

MARCH MINUTES

CBA Real Estate Law Section Council Date: Tuesday, March 17, 2020 – 3:00 p.m.

Colorado Bar Association – Remote Meeting

1290 Broadway, Ste. 1700
Denver, Colorado 80203

1. **Call to Order 3:00 p.m.**..... Suzanne Leff

2. **Approval of February Minutes** Suzanne Leff

Ms. Nolan made a motion to approve the February Minutes. Second by Mr. Meseck. The February Minutes were approved unanimously.

3. **Financial Report** (\$90,416.53 as of February 29, 2020).....Melinda Pasquini

4. **Chair’s Report** Suzanne Leff

a. Abbreviated March Meeting

Continue committee work as appropriate and feel free to periodically report on that work.

b. Offsite Meeting – May in Fort Collins – Postponed due to uncertainty of COVID-19.

c. Legislative UpdateAndy White

Temporary Adjournment until March 30, but adjournment may be extended. Expectations are for a truncated and expedited remaining session. The Legislature may try for extended session if they are going to go past the original 120-day session. The Legislature has submitted a Colorado Supreme court petition to put 120-day session on pause due to circumstances. The main question in the petition is whether the 120-day session needs to be consecutive. One implication may be what happens to prior bills passed if outside of regular session.

The Supreme Court granted the Legislature’s request to take up interrogatories on the petition. The Supreme Court will likely take this up as an emergency matter. Mr. Lubinski asked if there would be any new bills. Mr. White is predicting very limited if any new legislation. There is likely little appetite to expand the legislative agenda for a few reasons: 1) budget and related shortfall, 2) nonpresidential primaries and state legislatures need to campaign for reelection, and 3) uncertainty of pandemic.

CBA will continue monitoring the following legislative issues:

- HOA bill – need to take some action because sunset

- Arbitration bill
- Remote Notary bill

ACTION ITEMS

- d. **HB 20-1333**– HOA Transparency Bill..... Chris Payne

Mr. Payne reported on the following:

HB 1200 – CBA currently has authority to act on and remain acting on this bill in the current or any special session.

HB 1333 – Proposed changes to CCIOA. Creates new common interest community requirements. For example, the bill imposes a new requirement to (1) record the declaration and plat, and (2) to post the declaration to new website to be maintained by the information office. The core purpose of the Real Estate Section is to maintain clear title, avoid ambiguity and avoid laws that could affect future title. Accordingly, the task force recommends objecting to this bill.

Also, additional changes to CCIOA would increase the cost of running an HOA and maintaining HOA’s, while creating additional liability for HOA boards.

This bill includes a new requirement for a seller certification stating that all documents related to the HOA have been delivered to buyer. Any failures are a claim against seller, which results in seller being responsible for documents, which are out of seller’s control.

\$120,000 fiscal note to set up the information office and \$63,000 annually to maintain.

Discussion regarding amend versus oppose position.

Mr. Meseck made a motion to oppose the SB HB 20-1333. Second by Ms. Brimah. Unanimous vote to recommend opposing bill to LPC.

REPORTS AND INFORMATIONAL ITEMS

5. **COVID – 19** Suzanne

- a. Discussion regarding legal, professional and procedural issues affecting the practice of real estate including the following:

- Recording Issues
- Gap coverage for title insurance
- UCC and litigation searches
- Business interruption coverage
- Force Majeure

- No evictions under current and potential orders
- Landlord/Tenant Issues
- Landlord/Lender Issues

6. **Community Service/Charitable Committee**Robyn Kube, Jim Meseck, Erin Clark

a. Discussion regarding possible community aid activities in response to COVID-19

Involvement with law day not occurring this year, but can work with schools for next year. Nonprofits are taking care of food pantries, etc. How do we get involved? Ms. Arnold recommended working with MVL and using our budget to sponsor a virtual table to support the legal needs. Future ideas include working with the Action Center to support volunteers and talking to Colorado Lawyer’s Committee to create a task force to help COVID-19 victims.

The Community Service committee will continue to work and bring ideas for COVID-19 response to the April meeting.

Ms. Leff suggested there might be some overlap between sections for CBA to come together and offer legal aid services.

Mr. Payne reminded RESC of the legal aid campaign.

INACTIVE

- 7. CCIOA Task Force Committee Chris Payne
- 8. CBA Legislative Policy Committee Chuck Calvin
- 9. Business Law Section Chris Payne
- 10. Colorado Association of Realtors Liaison Damian Cox
- 11. CBA Forms Committee Damian Cox
- 12. Interprofessional Committee Amy Brimah, Jim Meseck
- 13. CBA Tax Section Tyler Murray
- 14. CBA Young Lawyers Division Liz Deline, Diana Mendez
- 15. CBA Trust and Estate Section Chad Rounds
- 16. Access to Justice Liaison Andy Toft
- 17. Regional Liaison Doug Tueller
- 18. Colorado Housing Council Robin Nolan, Jeremy

19. Communications..... Director – Brianna Dowling
20. Communications Committee (RE Section Web Page (COBAR)/Newsletter/Web Discussion Group).....Brianna Dowling, Angie Schmitz, Adam Aldrich
21. Colorado Lawyer CommitteeRobin Nolan, Bryan Schwartz, Adam Aldrich
22. Education/CLE CommitteeAmy Mowry, Bryan Schwartz, Angie Schmitz
23. Education/Topical Lunches Committee Amy Brimah, Ron Jung, Jeremy Syz
24. Membership and Practice Development Committee ... Amy Mowry, Ron Jung, Erin Clark
25. Board of Governors Katy Dunn, Dan Sweetser
26. CBA Title Standards Catherine Hance and Geoff Anderson
27. CBA Ethics Committee..... Deanne Stodden
28. CBA Cannabis Law Committee TBD
29. CBA ADR/Mediation Committee Geoff Anderson
30. CBA Eminent Domain Committee Jody Alderman

NEW MATTERS

ADJOURN 4:39 P.M.

ATTENDANCE ROSTER
Real Estate Law Section Council
March 17, 2020
COLORADO BAR ASSOCIATION

NAME	PRESENT	EXCUSED	ABSENT
Officers:			
Suzanne Leff – Chair	X		
Jean Arnold – Vice Chair	X		
Melinda Pasquini - Secretary	X		
Katy Dunn – Board of Governors Representative	X		
Members:			
Adam Aldrich (2022)	X		
Amy Brimah (2020)	X		
Erin Clark (2022)	X (by phone)		
Brianna Dowling (2021)	X		
Ron Jung (2021)	X		
Robyn Kube (2020)	X		
Jim Meseck (2021)	X		
Amy Mowry (2020)	X (by phone)		
Robin Nolan (2021)	X		
Angela Schmitz (2022)	X		
Bryan Schwartz (2020)	X		
Jeremy Syz (2022)	X (by phone)		
Committees / Liaisons:			
Chuck Calvin – Legislative Policy Committee Liaison	X		
Chad Rounds – Trusts and Estate Liaison	X		
Damian Cox – Forms Committee Liaison	X		
Deanne Stodden – Ethics Committee Liaison	X		
Geoff Anderson – RE Title Standards Liaison			X
Jody Alderman – Eminent Domain Committee Liaison			X
Chris Payne – Business Section Liaison	X		
Tyler Murray – Tax Section Liaison	X (by phone)		
Chris Levkulich – Tax Section Liaison		X	
Liz Deline – YLD Liaison		X	
Diana Mendez - YLD Liaison		X	
Catherine Hance –RE Title Standard Committee			
Joey Lubinski – Immediate Past Chair RESC	X		
Doug Tueller – Regional Liaison			X
Andrew Toft – Access to Justice Liaison	X		
Staff & Guests:			
Jess Ham	X		
Amy Sreenen (CBA)			X
Amy Larson (CBA)			X
Bridgett Moore(CLE)	X		

Andy White (CBA)	X		
Julie Waggoner, Past Chair RESC	X		
Dan Sweetser, Past Chair RESC			X
Chuck Calvin, Past Chair RESC	X		