

## Minutes

**CBA Real Estate Law Section Council**  
**Date: Tuesday, March 16, 2021 – 3:00 p.m.**

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

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**Call to Order** – Jean Arnold called the meeting to order at 4:02.

1. **Approval of February Minutes** There were two suggested changes related to typos and Ms. Robin Nolan moved to approve and Ms. Angie Schmitz seconded. The minutes were unanimously approved.
2. **Financial Report** (\$102,069.86 as of February 28, 2021) – Ms. Amy Brimah reported on the financials.
3. **Chair's Report** – Jean Arnold

### **ACTION ITEMS:**

- a. Legislation.....Amy Brimah  
Ms. Brimah presented on SB 21-160 and outlined the changes in the bill to the special district voting mechanisms. Ms. Brimah asked for a vote to monitor SB 21-160. Ms. Arnold moved to approve the monitor of SB 21-160 and Ms. Nolan seconded. The motion was unanimously approved. <https://leg.colorado.gov/bills/sb21-160>

### **REPORTS AND INFORMATIONAL ITEMS**

#### **4. Legislative and Executive Order Updates**

- a. Executive Order Update – Andy Toft

Mr. Toft presented a few executive order updates. Mr. Toft reported on two cases that held that the CDC residential moratorium is over reaching of the CDC powers.

- b. Legislation- Andy White and Amy Brimah

Mr. White gave a brief update on the Session and the targeting to end early in May.

- i. HB 21-1121 Residential Tenancy Procedures- LPC Position is to Amend

Ms. Schmitz reported that HB 21-1121 was amended in committee, the most onerous provisions were removed from the bill. The issues that were most concerning, personal notice, is no longer required. The attorney may still issue the summons. The remaining issues although, not perfect, have limited effect. Landlord and Tenant cannot independently agree that the rent will change

more than once every twelve months. Mr. White reported that it has to go through appropriations. <https://leg.colorado.gov/bills/hb21-1121->

#### SB 21-072 PUC Modernize Electric Transmission- Amend

Mr. White reported there was a significant re-write of the bill, addressing some of the concerns outlined by the RESC, with one issue remaining. <https://leg.colorado.gov/bills/sb21-072>

#### SB 21-164 Uniform Easement Relocation-Oppose

Mr. White reported CBA is in opposition to this bill. <https://leg.colorado.gov/bills/sb21-164>

#### HB 21-1117 Local Govt Authority to Promote Affordable Units- Monitor

Nothing to report.

#### HB 21-1019 Concerning Modifications to the Regulations of Factory Built Structures – Monitor

Nothing to report.

#### SB21-143 Uniform Collaborative Law- Amend

Mr. White reported that there was agreement to limit to family law. Mr. Chuck Calvin reported that there were a few adamantly opposed as the bill purports to cover everything not just family law. LPC adopt an amend position with the understanding that the amendments would limit the application only to family law and would address the privilege and confidentiality issues be conformed and that lawyers were responsible for complying with the rules of professional conduct, notwithstanding what the bill states. Ms. Brimah stated that ADR was against the bill and Family Law wanted to amend, ultimately, LPC agreed to take an amend position.

<https://leg.colorado.gov/bills/sb21-143>

#### SB21-173 Rights in Residential Lease Agreements- Oppose

Ms. Brimah reported that RESC would present an oppose position at LPC. Mr. White noted that the fiscal note related to case load and creates additional judge workload.

<https://leg.colorado.gov/bills/sb21-173>

#### HB 21-1117 Local Government Authority Promote Affordable Housing Units

Mr. White noted that the bill passed out of committee unamended. <https://leg.colorado.gov/bills/hb21-1117>

#### 5. **Colorado Association of Realtors (CAR):** Damian Cox

Mr. Cox discussed that HB 1028, HB 1134, HB 1200 are bills that CAR is supporting. He gave a brief overview of each bill.

#### 6. **CBA Legislative Policy Committee** Chuck Calvin

Mr. Calvin reported that most of the discussion was devoted SB 143. HB 1111 was voted to oppose a privacy protection bill because it would create an enormous burden on the courts. Mr. Calvin reported on HB 1225 which is a bill to delay sunset of the electronic recording technology, this is still needed.

7. **CBA Cannabis Law Committee**

Eric Jaworski

Mr. Jaworski reported that Cannabis Symposium was today. There was an article in the Colorado Lawyer about leasing and cannabis.

8. **Education/Topical Lunches Committee**  
Cynthia Lowrey-Graber )

Jim Meseck (Jeremy Syz,

Mr. Jim Meseck reported on the upcoming topics, including that Jon Goodman will be presenting on subconscious bias in housing. The committee speakers though July. If you have a topic please let Mr. Meseck know.

9. **Education/CLE Committee**  
Sant)

Ron Jung (Angie Schmitz, Marjorie

May 11 will be spring symposium, Barrier to Inclusion: Discrimination and Inequality in Real Estate and is set for May 11, 2021. We have a good list of speakers on interesting topics

10. **Colorado Lawyer Committee**  
Snyder)

Robin Nolan (Adam Aldrich, Jeremy Syz, Eric

Ms. Nolan reported that the April article will be the Case Law Update. Please let Ms. Nolan know if you have ideas for articles.

11. **Community Service/Charitable Committee**  
Snyder)

Erin Clark (Ron Jung and Eric

Mr. Jung reported that the committee continues to work with the Salvation Army. Mr. Snyder reported that the committee reached out to see if we can assist with Colorado Covid-19 relief to assist with evictions.

12. **Membership and Practice Development Committee/ Regional Liaison** Adam Aldrich  
and Doug Tueller (Zak Kessler, Cynthia Lowrey-Graber)

Mr. Aldrich has proposed doing a regional CLE in September. It will be on the Western Slope. Mr. Aldrich has been reaching out to coordinate the CLE, and would like to use some of our funds to defer the costs of the CLE.

13. **CBA Trust and Estate Section**

Chad

Rounds

Mr. Rounds summarized his written report.

14. **CBA Business Section**

Andy Toft

Mr. Toft reported that the business section is monitoring legislation similar to RESC.

15. **CBA Forms Committee** Geoff Anderson

Mr. Anderson commented on potential changes to lead based form, earnest money release to release liability also, also discussed the standard form.

16. **RON Task Force** Adam Aldrich

Mr. Aldrich multiple platform providers are offering RON services.

17. **Interprofessional Committee** James Meseck and Angie Schmidt  
Mr. Meseck indicated that the report was included and other groups are monitoring bills similar to RESC.

18. **CBA Title Standards** Catherine Hance and Geoff Anderson  
Ms. Hance discussed whether to have a title standard to oil and gas interests. She reported that they had a long discussion on the race based covenants and removal of provisions of racial bias and religious bias. RESC should be involved in any legislation, whether we introduce it or not. Mr. Anderson commented that the committee has typically defended private property and the real estate records, including a centralized depository. He commented that RESC should consider the real estate records and their importance.

19. **CBA Tax Section** Tyler Murray/Bobbie Collins  
Ms. Collins reported that they held a 1031 CLE with concern about future of 1031 exchanges. They are following legislation related to conservation easements. Trying to reach out to the Western Slope also.

20. **CCIOA Task Force** Chris Payne  
Ms. Brimah commented on the CCIOA task force will get together and review the proposed legislation.

#### **INACTIVE**

21. **Inclusionary Task Force** Brianna Dowling
22. **Access to Justice Liaison** Andy Toft
23. **Communications** Briana Dowling (Angie Schmitz, Zak Kessler)
24. **CBA Ethics Committee** Kate Strauss
25. **Board of Governors** Katy Dunn

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|-----|--------------------------------------|---------------------------|
| 26. | <b>CBA Young Lawyers Division</b>    | Liz Williams/Diana Mendez |
| 27. | <b>Colorado Housing Council</b>      | Erin Clark                |
| 28. | <b>Affordable Housing Task Force</b> | Doug Tueller              |
| 29. | <b>CBA ADR/Mediation Committee</b>   | Geoff Anderson            |
| 30. | <b>CBA Eminent Domain Committee</b>  | Jody Alderman             |

**NEW MATTERS**

**Adjourned at 4:37 pm.**

***ATTENDANCE ROSTER***  
Real Estate Law Section Council  
***March 16, 2021***  
COLORADO BAR ASSOCIATION  
Remote Meeting

| NAME  | PRESENT | EXCUSED | ABSENT |
|---|---------|---------|--------|
| <b>Officers:</b>  |         |         |        |
| Jean Arnold – Chair                                       | X       |         |        |
| Melinda Pasquini – Vice Chair                             | X       |         |        |
| Amy Brimah- Secretary                                     | X       |         |        |
| Katy Dunn – Board of Governors Representative             |         |         | X      |
| <b>Members:</b>   |         |         |        |
| Adam Aldrich (2022)                                       | X       |         |        |
| Amy Brimah (2020)   | X       |         |        |
| Erin Clark (2022)   |         | X       |        |
| Brianna Dowling (2021)                                    |         | X       |        |
| Cindy Lowery-Graber (2023)                                | X       |         |        |
| Ron Jung (2021)   | X       |         |        |
| Zak Kessler (2023)  | X       |         |        |
| James Meseck (2021)                                       | X       |         |        |
| Robin Nolan (2021)  | X       |         |        |
| Marjorie Sant (2023)                                      | X       |         |        |
| Angela Schmitz (2022)                                     | X       |         |        |
| Eric Snyder (2023)  | X       |         |        |
| Jeremy Syz (2022)   | X       |         |        |
| <b>Committees / Liaisons:</b>                             |         |         |        |
| Chuck Calvin – Legislative Policy Committee Liaison       | X       |         |        |
| Chad Rounds – Trusts and Estate Liaison                   | X       |         |        |
| Damian Cox –CAR Liaison                                   | X       |         |        |
| Geoff Anderson – RE Title Standards Liaison               | X       |         |        |
| Jody Alderman – Eminent Domain Committee Liaison          |         |         | X      |
| Chris Payne – CCIOA Task Force                            | X       |         |        |
| Tyler Murray – Tax Section Liaison                        |         | X       | X      |
| Bobbie Collins – Tax Section Liaison                      | X       |         |        |
| Liz Williams– YLD Liaison                                 |         | X       |        |
| Diana Mendez - YLD Liaison                                |         | X       | X      |
| Catherine Hance –RE Title Standard Committee              | X       |         |        |
| Suzanne Leff – Immediate Past Chair RESC                  | X       |         |        |
| Doug Tueller – Regional Liaison                           |         | X       |        |
| Andrew Toft – Access to Justice Liaison/ Business Section | X       |         |        |
| Katy Dunn- Board of Governors                             | X       |         |        |
| Kate Strauss- Ethics Committee                            |         |         | X      |
| Eric Nesbitt- Diversity Liaison                           |         | X       |        |

|                                 |   |   |   |
|---------------------------------|---|---|---|
| Eric Jaworski                   | X |   |   |
|                                 |   |   |   |
| <b>Staff &amp; Guests:</b>      |   |   |   |
| Jess Ham                        | X |   |   |
| Amy Sreenen (CBA)               |   |   | X |
| Amy Larson (CBA)                |   |   | X |
| Kendra Yates (CLE)              | X |   |   |
| Andy White (CBA)                | X |   |   |
| Julie Waggoner, Past Chair RESC |   | X |   |
| Dan Sweetser, Past Chair RESC   |   |   | X |
| Suzanne Leff, Past Chair RESC   | X |   |   |
| Joey Lubinski, Past Chair RESC  | X |   |   |
| Amy Mowry                       |   |   | X |
| Chris Payne, Past Chair RESC    | X |   |   |
| Deanne Stodden                  | X |   |   |
|                                 |   |   |   |