

Tuesday February 21, 2023

Tuesday March 21, 2023

Spring Meeting (April 20-22, 2023, Thurs-Saturday, The Elizabeth Hotel, Fort Collins, Council meeting on April 21)

Tuesday May 16, 2023

Tuesday June 20, 2023 (tentative)

ATTENDANCE ROSTER
 Real Estate Law Section Council
February 21, 2023
 COLORADO BAR ASSOCIATION

In-Person/Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
Officers:			
Amy Brimah – Chair	X		
James M. Meseck – Vice Chair	X		
Angie Schmitz - Secretary	X		
Adam Aldrich – Legislative Policy Officer	X		
Katy Dunn – Board of Governors Representative			
Members:			
Eric Snyder (2023)	X		
Ron Jung (2023)	X		
Zak Kessler (2023)	X		
Marjorie Sant (2023)	X		
Steve Nagy (2024)	X		
Reagan Larkin (2024)	X		
Deanne Stodden (2024)	X		
Joan Fritsche (2024)	X		
Lyndsey O’Connell (2025)	X		
John Koechel (2025)	X		
Michelle DeVoe (2025)	X		
Miro Kovacevic (2025)	X		
Committees / Liaisons:			
Melinda Pasquini - Immediate Past Chair RESC	X		
Chuck Calvin – Fairways Taskforce Chair			
Chad Rounds – Trusts and Estate Liaison			
Damian Cox –CAR Liaison			
Geoff Anderson – RE Title Standards/Forms Liaison			
Jody Alderman – Eminent Domain Committee Liaison			
Tyler Murray – Tax Section Liaison			
Bobbie Collins – Tax Section Liaison			
Danielle Kaiser – YLD Liaison			
Diana Mendez - YLD Liaison			
Catherine Hance –RE Title Standard Committee			
Suzanne Leff – Past Chair RESC			
Doug Tueller – Regional Liaison			
Andrew Toft – Access to Justice Liaison/Business Section	X		
Kate Strauss- Ethics Committee Liaison			
Eric Nesbitt- Diversity Liaison/Inclusion Taskforce Chair			
Eric Jaworski – Cannabis Liaison			

Brianna Dowling – Inclusion Task Force			
Amy Mowry – Oil & Gas/Water/Nat'l Resources			
Staff & Guests:			
Jess Ham			
Amy Sreenen (CBA)			
Amy Larson (CBA)			
Bridgett Moore (CLE)			
Tyler Mounsey (CBA)			
Julie Waggoner, Past Chair RESC			
Dan Sweetser, Past Chair RESC			
Holly Ryan			
Anna cherubim tueller and gibbs			
Claire havelda, brownstein			