



CAPITOL CONNECTION

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

Dear Member,

CAR Launches Call for Action on Broker Lien Bill

[HB 1288](#) – Commercial Real Estate Brokers' Commission Security Act – sponsored by Rep. B.J. Nikkel (R-Loveland) and Sen. Suzanne Williams (D-Aurora), would permit a broker involved in a commercial lease transaction to place a lien on the property when there is a written agreement between the broker and property owner or owner's agent.

The bill, introduced by CAR, provides an avenue for commercial brokers who are either not being paid their commissions or are having to wait months to receive them.

We are pleased to report that HB 1288 passed out of the House Judiciary Committee on a vote of 10-1 on March 1st and is expected to be heard on the House Floor on Monday.

CAR has launched a statewide Call for Action urging our members to contact their State Representatives and urge their support of this important legislation.

If you have not yet responded, please [Take Action](#) now.

CAR would also like to thank our members who stayed late into the evening on Monday to provide testimony; notably, CAR Government Affairs Division VP Jack Fox, Immediate Past President of the Denver Metropolitan Commercial Association of REALTORS® Eric Nesbitt, and Debbie Tamlin of the Northern Colorado Commercial Association of REALTORS®.

Rent Control

[HB 1017](#) – Voluntary Agreement Affecting Rent on Private Residential Properties – by Rep. Daniel Kagan (D-Englewood) and Sen. Betty Boyd (D-Lakewood) seeks to expand the scope of voluntary agreements between municipalities and private developers for affordable housing units beyond what is afforded under current law.

Expanding the Definition of "Interest"

Current law provides that a governmental entity can control any property in which it has an interest through a housing authority or similar agency. This bill 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 provide a local government considerable leverage over the owner/developer to sign a deed restriction with a rent control provision when approving a project and give the government the power to enforce that restriction. If so, that deed restriction would be exempt from the rent control prohibition. The deed restriction or covenant would run with the property and can never be altered without the written express consent of the government agency and an owner.

Unnecessary Legislation

In short, HB 1017 adversely affects private property rights because these rent controls are imposed by governmental entities with leverage on the owner/developer. The bill sponsors are concentrating on mountain area concerns; however, the bill affects the statewide prohibition concerning rent control. Additionally, this bill allows changes to existing contracts to retro-active applications. The process we have in place today works.

The bill passed out of the House earlier this week and will be headed to the Senate. CAR voted to oppose the HB 1017 in February and provided testimony in opposition while it was in committee.

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