



CAPITOL CONNECTION

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

This Week in the Legislature

The legislature is anxiously awaiting the state's annual budget legislation, commonly referred to as the Long Bill. The legislation has been delayed while legislators assess the recently released economic forecast.

While the legislature is focusing on the Long Bill and preparing to head into the final stretch of this year's session, which is scheduled to adjourn May 6th, here is a recap of a few bills of interest to REALTORS® thus far:

March

Carbon Monoxide Bill Signed into Law

Governor Ritter signed [HB 1091](#) into law earlier this week. The new law will cover all new residential construction and existing single-family and multi-family housing units offered for sale, transfer or rent.

Beginning July 1, 2009, a seller of residential real property containing a fuel-fired heater or appliance, a fireplace, or an attached garage will be responsible for assuring that a carbon monoxide alarm is properly installed within **15** feet of the entrance to each room lawfully used for sleeping. No person shall have a claim for relief against a property owner or their authorized agent if a carbon monoxide alarm is installed in accordance with the manufacturer's published instructions.

In January, CAR Legislative Policy Committee Vice-Chair, Sunny Banka, testified to urge lawmakers' support of amendments related to REALTOR® liability, sellers' duties, and adequate notification. CAR President Amy Dorsey, Education Foundation Chair Fran Krumpholz, and CEO Bob Golden participated in the signing ceremony on Tuesday.

[View 1091 Information Sheet](#)

CAR Weighs in on Energy Disclosure Mandate

As introduced, [HB 1247](#) stated that a seller must provide the buyer with 12 months of energy billing and usage history for the property within 5 days of the property being sold. In February, CAR launched a statewide Call for Action in opposition of the bill unless it was amended to reflect that a seller was only to provide the information upon a buyer's request.

HB 1247 was partially amended to include the favorable language, but was “postponed indefinitely” on March 19th, in light of our outstanding concerns, rendering the bill dead.

CAR expressed concern that HB 1247 would have created an unnecessary mandate on an already common practice among REALTORS® and may have left buyers with a false sense of assurance relating to the home’s energy usage. Over 1200 REALTORS® participated in the initial Call for Action.

February

CAR Helps Defeat Local Impact Fee Legislation

[HB 1259](#) – Concerning the Imposition of Impact Fees by Local Governments for Certain Authorized Local Purposes – would have expanded the authority of a local government to charge impact fees on new development within its jurisdiction, including fees on behalf of a school district or other special district. Additionally, the bill sought to remove language which stipulates that the fees must be “directly” related to the proposed development and replace it with “reasonably” related.

CAR opposed the legislation on the basis that it would have increased uncertainty throughout the development process - a special thank you to Bonnie Arnold of the Summit Association of REALTORS® and Jack Fox, CAR Government Affairs Division VP, for expressing our concerns before the House Finance Committee and helping to defeat this anti-growth legislation.

CAR Works to Limit Real Estate License Fee Increases

In November of 2008, the Colorado Division of Real Estate (DRE) doubled many of its license fees and quadrupled one. Although CAR believes that maintaining an active, well-funded and efficient DRE is essential to protect the public interest, REALTORS® deserve adequate notification and the proper justification when new fee increases are proposed.

As introduced, [SB 28](#) sought to limit the increase in real estate license fees to no more than 20% annually and no more than 50% between sunset reviews of the Division or in a 10-year period, whichever is greater. Additionally, the bill would have required the DRE to provide REALTORS® with adequate notification and justification if necessary.

CAR worked diligently to pass the bill. CAR President Amy Dorsey testified before the Senate State Affairs Committee. Although the bill was eventually defeated, CAR had the opportunity to tell our story and promote REALTOR® interests. The Association knew this would be a tough fight and will continue its involvement in the direction and activities of the Colorado Real Estate Division and Commission.

Rent Control Bill Dies

[HB 1138](#) – Concerning Property Interest and Limit on Rent Control – would have created additional loopholes in providing counties, local municipalities, and housing authorities the discretion to contract with property owners in their jurisdictions through deed restrictions, covenants and similar instruments. The bill died in the House Local Government Committee.

January

Elections to Water Conservancy Districts

Current law states that local district judges appoint members to Water Conservancy District (WCD) Boards of Directors, with a provision for petitioned elections under certain circumstances. It further requires that candidates demonstrate some knowledge of water law, and states that only property owners in WCDs are able to serve as Directors, to ensure a commitment to community good.

[HB 1142](#) – Concerning the Election of a Director of a Water Conservancy District – would have permitted a reduction in the number of signatures necessary to trigger an election and eliminated the

requirement that only owners of real property serve as Directors.

CAR opposed the legislation due to concerns related to election costs and because the risk of further politicizing Colorado water interests would adversely affect property rights and values, water conservation, and even our important tourism industry. HB 1142 died in Committee.

House Bills: **329**

Senate Bills: **256**

Total: **585**

For more information on legislation affecting REALTORS®, bill positions, political affairs, and other current events, please visit: [CAR Government Affairs Home Page.](#)

An online version of the 2009 Legislative Directory (including committee rosters) and more information on legislation in the House and Senate, visit: <http://www.leg.state.co.us/>

The live broadcast of the House of Representatives is [now online](#) where broadcasts will also be archived. Live proceedings can also be viewed on Comcast channel 165.

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- Educate and elect policy makers who support REALTOR® issues; and
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