

Minutes

CBA Real Estate Law Section Council
Date: Tuesday, June 15, 2021 – 3:00 p.m.

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

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1. **Call to Order** – Jean Arnold. Ms. Jean Arnold called the meeting to order at 3:02 pm.
 2. **Approval of May Minutes**. The minutes were unanimously approved.
 3. **Financial Report** (\$95,185.13 as of May 31, 2021). Amy Brimah
 4. **Chair's Report**
 - a. Elevation Community Land Trust.....Jean Arnold and Charles Allison-Godfrey

Ms. Arnold asked Ms. Erin Clark to introduce Charles Allison-Godfrey and Elevation Community Land Trust. They are a community land trust and the largest in the country that uses a land trust model to expand permanent home ownership. Elevation Community Land Trust (ECLT) is working on building a pool of attorneys willing to provide an occasional one-on-one review of the Land Lease agreement that each ECLT buyer signs at their purchase closing.

ECLT is a non-profit organization providing permanently affordable homeownership opportunities to lower-income earners such as teachers, construction workers, fire fighters, and others now priced out of Colorado's homeownership market – to qualify, applicants need to be at 80% or below area median income. Through a one-time subsidy invested in the home, along with a restricted resale formula in the Land Lease, Elevation CLT can offer homes at affordable initial prices and keep subsequent purchase prices affordable to low-income buyers, owner after owner. For more information, please go to our website at <https://www.elevationclt.org/>

The review for each buyer typically lasts forty-five minutes to one hour. The buyer will already be generally familiar with the stipulations of the Land Lease, having attended a required one-hour Elevation CLT orientation. Attorneys would provide an engagement letter and conduct this review pro-bono independent of the orientation that Elevation requires. Interested attorneys may request a blank copy of the Land Lease for educational purposes.

To learn more and become a volunteer, please email Tiana Patterson, Esq., Public Partnerships & Legal Director, at tpatterson@elevationclt.org.

Mr. Eric Nesbitt commented that this work is needed and this is a well deserving call for members of Council to consider volunteering some of your time. Mr. Nesbitt said he would be happy to provide some information and help, though he works directly with Elevation.

Ms. Clark commented that although it is not full equity it is more than renting and a step to market ownership.

b. Symposium and Salvation ArmyMelinda Pasquini

Ms. Arnold commented that we had an excellent ask with our matching ask. Ms. Melinda Pasquini commented that as part of Symposium we have a charitable effort. At Symposium this year the focus to be housing because of COVID. Ms. Pasquini said it will be through the Salvation Army and the funds will be directly for housing. The RESC will provide a match and the hope is to continue to ask people and raise as much as possible for Salvation Army. Mr. Ron Jung discussed the two programs that will be wrapped into the same donation page. Lambuth Family Center is an emergency center for temporary housing and the other program is Housing Now which is a long term solution to help families find housing for families across the State of Colorado. Ms. Pasquini discussed we want to encourage donations and will ask RESC for a match of up to \$5,000.00 which will be half from this year's budget and half from next year's budget.

c. *Fairways at Buffalo Run*..... Jean Arnold and Jim Meseck

Ms. Arnold commented that the case was settled. Mr. Jim Meseck commented that we are looking for a legislative solution compared to how the Court of Appeals decision left items. Please let Mr. Meseck know if you would like to work on an legislative fix. Ms. Arnold thanked Mr. Meseck for his work on this task force.

d. Revised ALTA's Owners Policy.....Jean Arnold
<https://www.alta.org/policy-forms/>

Ms. Arnold thanked Ms. Brianna Dowling for providing this. Ms. Dowling will be presenting at the RESC lunches to discuss the new policy.

5. **ACTION ITEMS:**

a. Bylaws.....Melinda Pasquini

Ms. Arnold thanked Ms. Pasquini and everyone who commented on the Bylaws. Ms. Pasquini said she reached out to many people and received many comments. The purpose was to add a legislative position to assist with legislation in a pro-active manner. Ms. Pasquini commented that this change will help us organize and have more expertise to work on legislative issues and to be more efficient. The legislative person will present at LPC and work on outreach. The Secretary will continue to be involved. Ms. Pasquini discussed that the changes to the Bylaws were to create this position and drafted it in such a manner to be flexible and nimble. With the new application process as part of the CBA and best practices it was determined to be an annual position and that person will be in the office by July 1 and the position can be renewed, as continuity is one of the goals.

The position will be chair appointed in the Spring. Ms. Pasquini commented that this is basically what we did this spring and through the application process, the Officers decided this would be a needed position. Ms. Pasquini reminded everyone that the Section does not take sides, for example, landlord/tenant, we represent all attorneys and all of the CBA, rather we want effective legislation that works and not is ambiguous. Ms. Arnold also commented that many people are reluctant to serve as Secretary because it is such a daunting position and we would like to have more people in the officer track. Ms. Pasquini asked for questions. Mr. Jung moved to approve the amended and restated bylaws and Ms. Robin Nolan seconded. The Bylaws were unanimously approved. Ms. Arnold then announced that the legislative person would be Ms. Nolan. The application and nomination process will proceed. Ms. Pasquini thanked everyone and congratulated Ms. Nolan. Ms. Nolan thanked the people involved for the changes.

b. Budget..... Melinda Pasquini

Ms. Arnold discussed the importance of regional diversity. Ms. Pasquini discussed the budget. Ms. Pasquini thanked Mr. Doug Tueller for his leadership on the Telluride CLE and his efforts to be a Bar for the entire state. Ms. Pasquini also discussed the importance of diversity in real estate attorneys and perspectives. The CLE will have a DEI speaker and other speakers and the program is requesting \$3,000 to help support the CLE. Ms. Pasquini commented that is in the budget and would like to spend the money on this initiative. The other item that Ms. Pasquini wanted to highlight is the \$5,000 for Salvation Army. The funds are in the budget, we need to approve the line items. Ms. Pasquini asked Mr. Tueller to discuss the program. Mr. Tueller commented that the program will be on 9/24 and will be in the Transfer Warehouse Building and the topic is the New West and Real Estate. Mr. Tueller also thanked Mr. Adam Aldrich for tying this into the membership drive with the Western Slope. The credits will be for both attorneys and brokers. There will be a full hour devoted to DEI and gentrification. There is also an arts component. Mr. Tueller commented that there would be hotel rooms. Ms. Pasquini commented that it is important to bring Diversity programming to the Western Slope helps to bring diverse perspectives. Mr. Jung and Ms. Angie Schmitz seconded to approve the budget. The budget passed. Ms. Nolan moved and Mr. Meseck seconded that Diversity funds from the 2020 -2021 budget to be used for the Telluride CLE in the amount of \$3,000.

c. Telluride CLE.....Jean Arnold

Ms. Arnold's motion is listed above in b. Ms. Arnold provided an update on Symposium. Mr. Tueller also commented that there is a session in the Symposium to give people a teaser of the CLE.

d. *Fairways at Buffalo Run*..... Jean Arnold and James Meseck

Mr. Meseck moved to form a task and Mr. Adam Aldrich seconded the motion. The motion was unanimously approved. Please reach out to Mr. Meseck if you are interested in working on this task force.

IN THE NEWS

- a. *ALABAMA ASSOCIATION OF REALTORS*, et al.,.....Amy Brimah
Ms. Brimah discussed the continued stay of evictions.
- b. Implicit BiasAmy Brimah

REPORTS AND INFORMATIONAL ITEMS

6. Legislative and Executive Order Updates

- a. Legislation- Andy White and Amy Brimah

Ms. Brimah discussed the outline included in the agenda on the bills reviewed over the session. Ms. Brimah thanked Mr. White for his work. Ms. Arnold thanked Mr. White and presented a slide showing how many bills were presented to LPC by real estate- 14. Mr. White commented that there will not likely be a special session. Mr. White commented that most of our changes were accepted on Rights of Tenants HB 1121. Mr. White commented that HB 1229 had all of our concerns addressed. It has not yet been delivered to the Governor. On HB 1282 we were able to get some of our concerns addressed, which is the non-banked mortgage servicers bill. SB 173 passed out and it is not clear if the Governor will sign. Mr. White relayed our concerns on behalf of the Bar. We supported other related housing bills, SB 242, HB 1200, HB 1134. Governor has 21 days to take action on bills passed to him, if he does not take action, they become effective without his signature. Mr. White looks forward to working on CCIOA and Buffalo Run in anticipation of the 2022 legislative session.

Mr. White thanked everyone who testified, Mr. Andy Toft, Ms. Schmitz, Mr. Payne and Ms Brimah all testified on behalf of the CBA.

- b. Executive Order Update – Andy Toft

There remains 3 related executive orders related to evictions, which have been extended to require a 30 day notice to evict. The disaster declaration has been extended to July. 2021 -088, 2021 -105 and 2021 -110 all address evictions in some manne

7. CCIOA Task Force Chris Payne

Ms. Arnold and Ms. Brimah thanked Chris Payne for all of his work.

8. Eviction Task Force Angie Schmitz

Ms. Arnold thanked Angie Schmitz for all of her work.

9. Access to Justice Liaison Andy Toft

Mr. Toft is working on getting money to landlords and tenants through the emergency rental assistance program. The state received millions of dollars to help landlords to pay for tenants rent if they are behind on rent. There is a significant log-jam to break apart the funds. Mr. Toft is working with a number of groups to work through the log-jam. Mr. Toft stated that he and Mr. White were on a call with Colorado Apartment Association. He

has also been in touch with a number of organizations, including specialty bar associations, to find a process fix. Mr. White is helping Mr. Toft to facilitate solutions for the state to disburse the legislatively allocated funds. Mr. Toft asked if anyone has experience on working with DOLA he would like you to reach out to him. Mr. Toft also asked for pro-bono assistance in serving on evictions. Ms. Arnold thanked Mr. Toft for his work.

10. **Education/Topical Lunches Committee** Jim Meseck (Jeremy Syz, Cynthia Lowrey-Graber)

Mr. Meseck reported on the July lunch by Ms. Jody Alderman and there are potential speakers for the next few months, including Ms. Dowling on the updated ALTA forms.

11. **Interprofessional Committee** James Meseck and Angie Schmitz

Ms. Schmitz commented that the notes were included in the materials and there will be a meeting on Thursday.

12. **Education/CLE Committee** Ron Jung (Angie Schmitz, Marjorie Sant)

Mr. Jung commented they may be developing a new CLE about staying in your lane.

13. **CBA Trust and Estate Section** Chad Rounds

Mr. Chad Rounds reported that Trust and Estates had their annual retreat.

14. **CBA Business Section** Andy Toft

Mr. Toft reported they are planning for their Business Law Institute.

15. **CBA Forms Committee** Geoff Anderson

Mr. Anderson reported that new forms will be mandatory on January 1.

16. **Colorado Lawyer Committee** Robin Nolan (Adam Aldrich, Jeremy Syz, Eric Snyder)

Ms. Nolan reported that this has been a great year and listed the next few articles.

17. **Community Service/Charitable Committee** Erin Clark (Ron Jung and Eric Snyder)

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

Mr. Adam Aldrich commented that they are doing out-reach and also that they are keeping in touch with the law schools.

19. **CBA Legislative Policy Committee** Chuck Calvin

Mr. Chuck Calvin on the last LPC meeting and the tremendous amount of work that the

real estate section performed was evident to the LPC. Mr. Calvin commented that there was not much controversy on the real estate bills because of the presentation and analysis. The committee member make-up turns over every year so there will be a new LPC committee.

20. **CBA Ethics Committee** Kate Strauss
Ms. Kate Strauss noted that there may be an opinion on in-house items. There is also an opinion on disclosing and responding to online commentary and ABA 496 said that no information can be disclosed.
21. **Communications Committee** Briana Dowling (Angie Schmitz, Zak Kessler)
Ms. Arnold thanked Ms. Dowling for her service. Ms. Dowling is hoping to get out the newsletter this week.
22. *Fairways at Buffalo Run* James Meseck

INACTIVE

23. **CBA Tax Section** Tyler Murray/Bobbie Collins
24. **Colorado Association of Realtors (CAR):** Damian Cox
25. **CBA Cannabis Law Committee** Eric Jaworski
26. **Board of Governors** Katy Dunn
27. **RON Task Force** Adam Aldrich
28. **CBA Title Standards** Catherine Hance and Geoff Anderson
29. **Inclusionary Task Force** Brianna Dowling
30. **CBA Young Lawyers Division** Liz Williams/Diana Mendez
31. **Affordable Housing Task Force** Doug Tueller
32. **CBA ADR/Mediation Committee** Geoff Anderson
33. **CBA Eminent Domain Committee** Jody Alderman
34. **Colorado Housing Council** Erin Clark

NEW MATTERS

ADJOURN: 5:00

ATTENDANCE ROSTER
Real Estate Law Section Council
June 15, 2021
COLORADO BAR ASSOCIATION
Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
Officers:			
Jean Arnold – Chair	X		
Melinda Pasquini – Vice Chair	X		
Amy Brimah- Secretary	X		
Katy Dunn – Board of Governors Representative			X
Members:			
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		
Committees / Liaisons:			
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		X
Liz Williams– 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		
Eric Nesbitt- Diversity Liaison	X		

Eric Jaworski	X		
Staff & Guests:			
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
Joan Fritsche	X		
Reagan Larkin	X		
Jennifer Blum	X		
Steve Nagy	X		
Charles Allison-Godfrey	X		