

**MINUTES**

**CBA Real Estate Law Section Council**

**Date: Tuesday, June 21, 2022 – 3:00 p.m.**

**Colorado Bar Association**

1290 Broadway, Ste. 1700

Denver, Colorado 80203

**Call to Order** 3:02 ..... Amy Brimah

**1. Introduction of Guests** ..... Amy Brimah

Ms. Amy Brimah acted as chair and called the meeting to order. Ms. Brimah welcomed the following guests including Holly Ryan.

**2. Approval of May Minutes** ..... Amy Brimah

The May 2022 meeting minutes were approved by motion, second and unanimous vote.

**3. Financial Report** (\$58,299.77 as of May 31, 2022) ..... Jim Meseck

Mr. Meseck reported that as of May 31, 2022, the Section Council had a positive balance of \$58,299.77.

**4. Chair’s Report**..... Amy Brimah

a. Rockies Outing Update..... Zak Kessler, Joan Fritsche

Ms. Joan Fritsche reported on a successful Rockies baseball outing attended by the different members of the Real Estate Section on June 14, 2022. Ms. Jess Ham was recognized for her organizational skills.

b. Outgoing Section Council Members..... Amy Brimah

Adam Aldrich

Erin Clark

Angie Schmitz

Jeremy Syz

Ms. Brimah thanked the individual members for their contributions and encouraged them to remain actively involved.

c. Real Estate Symposium ..... Amy Brimah

<https://cle.cobar.org/Seminars/Event-Info/sessionaltcd/RE071422L>

<https://cle.cobar.org/Home-Studies/Product-Info/producted/RE071422J>

At this time, 228 people are registered to attend in person and several more are registered to attend by remote means. The hotel block of rooms are almost completely booked at this time and are expected to be booked by the time of the symposium. Ms. Brimah looks forward to seeing as many members as possible in person.

d. Amendments to Bylaws Committee ..... Eric Snyder

Ms. Brimah reminded everyone to submit proposed amendments to the bylaws to Mr. Eric Snyder as soon as practical.

e. Formation of UCC Taskforce .....Amy Brimah, Andy Toft

[https://www.uniformlaws.org/committees/community-home?attachments=&communitykey=cb5f9e0b-7185-4a33-9e4c-1f79ba560c71&libraryentry=5349fb23-1e16-4a60-ad97-cee1102cb536&pageindex=0&pagesize=12&search=&sort=most\\_recent&viewtype=card](https://www.uniformlaws.org/committees/community-home?attachments=&communitykey=cb5f9e0b-7185-4a33-9e4c-1f79ba560c71&libraryentry=5349fb23-1e16-4a60-ad97-cee1102cb536&pageindex=0&pagesize=12&search=&sort=most_recent&viewtype=card)

Mr. Toft introduced the topic of expected changes to the Uniform Commercial Code to be introduced in the next legislative session. In anticipation of such legislation, a taskforce is being organized for review and feedback, including working with the Business Law Section. Many of the proposed changes will relate to the use of blockchain technology, including NFTs and cryptocurrency. Ms. Brimah discussed the nomination and role of the taskforce chair and members. Work needs to begin quickly to be prepared to discuss anticipated legislation with the Colorado Uniform Law Commission.

f. CREC Position Statements .....Damian Cox

<https://content.govdelivery.com/accounts/CODORA/bulletins/3189f10>  
<https://content.govdelivery.com/accounts/CODORA/bulletins/31ba197>

Mr. Damian Cox discussed the Colorado Real Estate Commission’s efforts to revise and update the Commission’s Position Statements. The statements are interpretations of the Commission’s rules intended to provide guidance. The genesis of the project was the change to the codification of the regulations and a need to bring Position Statements up to date to be consistent with current laws, statutes and regulations. To accomplish these aims, the Commission appointed a taskforce. The result was a reduction in the number of statements to 29 Commission Position Statements. All but Commission Position #1 were approved. With respect to Commission Position #1, there is a disagreement on what should be allowed when a broker is listing their own property.

g. End of the Fiscal Year – June 30, 2022

It was announced that the fiscal year would be coming to an end on June 30, 2022.

h. Happy Hour: Pints Pub - British Gastro Brewpub & Restaurant  
221 W 13th Ave, Denver, CO 80204

Everyone was invited to attend the happy hour after today’s meeting.

**5. ACTION ITEMS:**

- a. Reprint Request for the Colorado Real Estate Title Standards table of contents in the *Basye: Clearing Land Titles* 2022-2023 edition ..... Amy Brimah

Ms. Brimah introduced the request to print the Colorado Real Estate Title Standards table of contents in the *Basye: Clearing Land Titles*. The request is to only print the table of contents. Mr. Ron Jung moved and Mr. Steve Nagy seconded the motion.

**6. Legislative**..... Robin Nolan/Jim Meseck/Tyler Mounsey

- a. LPO Report – Final Thoughts.....Robin Nolan
  - i. HB22-1137 <https://leg.colorado.gov/bills/hb22-1137>

Ms. Nolan thanked the members, committees and the taskforces for their efforts over the past year.

- ii. SB22-229 Releases - Forms Available .....Holly Ryan

Ms. Holly Ryan updated the Section Council that SB22-229 goes into effect on August 29, 2022. Ms. Ryan shared versions of the release forms in Word and Pdf that are currently available and will appear on websites in the near future. Mr. Cox sent the forms on to his contact to place in the suite of real estate forms.

- b. Legislative Report..... Tyler Mounsey

Mr. Mounsey was unavailable. However, Mr. Andrew Toft discussed HB22-2201 that dealt with judicial discipline oversight. Mr. Toft testified twice before the committee. Mr. Toft wanted to make the Section Council aware of this effort in order to be in a position to comment. The purpose of the proposed legislation is to find ways to improve judicial discipline oversight in light of recent events and news coverage. Transparency, the way the courts are being administered, judicial discipline and ethical conduct are points of discussion. People interested in learning more and getting involved should reach out to Mr. Tyler Mounsey.

**7. In the News**

- a. Denver – Expanding Affordable Housing ..... Amy Brimah  
[https://myemail.constantcontact.com/Denver-Passes-Pivotal-Measure-to-Expand-Housing-Affordability.html?soid=1109942844524&aid=QOvIU\\_yM0mA](https://myemail.constantcontact.com/Denver-Passes-Pivotal-Measure-to-Expand-Housing-Affordability.html?soid=1109942844524&aid=QOvIU_yM0mA)

Ms. Brimah discussed recent changes in the creation of affordable housing programs. Ms. Erin Clark explained the response of the City and County of Denver to legislative changes and the judicial bar to rent control limits. The City and County of Denver is taking a leadership role by building on prior initiatives that had been in development. Denver is increasingly emphasizing the linkage fee for new developments and use of affordable unit construction rather than cash in lieu payments. Market rate development is being used as an offset for some of the costs. The deadline is June 30, 2022, in order to be grandfathered before the new City regulations go into effect. Site development plans must be approved by August 2023. City Council is watching to see if there is a lag which may require an extension. Ms. Clark will be further discussing the topic of inclusionary house at the Real Estate Symposium.

- b. Denver – Requiring recycling in multi-family buildings..... Amy Brimah  
<https://denverite.com/2021/01/05/voters-might-decide-whether-to-make-apartment-buildings-and-businesses-compost-and-recycle-their-waste/>

- c. Denver - No Eviction Without Representation..... Amy Brimah  
<https://denverite.com/2022/04/28/should-renters-facing-eviction-have-a-free-lawyer-new-denver-thinks-so-and-wants-landlords-to-help-foot-the-bill/>

Ms. Brimah introduced two ballot initiatives that will appear on the ballot for the City and County of Denver in the fall of 2022, including recycling requirement for multi-family buildings and legal representation of tenants in eviction proceedings.

**REPORTS AND INFORMATIONAL ITEMS**

- 8. CBA Trust and Estate Section** .....Chad Rounds

The Trust and Estate Section did not meet in June.

- 9. CBA Title Standards**.....Catherine Hance, Geoff Anderson

Mr. Geoff Anderson reported that a new title standard accepting copies is being developed. The new standard essentially states that, while doing a title examination, an attorney who identifies a document in the chain of title that is a copy, may rely on a copy of a document if the copy appears legitimate. Mr. Anderson further reported on efforts to update the title standards so that they may be published and distributed by the time of the Real Estate Symposium.

- 10. Forms Committee Liaison**..... Geoff Anderson

Mr. Cox informed the Section Council that the real estate forms were approved by the Colorado Real Estate Commission with minor changes, including the form for listing contracts, fees for listing contracts, defaults and the right to cancel. Mr. Cox explained that the Sellers Property Disclosure form changed formatting and some disclosure items. There were also changes relating to the lease assignment form. Mr. Kent Levine will be discussing the forms at the Real Estate Symposium.

- 11. CAR Liaison** .....Damian Cox

The next meeting is set for Friday.

- 12. CBA Business Section Liaison** ..... Andy Toft

Mr. Toft reported there was a meeting last month. The Business Law Institute is set for next month.

- 13. Membership and Practice Development** ..... Adam Aldrich, Zak Kessler, Joan Fritsche

- a. Solo and Small Firm Conference Scholarship Applications

Ms. Ham reported there were two applications received in the last two days for the scholarships being offered to attend the Solo and Small Firm Conference. The applications will be reviewed.

- 14. Interprofessional Committee** .....Angie Schmitz, Eric Snyder, Reagan Larkin

Ms. Angie Schmitz referred to the Committee’s report. A tiny homes bill is being reviewed relating to zoning and implementation.

**15. Education CLE Committee.....**Angie Schmitz, Marjorie Sant, Steve Nagy

Ms. Bridget Moore reported that 3 programs are being organized for fall and winter. The State of Real Estate in Colorado program is set for September. Registration will open soon. A CCIOA program is set for November chaired by Mr. Peter Griffith and a foreclosure program in December chaired by Ms. Ryan.

**16. Education/Topical Lunches Committee** Jeremy Syz, Marjorie Sant, Ron Jung, Deanne Stodden

Topics are scheduled through to September. Mr. Ron Jung expressed a concern about duplication of topics with the CLE Committee. Efforts to coordinate are in place to prevent overlap. An in-person presentation is planned for September as a test run, possibly at Maggiano's given its central location.

**17. Communications Committee.....**Zak Kessler, Jeremy Syz, Eric Snyder, Joan Fritsche

Mr. Zak Kessler announced the next newsletter is expected in the next day or two along with a blast reminder about the Symposium.

**18. Publications Committee.....**Adam Aldrich, Eric Snyder, Reagan Larkin

Ms. Reagan Larkin announced the title of the next article on terminating condominium developments under CCIOA. An article summarizing the legislative update is in the process of development along with other articles. Ms. Larkin solicited suggestions from authors on future articles. An author is being looked for on the ethics of avoiding malpractice in real estate transactions. Those interested should contact Ms. Brimah or Ms. Larkin.

**19. Community Service Committee.....**Ron Jung, Erin Clark, Marjorie Sant, Steve Nagy

a. Symposium Fund Raiser

Mr. Jung and Ms. Moore announced the link for the fundraiser has gone live. Mr. Jung explained the supported program is to assist those in need of housing due to emergencies. This is a state-wide program. Ms. Ham will send out an email blast reminding people of the fundraiser. Mr. Jung explained that the survey regarding member engagement and involvement in community focused activities and organizations is still being developed. Early August is the target date for the return and review of the survey responses.

**20. Fairways Taskforce.....**Chuck Calvin, Andy Toft, Robin Kube, Eric Snyder, Jean Arnold,  
Suzanne Leff, Cati Shadakofsky

Ms. Jean Arnold agreed to follow up with Mr. Mounsey along with the upcoming LPO about the proposed legislation drafted in response to the appellate decision.

**21. CBA Cannabis Law Committee Liaison.....** Eric Jaworski

Ms. Brimah asked if there was an interest in serving as the liaison.

**22. Regional Membership Liaison .....**Doug Tueller

Mr. Doug Tueller summarized past attempts to engage members but that there is a current lull in activity.

23. **Access to Justice Liaison** ..... Andy Toft

Mr. Toft asked that people submit nominations of attorneys in recognition of their *pro bono* work.  
Mr. Toft gave the example of an East Colfax collective which was set up as a non-profit to provide legal service for area residents. The CBA also has a tenant *pro bono* program that attorneys should consider when looking for *pro bono* opportunities.

24. **Amendment to Revised Uniform Law on Notarial Acts Taskforce**..... Adam Aldrich  
Chuck Calvin, Andy Toft, Joey Lubinski, and Brianna Dowling

Mr. Toft reported the taskforce has completed its purpose and may be disbanded.

**INACTIVE**

25. **Board of Governors** .....Katy Dunn
26. **Colorado Housing Council**..... Deanne Stodden
27. **CBA Tax Section Liaisons**.....Tyler Murray, Bobbie Collins
28. **CBA Ethics Committee Liaison**..... Kate Strauss
29. **CBA Young Lawyers Division** .....Diana Mendez, Dani Kaiser
30. **Diversity and Inclusion Liaison** ..... Eric Nesbitt
31. **Multifamily and Affordable Housing Taskforce**.....Erin Clark, Jeremy Syz, Zak Kessler,  
Eric Snyder, Eric Nesbitt, and Jean Arnold
32. **CCIOA Taskforce** ..... Joey Lubinski, Amy Brimah, Suzanne Leff, Chuck Calvin, Joan Fritsche,  
and Ron Jung
33. **Landlord/Tenant and Foreclosure Taskforce** ..... Angie Schmitz, Cindy Lowery-Graber,  
Deanne Stodden, Zak Kessler, Reagan Larkin, and Andy Toft
34. **Oil and Gas, Water & Natural Resources Taskforce** . Amy Mowry, Marjorie Sant, Steve Nagy,  
and Robyn Kube
35. **Eminent Domain Taskforce** ..... Jody Alderman, Steve Nagy, and Ron Jung
36. **Removal of Race-Based Restrictive Covenants Taskforce** ..Eric Nesbitt, Brianna Dowling, and  
Erin Clark
37. **Special Districts Taskforce**.....Joan Fritsche, and Marjorie L. Sant
38. **Records Redaction Taskforce** .....Geoff Anderson, Steve Nagy, and Dave Petrush

**NEW MATTERS**

None.

**ADJOURN 4:08**