

MINUTES FROM AGENDA

CBA Real Estate Law Section Council
Date: Tuesday, April 16, 2019 – 3:00 p.m.

University of Denver
International Studies Building Room 1020 in the Sie International Relations Complex

Call to Order - Joey Lubinski 3:04 p.m.

1. **Introduction of guests** - Joey Lubinski

Adam Aldrich new council member.

2. **Approval of March Minutes** - Joey Lubinski

Add financial report to the March minutes. Approved.

3. **Financial Report** (\$80,772.73 as of March 31, 2019) - Jean Arnold

4. **Chair's Report** – Joey Lubinski

a. RESC/YLD Happy Hour Status. And Natural Resources. Planning a joint event for mid-to late May with the topic being: Oil and Gas and SB181. Start at 5:00 p.m. 30 minute primer. And then a reception. .

Joint program with Hispanic Bar – Landlord-Tenant primer. June 13.

Move Council meeting before a YLD meeting. Do an hour later on the 1st Wednesday of the month. Fall 2019.

b. CLC Luncheon. RESC paid \$500 and donated a match of \$100 for attendees. RESC has 5 people signed up to go. May 2 RESC has a ½ table sponsorship.

c. **Council Nominations: Melinda Pasquini, Secretary**

Ron Jung suggested updating and distributing an orientation handbook to new Council Members in August. Ron volunteered to be part of an Orientation Committee.

Bill Tracker 50 – advise RESC members that this software benefit is available and how to use and access it.

Continued involvement by past Council Members. Discussed regional liaisons to maintain geographic diversity, standing committees, etc.

Class of 2022:

Adam Aldrich, Aldrich Legal, LLC Attending.

Erin Clark, Urban Land Conservancy Attending.

Angela Schmitz, Robinson & Henry, P.C.
Jeremy Syz, Holland & Hart LLP

- d. Reception at DU and dinner plans. Wash Park Grill 7:30 p.m.
- e. Obduskey Decision. Deanne Stodden wrote an Amicus Brief. FDCPA violations. Ruling in favor of the law firm and upholding the 10th Circuit's decision that law firms conducting non-judicial foreclosures are not subject to the FDCPA.

Open to interpretation with CFDCPA. What is a lawyer's "primary purpose?" What is the percentage of a lawyer's practice? The opinion says "primary purpose of your practice." Applies to all the other non-judicial states. The Public Trustee process has more protections built in. The decision was unanimous.

ACTION ITEMS

f. HB19-1309 Mobile Home Park Act Oversight.

Generating a lot of testimony in committee. Residents with insufficient protections. Amendments that largely address the threshold concerns. The bill will create new dispute resolution process within DOLA for residents to work through a process with the mobile home park owner.

Some suggestion that if change DOLA to DORA would add to condos and HOAs. At least one legislator mentioned that this bill would be a good corollary to HOAs.

Vote: Neutral.

REPORTS AND INFORMATIONAL ITEMS

5. Budget Presentation Suzanne Leff

Proposed budget. Attached. Comments are truncated.

Proposed by the finance committee. Met and went through the financials for the Section. The RES has a healthy reserve. Have not discussed reserves or use of reserves. RES is not spending more than what take in.

\$10,000 difference from last year to this year. End of year cash. Depends on when pay the sponsorship for the Symposium. RES does not derive revenue from the Symposium.

Kept dues revenue static - \$45,110. Received \$46,320 actual. 21 members have joined since January, 2019.

1068 members in the section. 1554. Have staff and student members. Numbers are growing.

Better categorize expenses for the section. So can allocate to what we are doing as a section. Prioritize the expenses that matches the objectives. They are spread out in meaningful ways. Not

just focused on the council. Topical luncheons, making a little bit of money. Well run. Engage membership on a monthly basis.

Spring meeting trying to meet new people. Stay connected at holiday with maintaining connection with past members and council members.

Meeting objectives of the Section. Not a lot of padding in the numbers. Have a substantial reserve.

Aware: Special promotions \$50 CLE coupon to use toward CLE – first 4 years of practice. Admin fees for CBA expect and increase to \$735/month. Membership and community service. Have not expended those funds. \$3500 can be used with other sections.

Topical luncheons. New north area topical luncheon. Not proposing an increase in the revenue. There is some lag time with paying for luncheons with credit card. Increase affidavit fees to account for CLEs in the north area. Add \$960 for meal costs.

Regular council meetings. Telephone costs decreased to \$100.

\$6000 for travel expenses. Around \$3,000 spent.

Increased awards to account for chair gift and symposium

Spring meeting. Went to a leaner budget. Have a council dinner added in.

Holiday party and Symposium have remained the same.

Will approve in May.

Allocate \$\$ in more wide-ranging events. Need to deploy the \$\$ for larger membership events. Figure out how to do so. \$3500.

Choose the month that makes sense for CU and DU to engage with students.

Erin Clark and Jeremy Schupbach offered to help with DU.

6. **Legislative Update**

Jeremy Schupbach

A. Bill Track 50 – Spreadsheet, assignments and comments

Jean Arnold

B. Updates

Jeremy Schupbach/Joey Lubinski

HB 19-1274 Board of County Commissioners Delegation (Ron Jung)

Allow commissioners to delegate authority to staff to do the final review. May be an unconstitutional delegation. Any party can appeal the decision of the staff to the county commissioners. Authorization to create the delegation. Ron Jung requested a vote to oppose. Don't have to appeal under the former procedure. RESC will be neutral and track.

HB 19-1170 Warranty of Habitability (Joey Lubinski)

Worked with the sponsor and made progress. More time to address WOH including mold. Now have 96 hours. Still have to respond to notice in 24 hours. Email is acceptable – not text message. Senate did not agree with amendments. Conference committee. Both the House and Senate have adopted: Will become law.

HB 19-1212 Community Manager Licensing (Suzanne Leff)

As of June 30 will no longer be licensed managers. Will extend the law and make some modifications. Will address some known issues as the law was in effect. Would still be a complaint process. Going to House Finance Committee – there are not enough votes. “Voluntary certification.” Cost of doing business for managers. Hearing is tomorrow.

Remote notary –. Nobody can share personal data. As long as did not get information through the remote notarization process, can use the data. Does not apply in any other situation.

SB19-107 Broadband – Amend (Joey Lubinski)

Carried amendments to LPC. Went to sponsor. Testified in committee. Rural testified to amend: 5-0. There will be another strike below amendment. When it goes to the House floor tonight we will see substantial amendments. Restricting access to underground where there may be other utilities. Addresses safety. Non-discrimination language to be added.

HB19-1289 Consumer Protection (Joey Lubinski)

Significantly changed since introduced. Intended to change the consumer protection act. Legislative priority for the new AG. LPC – amend position. Requested amendments have largely been adopted. Standard form contracts are out. New provision “if conduct confusing” removed. Reckless has a “knowing” requirement. Public Impact – is now added. Does not apply to AG actions. Sponsors are still working on further tweaks.

SB19-225 – Stabilize Rents (Melinda Pasquini)

Gives local governments more control over affordable housing. Each local jurisdiction can create the framework. Have patchworks of different regulations and rules. Right now developers get incentives. Then use voluntary 226.

Bill as drafted is a repeal of the prohibition on rent control. They will pass something. Denver feels handcuffed by the existing statute because the prohibition on rent control is too limiting. Rent control is a takings argument. Cyclical. Back on the rent control issue. Denver replaced with impact fees and the \$’s go into a fund. Not an affirmative “you have to create” affordable housing.

Denver Initiative 300 (Amy Brimah).

Is it meaningful enough that we should call out in the newsletter? On the Denver ballot in May. Promoted as an “anti-camping” ban. Creating so many problems for the City. “No 300” campaign. League of Women Voters.

Put in newsletter with neutral resource references. Motion by Jean Arnold and second by Robyn Kube. Jeremy review the article before published. Pass.

7. **Colorado Housing Council** Melinda Pasquini (Jed Sonnenshein)
8. **Education/Topical Lunches Committee** Melinda Pasquini (Amy Brimah, Ron Jung)
9. **Interprofessional Committee** Robyn Kube (Jed Sonnenshein, Robin Nolan)
10. **Communications** Directors: Melinda Pasquini and Doug Tueller
Communications Committee (RE Section Web Page (COBAR)/Newsletter/Web Discussion Group)
Melinda Pasquini (Amy Brimah, Brianna Dowling)
11. **Education/CLE Committee** Damian Cox (Amy Mowry, Jim Meseck)
Special district presentation was very popular.
Can do hotel reservations now.
12. **Colorado Lawyer Committee** Doug Tueller (Bryan Schwartz, Robin Nolan)
Affordable Housing series.
13. **Community Service/Charitable Committee** Robyn Kube (Bryan Schwartz, Brianna Dowling)
14. **Membership and Practice Development Committee** Robyn Kube (Amy Mowry, Ron Jung)
15. **CBA Trust and Estate Section** Chad Rounds
Pledge to Diversity.
Can add a community benefits on website. Public guardianship office. Issue is funding. Need \$1.7M – debating how much to raise filing fees.
Lawyers with original wills – cannot find the testator can deposit with the Judicial Dept.
16. **CBA Business Section** Chris Payne
17. **CBA Legislative Policy Committee** Jean Arnold
18. **CBA Forms Committee** Damian Cox

INACTIVE

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| 19. | CBA Title Standards | Catherine Hance and Geoff Anderson |
| 20. | CBA Cannabis Law Committee | Jed Sonnenshein |
| 21. | CBA Ethics Committee | Deanne Stodden |
| 22. | Affordable Housing Task Force | Doug Tueller |
| 23. | CBA Young Lawyers Division | Liz Deline |
| 24. | CBA Tax Section | Tyler Murray |
| 25. | Board of Governors | Katy Dunn |
| 26. | CBA ADR/Mediation Committee | Geoff Anderson |
| 27. | CBA Eminent Domain Committee | Jody Alderman |

NEW MATTERS

ADJOURN 5:31 p.m.

ATTENDANCE ROSTER
Real Estate Law Section Council
April 16, 2019
COLORADO BAR ASSOCIATION

NAME	PRESENT	EXCUSED	ABSENT
Officers:			
Joey Lubinski – Chair	X		
Suzanne Leff – Vice Chair	X		
Jean Arnold – Secretary	X		
Katy Dunn – Board of Governors Representative	X		
Members:			
Amy Brimah (2020)	X		
Damian Cox (2019)	X		
Brianna Dowling (2021)		X	
Ron Jung (2021)	X		
Robyn Kube (2019)	X		
Jim Meseck (2021)	X		
Amy Mowry (2020)		X	
Robin Nolan (2021)	X		
Melinda Pasquini (2019)	X		
Bryan Schwartz (2020)	X		
Jed Sonnenshein (2020)			X
Doug Tueller (2019)	X		
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	
Elizabeth Deline – YLD Liaison		X	
Catherine Hance – RE Title Standard Committee		X	
Chuck Calvin – Immediate Past Chair	X		
Staff & Guests:			
Amy Sreenen (CBA)	X		
Jeremy Schupbach (CBA)	X		
Bridgett Shephard (CLE)	X		
Julie Waggoner, Past Chair RESC	X		
Adam Aldrich, RESC 2022	X		
Nathan Lawrence, Minor and Brown – new to RES	X		

Erin Clark, RESC 2022	X		
Angela Schmitz, RESC 2022		X	
Jeremy Syz, RESC 2022		X	
Dan Sweetser, Past Chair RESC			X
DU law student (1)			