



# CAPITOL CONNECTION

A brief weekly update from the Colorado Association of REALTORS® Government Affairs Division

Dear Member,

### ***Right to Float Bill Amended into a Study***

HB 1188 – Clarify River Outfitter Navigation Right by Rep. Kathleen Curry (I-Gunnison) and Sen. Mary Hodge (D-Brighton) – sought to clarify the navigation rights of white water rafters when traversing private properties and would have expanded the traditional use of these waterways by commercial rafting companies.

The peaceful use and enjoyment of one's own property, and control of access, are fundamental to private property rights. CAR expressed heavy concerns to lawmakers that the bill would infringe upon such rights without just compensation.

Earlier today, the bill was amended to into a study. It still must clear final approval in the Senate and will head back to the House for consideration of the new amendments; however, if it remains only a study, it would be considered a major victory for private property rights in Colorado.

### ***Regulation of Appraisal Management Companies Dies in Committee***

SB 77 – Regulation of Appraisal Management Companies – by Sen. Rollie Heath (D-Boulder) and Rep. Mark Ferrandino (D-Denver) sought to address harm to consumers that the Federal Home Valuation Code of Conduct (HVCC) has generated, including increased costs and unnecessary delays.

The bill would have authorized the Board of Real Estate Appraisers within the Division of Real Estate to regulate AMCs, including those that are bank owned. Among other things, the bill details prohibited acts for AMCs and would have provided the division the authority to investigate registrants and take disciplinary actions, including imposing fines.

CAR was in support of the legislation and is disappointed that it died in the Senate Business, Labor & Technology Committee earlier this week. Absent any Federal intervention regarding the HVCC, the state of Colorado needs to continue working toward addressing this issue. We applaud the Division of Real Estate in its attempt to tackle this very important concern for Colorado real estate. We look forward to working with them on this issue moving forward.

### ***CAR Launches Call for Action on Landlord-tenant and Rent Control Legislation***

Earlier today, CAR sent out a statewide *Call for Action* to REALTOR® urging their Senators to oppose two pieces of legislation which look to overturn adequate laws and will ultimately deter economic growth.

SB 185 - Residential Warranty of Habitability - by Sen. Brandon Shaffer (D-Longmont) and Rep. Michael Merrifield (D-Colorado Springs) will overturn a statutory requirement that a tenant must provide written notice to a landlord in the case of a breach, expand the definition of a violation of the Warranty of Habitability, and add new treble damages language. When the Warranty of Habitability was created in 2008, key stakeholder groups representing landlords, property owners and tenants met for months to agree on palatable language specific to these issues; many of these discussions were

mediated using taxpayer dollars. It is not in the legislature's best interest to back out on the agreement reached in 2008.

HB 1017 - Voluntary Agreement Affecting Rent on Private Residential Properties – by Rep. Daniel Kagan (D-Englewood) and Sen. Betty Boyd (D-Lakewood) looks to overturn a state Supreme Court decision which prohibits local governments from enacting rent control in their jurisdictions. By redefining "interest" in a property, a local government would have the ability to impose a rent control restriction through a deed restriction or covenant, or similar instrument. This means they would have considerable leverage over the owner/developer when approving a project and would give the government the power to enforce that restriction.

Each of these bills will soon be heard on the Senate Floor. **If you have yet to do so, [Take Action Now!](#)**

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