



CAPITOL CONNECTION

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

Dear Katie Kruger,

Update on anti-real estate legislation:

Rent Control

HB 1017 – Voluntary Agreement Affecting Rent Private Residential Property by Rep. Daniel Kagan (D-Denver) and Sen. Betty Boyd (D-Lakewood) attempts to define "interest" so that the local government can impose a rent control restriction through a deed restriction or covenant, or similar instrument. This would give local governments considerable leverage over owners/developers during a project's approval by compelling the owner/developer to sign a deed restriction with a rent control provision, which would grant the government the power to enforce that restriction.

The bill passed the Senate Health and Human Services Committee this week, despite discussions on amendments that would not allow the bill to be used as a hammer. While the bill's proponents claim that the bill is strictly voluntary, they have resisted attempts to clarify that in the bill by adding language stating that the granting of a permit or other form of land use approval shall not constitute lawful consideration for an agreement.

Warranty of Habitability

SB 185 – Warranty of Habitability by Senate President Brandon Shaffer (D-Boulder) and Rep. Mike Merrifield (D-Colorado Springs) passed the Senate Judiciary Committee on a party-line vote. The bill makes changes to the warranty of habitability that is implied into every residential rental agreement, including eliminating the requirement that written notice be provided prior to a breach of the warranty and other changes to the conditions that constitute a breach. Additionally, it provides a new right of action for tenants and includes a punitive provision of treble damages.

The bill was introduced to the surprise of the real estate community, who participated in a taxpayer-funded task force resulting in reform legislation adopted just two years ago, and which took effect less than 18 months ago.

Last week CAR issued a statewide Call for Action urging opposition to these measures - they will soon be heard on the Senate floor.

If you have yet to do so, [Take Action Now!](#)

Urban Renewal

HB 1107 - Urban Renewal Area Ag Lands by Rep. Randy Fischer (D-Fort Collins) and Sen. Morgan Carroll (D-Aurora) passed through the Senate last week, and will soon move to the Governor's desk for signature.

HB 1107 prohibits the inclusion of agricultural land in urban renewal areas unless the land is (a) a brownfield site; (b) 2/3 contiguous to "urban level development", (c) an enclave surrounded by "urban level development", or (d) all of the taxing entities located within the urban renewal area agree to the inclusion of the agricultural land. The bill also changes the valuation of the base on agricultural land

for TIF (tax-increment financing) purposes. The TIF base for Ag land will be now be set by determining the market value rather than the assessed value of the Ag land.

The Senate State Affairs Committee amended HB 1107 by adding an additional, very narrow, exemption for projects that create primary manufacturing jobs. The amendment will allow the inclusion of Ag land in urban renewal areas that are expanded to include additional Ag land that is contiguous to a current urban renewal area and the property is owned by the same owner as the land in the current urban renewal area, which land will be developed to create primary manufacturing jobs. The amendment ensures that the two Vestas projects, one in Brighton and one in Pueblo, will go forward as planned.

CAR expressed concerns regarding the exclusion of TIF under certain circumstances, and conveyed our desire to see the bill amended further.

Attempts to amend the bill to exempt projects that only use sales tax increment and not property tax increment were thwarted at every turn. Urban renewal is one of few tools we have in Colorado to spur economic development and job creation, and there are some concerns that the bill may hurt economic development efforts in the state.

Caucus Results

Colorado's party caucuses were held on March 16, marking the first major milestone leading up to the 2010 election. Precinct caucuses are meetings organized by Colorado's political parties to begin the process of selecting candidates and policy positions.

The caucuses begin the process of selecting delegates for the party assemblies in May. Candidates need 30 percent of the delegate's vote at the assembly to appear on the primary ballot; however, candidates who fail to receive 30 percent can still petition to be on the primary ballot..

U.S. Senate Race

Senator Michael Bennet, who was appointed to the position in January 2009, is being challenged by former Speaker of the House Andrew Romanoff for the Democratic primary. Romanoff pulled in 50.9% of the vote, compared to Bennet's 41.7%. Both candidates viewed the results favorably.

In the Republican caucus, former Lt. Governor Jane Norton and Weld County District Attorney Ken Buck were neck-and-neck, with 37.7% and 37.9% of the vote, respectively. Norton has been the assumed candidate for the Senate seat, but the caucus results could certainly shake up that presumption.

Governor's Race

The results for the Republican candidate for governor had a much wider margin. Former Congressman Scott McInnis pulled in over 20% more of the vote than Evergreen businessman Dan Maes, with 61% compared to Maes 39%. The eventual winner will face Democratic candidate Denver Mayor John Hickenlooper in the general election. Hickenlooper is running unopposed in the primary.

Interested in what is happening at the Federal level?

Sign up for the National Association of REALTORS® [*Washington Report*](#)

"If Real Estate is your Profession, Politics is your Business"

By investing in the Political Survival Fund, you are helping to:

- Protect your income and maintain your commissions;
- Educate and elect policy makers who support REALTOR® issues; and
- Improve the Quality of Life in your community and the marketability of property in your neighborhood.

Your support of PSF is critical to our legislative success - **[Invest to your profession today!](#)** This is the most vital piece of insurance your business will ever have.

**Your contributions are voluntary and may be used for political purposes. You may refuse to contribute without affecting your membership rights. 30% of your contribution may be used by RPAC to support federal candidates and other federal grassroots activities. A portion may also be used by the PSC to support state and local candidates and issues and other grassroots activities. Your contributions are not deductible for federal income tax purposes.

For more information on legislation affecting REALTORS®, bill positions, political affairs, and other current events, please visit: www.ColoradoRealtors.com.

Visit the web address below to tell your friends about this.

 [Tell-a-friend!](#)

If you received this message from a friend, you can [sign up for Colorado Association of Realtors Action Center](#).

This message was sent to kkruger@denverrealtors.org. Visit your [subscription management page](#) to modify your email communication preferences or update your personal profile. To stop ALL government affairs emails from Colorado Association of Realtors, click to [remove](#) yourself from our lists (or reply via email with "remove or unsubscribe" in the subject line).

