

MINUTES
CBA Real Estate Law Section Council
Date: Friday, April 21, 2023 – 10:00am

Odell Brewing
Fort Collins, CO

Call to Order Amy Brimah

1. Introductions Amy Brimah

Ms. Brimah introduced new section council nominee Lisa Connelly.

2. Approval of March Minutes Amy Brimah

Mr. Ron Jung moved to approve the March Minutes, Ms. Lindsey O’Connell seconded, the motion passed unanimously.

3. Financial Report (\$57,598.52 as of March 31, 2023).....Angie Schmitz

4. Chair’s Report Amy Brimah

a. Update on Symposium.....Jim Meseck and Susie McNulty

Ms. Susie McNulty provided an update on Symposium registration: 57 are registered, 29 of those are faculty. 3 of those are planning to attend virtually.

There will be a book club discussion about the book Nomadland by Bob Wells. It will be brownbag. Deanne Stodden will be on stage with Bob Wells to facilitate the discussion.

b. Section Council and Leadership (update).....Angie Schmitz

Ms. Angie Schmitz updated the group that she, Ms. Lindsey O’Connell, and Ms. Joan Fritsche met to choose the nominees for council.

Mr. Zak Kessler is nominated as Secretary

Section Council nominees:

Josh McMahon (Anderson Notarianni McMahon LLC)

Lisa Connelly (Kutak Rock)

Jordan Bunch (Holland and Hart)

Carolin Topelson (Carolin Topelson, P.C.)

Adam Aldrich will continue as Legislative Policy Officer

Angie Schmitz is nominated as Vice-Chair

Jim Meseck is nominated as Chair

5. Action Items:

- a. Amendment to bylaws for affordable housing subcommittee.....Amy Brimah and Melinda Pasquini

Ms. Melinda Pasquini described the amendments to the bylaws to create the new subcommittee. The Chair of the section will appoint the chair and members of the subcommittee. Melinda suggested involving Alex Gano, who had suggested the new subcommittee.

Ms. Stodden moved to approve the bylaw changes, Michelle DeVoe seconded, the motion passed unanimously.

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

Bill number	Bill Name	Recommendation	Reviewer	
SB23-213	Zoning	Monitor	Amy Brimah and Erin Clark	

Ms. Brimah opened discussion of SB23-213, a zoning bill which includes state-level power to require municipalities to provide for middle housing and ADUs in single-family zoning areas.

Mr. Ron Jung moved to have the section oppose the bill. Ms. O’Connell seconded. 7 members voted for the motion; 7 voted to oppose the motion; 1 voted to abstain.

(For: Jim Meseck, Ron Jung, Lindsey O’Connell, Reagan Larkin, Joan Fritsche, Zak Kessler, Eric Snyder. Against: Marjorie Sant, Deanne Stodden, Michelle DeVoe, Angela Schmitz, Amy Brimah, Adam Aldrich, Katy Dunn. Abstain: John Koechel)

Discussion followed. Mr. Meseck objects to state-level involvement in zoning, as it is an area of local power. He believes this is the most significant issue he has seen in his time on the council. Mr. Jung also objects to state involving in zoning and believes there are takings issues.

Ms. Brimah sees the bill as addressing lack of affordability and historic inequities in housing. She noted that this is a controversial policy issue, which is outside the purview of bar. Ms. Schmitz stated that she believes half of our membership will be unhappy with the section if we take a position one way or another.

Mr. Kessler stated that he believes this sort of change requires a constitutional amendment.

Mr. Meseck stated that he would be interested in what our members feel about this issue.

Mr. Geoff Anderson stated that zoning is a give and take, but this bill interrupts established expectation.

Mr. Aldrich stated that the legislature is not an effective place to take positions on this, perhaps amicus briefs when parts are challenged in court.

Geoff: zoning is give and take. This interrupts established expectations

Ms. Brimah moved to have the section monitor the bill. Michelle DeVoe seconded.

8 voted in favor of the motion (Marjorie Sant, Deanne Stodden, Michelle DeVoe, Angela Schmitz, Amy Brimah, Adam Aldrich, Katy Dunn, John Koechel)

7 voted to oppose the motion (Jim Meseck, Ron Jung, Lindsey O’Connell, Reagan Larkin, Joan Fritsche, Zak Kessler, Eric Snyder).

c. Budget.....Jim Meseck

Mr. Meseck reviewed issues to consider in the budget.

Topical lunches are an income producer, so it is worth considering increasing price, maintaining frequency.

We spent \$12,000 in grants this year, which is more than usual.

The proposed budget is revenue neutral. We have a ~\$50k reserve.

The dues increased this year, from \$30 to \$35. \$35 is similar to other sections this size.

Ms. Brimah stated that she is not in favor of further increasing dues at this time.

Mr. Meseck noted that this year we raised dues and did not have any loss of membership; instead had more registrations.

We expect costs to go up for everything.

Ms. Jess Ham noted that surpluses for other sections are more like \$20k

Ms. Pasquini noted that this is the first balanced budget in a few years because there was a large surplus and we purposely spent it down.

Mr. Jung moved to approve the budget. Ms. Brimah seconded. The motion passed unanimously.

Mr. Kessler stated his concern that the lunch CLEs impact attendance at full day CLEs.

Zak response to his question by Amy: budget assumes 10k for topical lunches. That’s the price for section members. Possible could partner with other sections.

Ms. Pasquini stated that topical lunches are good for engagement of members, and allows for timely discussion of new witnesses.

Ms. Brimah stated that the group can discuss a possible increase in topical lunch price at the May meeting. There could be tiered pricing for section members, CBA members, non CBA members.

6. Legislative.....Tyler Mounsey

a. Update on Legislative Session.....Tyler Mounsey, Adam Aldrich

Mr. Mounsey provided an update on the status of bills we have taken positions on. He noted that time is an issue—17 days-- and bills will likely die because they won’t pass in time.

1095 regarding prohibited items in leases has passed.

148 regarding illegal drug labs—working on amendments

1171 regarding just cause eviction. Has been heavily amended, in the Senate, waiting for further action

1137 the CCIOA bill has not moved forward

213 has received more criticism than the governor may have expected

Adam Aldrich has prepared a spreadsheet with the status of the bills

7. In the News

- a. Opinion: The 100 year Old Reason U.S. Housing is So Expensive, Peter Coy
- b. ABA Formal Opinion 504 (Choice of Law)

REPORTS AND INFORMATIONAL ITEMS

8. Interprofessional Committee Reagan Larkin, Eric Snyder

Ms. Larkin stated that the group met yesterday. The participant groups are aligned on the bills we are also watching. The Community Association Institute is now participating.

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

No update

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

Ms. Stodden announced that the most recent CLE had Erin Clark presenting. 35 people attended. She is looking for a speaker and topic for June.

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

Mr. Kessler stated that the newsletter is out. Next newsletter will be after symposium, and new legislation will be a big part of it.

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

Mr. Snyder stated that many articles have been submitted recently.

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

Mr. Jung encouraged everyone to visit the Habitat for Humanity table at symposium. They will be recruiting volunteers and seeking donations.

14. Membership and Practice Development Joan Fritsche, Zak Kessler, John Koechel,

Ms. Fritsche suggested the membership committee could do a joint activity with the Community Service committee for Habitat.

The committee is working on joint CLEs with the construction law Section

Ms. Ham noted that she has ideas for increasing membership by having admission fees include membership.

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

Ms. Stodden stated that CHC will have a new chair, from LTAC. They are hoping to take a more proactive approach to legislation.

19. CBA Trust and Estate Section.....Chad Rounds

Mr. Rounds stated that the T&E Section recommended changes to model legislation on Community Property disposition at death

20. Forms Committee Liaison..... Geoff Anderson

Mr. Anderson stated that there may be bills that pass that will require forms changes. They are working on a supplemental sellers property disclosure which can be used for ADUs.

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

Mr. Anderson stated that they are working on a standard related to decedent's estates.

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

NEW MATTERS

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
March 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	X		
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	X		
Damian Cox –CAR Liaison		X	
Geoff Anderson – RE Title Standards/Forms Liaison	X		
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		X	
Andrew Toft – Access to Justice Liaison/Business Section			
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	X		
Amy Sreenen (CBA)			
Amy Larson (CBA)			
Bridgett Moore (CLE)			
Tyler Mounsey (CBA)	X		
Julie Waggoner, Past Chair RESC			
Dan Sweetser, Past Chair RESC			
Holly Ryan	X		
Anna Cherubim, Tueller and Gibbs			
Claire Havelda, Brownstein	X		
Susie McNulty	X		
Nate Walsheye	X		
Kevin Gifford	X		