

## MINUTES

### CBA Real Estate Law Section Council

Date: Tuesday, November 17, 2020 – 3:00 p.m.

#### Colorado Bar Association

1290 Broadway, Ste. 1700

Denver, Colorado 80203

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#### Call to Order – Melinda Pasquini at 3:00

1. **Introduction of guests and liaisons** – Ms. Pasquini asked Mr. Eric Nesbitt, and the Officers to introduce themselves.
2. **Approval of October Minutes** – Ms. Pasquini asked for a motion to approve the minute. Ms. Amy Brimah made a motion for approval and Mr. Adam Aldrich seconded approval. The minutes were unanimously approved.
3. **Financial Report** (\$110,975.85 as of October 31, 2020) – Ms. Brimah presented the financials.
4. **Chair's Report** – Melinda Pasquini
  - a. No Holiday Party because of COVID-19. Everyone please take care of yourself.
  - b. Election Results Impact on Real Estate. Ms. Pasquini reported that some of her clients are concerned with the future of 1031 exchanges. Mr. Snyder discussed an emerging area of cold storage leases.
  - c. No Meeting in December.

#### ACTION ITEMS:

- a. Inclusionary Task Force ..... Andy Toft/Amy Brimah  
Mr. Toft reported that the task force have had several meetings, including with the Sam Cary Bar to draft legislation related to race based restrictive covenants. It is not clear if it will be this year or next year because of COVID-19. Other states have adopted laws to eliminate race-based covenants. Mr. White believes that there will be bi-partisan support for such legislation. There was discussion on possible groups that would oppose such legislation. Mr. White discussed that we will want to consider counter-arguments and be prepared to what would be raised as obstacles. We could find strong partners to advocate with us.

#### REPORTS AND INFORMATIONAL ITEMS

5. In the News: Carmen Court. ....Amy Brimah

Ms. Brimah provided update to case, which application was withdrawn for historic designation.

**6. Legislative and Executive Order Updates**

- a. Executive Order Update – Andy Toft-  
Mr. Toft reported that everything changed at 1 pm today. There will be a new system for gauging level of risk. Public Health Order 2036 fleshes out new system. Lawyers remain essential workers so are mostly exempt. The restrictions/orders are largely driven by counties and are changing almost on a daily basis. Advise your clients to check both state and county level ordinances.
- b. Proposed Legislation- Andy White  
Mr. White reported that today the Governor had a joint press conference with Mayor Hancock, and incoming Speaker of the House Mr. Garnett. There will likely be a special session after Thanksgiving. Later this week the Governor will provide an outline of topics, including, small business relief with direct aid and tax relief, housing and rental assistance, childcare providers assistance and expansion of broad band. The task force on eviction prevention has legislative proposals that may be visited by the special session. Prepare for eviction moratorium and also relief for tenants. Special session will probably be about 5 to 7 days. Ms. Pasquini commented that we should be prepared to weigh-in and should be ready to act. The CDC order expires at the end of the year. Ms. Schmitz commented this may be extended.
- c. Coordinate with other Sections.  
Ms. Pasquini emphasized to be cognizant of arguments against legislation, even within other sections of the Bar. We may be more in alignment than we think but we should think about and consider alignment and coordination with other sections. ADR issues in prior CCIOA legislation is an example that Ms. Arnold discussed. The CBA takes one position in LPC. Ms. Pasquini requested not only what we would recommend but also what other sections would recommend, so that we can have a meeting of the minds prior to presenting at LPC. Ms. Pasquini thanked Ms. Arnold for bringing this to our attention. Mr. Toft commented that if two sections had opposing views that was the end of the discussion at LPC, it is really important to get ahead of conflict.
- d. Election Results. Andy White and Melinda Pasquini.  
Ms. Pasquini updated on Amendment B (Gallagher repeal) will no longer have split between residential and commercial property splits. Senate Bill 223 put into effect an assessment rate freeze.

Proposition EE (tobacco – vape tax) taxes added in rent relief and education. Mr. White added that in times of crisis funds of EE can be moved around. Homeowners voted to forgo 20% cut but voted to decrease income tax and voted to increase taxes on tobacco. 41-24 advantage in the House for Democrats. 20-15 advantage in the Senate for Democrats. Alex Garnett will be Speaker of House. He is a very reasonable. Record voter participation in the 2020 election. No surprises in election. We do not know how or when the legislature will reconvene. Be prepared for the unexpected.

7. **CBA Trust and Estate Section**

Chad Rounds

Mr. Rounds provided and report and reported that the Section met and approved life estate deed form for publication in Green Book. In the Green Book, there was expanded notes on use to guide practitioners on use.

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

James Meseck (Jeremy Syz,

Mr. Meseck updated on the upcoming speakers. As of now, there will not be a December lunch and lunches are planned for the next few months.

9. **Communications**  
Kessler)

Briana Dowling (Angie Schmitz, Zak

The committee is working on the newsletter.

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

Ron Jung (Angie Schmitz, Marjorie

Mr. Jung discussed the speakers and the topics for the Fall Update on November 20, 2020. Ms. Moore commented that there were the same number of people signed up last year as are currently signed up and that they were anticipating more people to sign up. Ms. Moore introduced Ms. Yates as the new contact for CLEs for RESC. Ms. Yates introduced herself.

Here is the information for the Fall Update: <https://cle.cobar.org/Seminars/Event-Info/sessionaltcd/RE112020W>

Mr. Jung discussed the Spring update.

11. **Colorado Lawyer Committee**  
Snyder)

Robin Nolan (Adam Aldrich, Jeremy Syz, Eric

Ms. Nolan discussed upcoming articles and asked for ideas and authors. She included a report in the agenda.

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

Erin Clark (Ron Jung and Eric

Mr. Jung commented that they met last month and identified organizations for a gift share, for example Toys for Tots and Christmas in the Park that provides gifts for homeless. Mr. Jung will provide information so that we can participate. Ms. Deline said that she would ask YLD to promote.

13. **CBA Title Standards**  
Anderson

Catherine Hance and Geoff

Report was included in the agenda.

14. **CBA Legislative Policy Committee**

Chuck Calvin

Mr. White updated that December 4<sup>th</sup> will be next meeting. There has been a family law issue and a business law issue presented. There also has been issues related to cleaning up Corporations Act. There also have been several issues related to probate law.

15. **CBA Business Section**

Andy Toft

Mr. Toft reported they met last month. They are doing a program with YLD for lawyers starting their own practice. They have a diversity and inclusivity committee. They have some CLE programs coming up and will be planning their annual CLE.

16. **CBA Forms Committee**

Geoff Anderson

Mr. Cox reported that the committee had a meeting this month and there will be some changes to the contract to buy and sell. They put their proposed changes forward to the Colorado Real Estate Commission.

17. **CBA Young Lawyers Division**

Liz Deline/Diana Mendez

Ms. Deline reported that they will have a snowshoe event get together in December. They are working on their liaison outreach and had a liaison outreach meeting. YLD would like to do another lunch and learn for YLD and RESC.

18. **RON Task Force**

Adam Aldrich

Mr. Aldrich reported on his report and the recent hearings on RON. He listened to the hearings on the proposed rules in the public meeting. The main issue appeared to have been fraud. The CBA letter covered most of the issues that came up and addressed concerns. Mr. White noted that our comments were posted as part of the record. There likely will be another opportunity to comment.

19. **Task Force on Inclusion**

Brianna Dowling

See notes above.

20. **Colorado Association of Realtors (CAR):**

Damian Cox

Mr. Cox reported that CAR will be monitoring legislation.

**INACTIVE**

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|-----|---|-----------------------------|
| 21. | <b>Board of Governors</b>   | Katy Dunn                   |
| 22. | <b>Interprofessional Committee</b><br>Schmidt   | James Meseck and Angie      |
| 23. | <b>CBA Cannabis Law Committee</b>   |                             |
| 24. | <b>Colorado Housing Council</b>   | Erin Clark                  |
| 25. | <b>Affordable Housing Task Force</b>  | Doug Tueller                |
| 26. | <b>CBA ADR/Mediation Committee</b>  | Geoff Anderson              |
| 27. | <b>CBA Eminent Domain Committee</b>   | Jody Alderman               |
| 28. | <b>CCIOA</b>  | Chris Payne                 |
| 29. | <i>Fairways at Buffalo Run</i>  | James Meseck                |
| 30. | <b>CBA Tax Section</b>  | Tyler Murray/Bobbie Collins |
| 31. | <b>CBA Ethics Committee</b>   | Kate Strauss                |
| 32. | <b>Access to Justice Liaison</b>  | Andy Toft                   |
| 33. | <b>Membership and Practice Development Committee/ Regional Liaison</b><br>and Doug Tueller (Zak Kessler, Cynthia Lowrey-Graber) | Adam Aldrich                |

**ADJOURN 4:30**

***ATTENDANCE ROSTER***  
Real Estate Law Section Council  
***November 17, 2020***  
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	
Bobbie Collins – Tax Section Liaison	X		
Liz Deline – YLD Liaison	X		
Diana Mendez - YLD Liaison		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	
<b>Staff &amp; Guests:</b>			

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
Suzanne Leff, Past Chair RESC	X		
Joey Lubinski, Past Chair RESC	X		
Amy Mowry			X
Chris Payne, Past Chair RESC	X		