



Five Things to Know About the Broker Lien Proposal

As currently being considered, the proposal would grant a licensed Colorado real estate broker the ability to record a lien for unpaid commissions if:

- Such real estate is listed with the real estate broker under the terms of a written agreement for the purpose of leasing any interest in real property or as evidenced by a written compensation agreement signed by the owner or owner's agent (Only contracts between the broker and the owner or their agent are subject to a lien).
- The broker has provided services that resulted in the procuring of a person or entity who has leased any interest in real property as provided for in the terms of the written agreement signed by the owner or owner's agent.
- The broker serves a notice of intent to record a lien upon the owner or owner's agent at least ten days prior to recording a notice of lien.
- The broker records a notice of lien in the office of the clerk and recorder of the county in which the real property is located within (i) ninety days after the tenant takes possession of the leased property; or (ii) ninety days after the compensation is due, as per the written agreement, whichever is later.
- The broker mails a copy of the notice of lien to the owner or owner's agent of the property by personal service, or by registered or certified mail, return receipt requested, addressed to the last known address of such persons, within ten days of recording the notice of lien.

*A broker's lien will be void if the broker does not strictly adhere to the timing and procedural requirements of this proposal. *

The elements listed above pertain to the draft as currently written. During future negotiations with stakeholders, certain characteristics of the bill may be subject to change or removal. Furthermore, other sections may be added.