

Title 12 Recodification Study
Working Group Meetings - DORA Agencies
Wednesday, October 19, 2016
10:00 a.m.
HCR0107

Dept./Office/Entity	Article & Topic	Staff
Division of Real Estate	Art. 61 - Real Estate	<p>Jennifer Berman jennifer.berman@state.co.us 303.866.3286</p> <p>Christy Chase christy.chase@state.co.us 303.866.2008</p> <p>Tom Morris thomas.morris@state.co.us 303.866.4218</p> <p>Jessica Wigent jessica.wigent@state.co.us 303.866.3701</p>

Persons present: Tyrone Adams, Colorado Assoc. of Realtors; Diana Chilcutt; Colo. Assoc. of Appraisers; Natalie Lutz, Division of Real Estate; Marcia Waters, Director of the Division of Real Estate; Eric Turner, Division of Real Estate; Elizabeth Peetz, Colo. Assoc. of Realtors; Ted Leighty, Colo. Assoc. of Realtors; Damian Cox, CBA Real Estate Section Council; Amanda Barker, Colo. Coalition of Land Trusts; Cary Whitaker, Colorado Mortgage Lenders Assoc.; Matt Mortier, Division of Insurance; Jason Hopfer, Colo. Assoc. of Realtors; Amy Attwood, Colo. Assoc. of Realtors; and Chris Payne, CBA Real Estate Section Council.

Article 61— Real Estate

OLLS staff gave a brief overview of the Title 12 Recodification Study and the working group meeting of August 17th, at which the Director of the Division of Real Estate proposed a restructuring of article 61 as part of the recodification. Prior to the October 19th meeting, Marcia Waters and Eric Turner submitted a document outlining the Division of Real Estate's proposed restructuring to OLLS staff, and OLLS staff circulated the proposal to the stakeholders' group. The proposal recommends the following restructuring of article 61: (1) adding a common definitions section with 14 defined terms; (2) grouping together the HOA information and resource center statute, §12-61-406.5, and the community association manager practice act, §12-61-1001 et al.; and

(3) separating out the conservation easement statutes, §§12-61-724 - 12-61-727, into their own part.

The group then discussed the proposed restructuring and the following comments were made:

- The mortgage statutes would not be moved;
- Article 61 would remain in title 12 but would be renumbered;
- There will be 3 sunset bills related to article 61 in the 2018 session, so those bills will have to be monitored to reconcile any conflicts with the recodification bill; and
- If the Committee on Legal Services approves, a bill recodifying article 61 would be introduced in the 2018 session.

OLLS staff asked if there were any other restructuring proposals and Damian Cox of the CBA Real Estate Council Section suggested that part 8 should be grouped with parts 1 and 2 since all three parts concern real estate broker regulation, so that part 8 would become the new part 3 (part 3 has been repealed).

There appeared to be consensus from the group in favor of the Division of Real Estate's proposed restructuring of article 61, as well as the suggested relocation of part 8. In the next month, OLLS staff will put together a draft reflecting those changes to article 61 in a form that does not look like a bill draft to avoid confusion at this early stage. OLLS staff will circulate the draft to the stakeholders for their review and comment, and for them to further circulate to other interested parties.