

## **Government Affairs Update**

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**Barbara Koelzer, Regional Government Affairs Director**

**barbara@ires-net.com**

**303.886.5675**

### **LOCAL**

#### **Larimer County**

##### **Loveland**

**Council Adopts Highway 34 Study:** After three years of work, CDOT and the coalition of cities along US 34 are in the process of adopting the US 34 PEL (Planning and Environmental Linkages) Study. Anyone who drives around Northern Colorado knows that traffic has been increasing dramatically on the 34 corridor. The PEL is important because it provides the framework for the long-term implementation of transportation improvements, as required by the federal government (National Environmental Policy Act).

On May 7th the Loveland City Council unanimously approved the resolution approving the PEL, which focuses on US 34 from Larimer County Road 29 (Carter Lake Road) all the way to Weld County Road 53 in Kersey. In conjunction with the PEL, the Coalition completed a Loveland Highway 34 Access Control Plan (ACP) from LCR 27 to I-25 after it was determined that there was no ACP west of I-25. The Council also approved the Intergovernmental Agreement in support of the ACP (without discussion).

The goals of the ACP are to increase safety, accommodate traffic demands, preserve property values, encourage the use and development of local streets and enhance the corridor's appearance (aesthetics). The ACP recommends a focus on "key turn movements" at major intersections. Changes to property access points will happen only when there is development or major re-development, at which time the developer would be required to help fund the improvements. Because the ACP affects multiple government entities – Loveland, Larimer County and CDOT – it required an Intergovernmental Agreement (IGA) to formalize approval of the ACP. (For example, without these plans, Loveland would not be eligible for the funding it has already received for Highway 34 improvements from Denver Avenue to Rocky Mountain Avenue.)

While there is little funding available now to make all the improvements listed in the PEL and ACP, these documents are critical because they will allow the Coalition to be prepared when, and if, money is available.

### **REGION**

**More Money for I-25:** The Colorado Transportation Commission voted to preliminarily commit up to \$310M in available funding to deliver the full and necessary funding to build the I-25 North Express Lanes between Fort Collins and Loveland.

The express lanes between SH 14 in Fort Collins to SH 402 south of Loveland are a part of the North I-25 Express Lanes: Johnstown to Fort Collins project and were originally slated as temporary infrastructure improvements. The new funds would provide the full funding to build the permanent infrastructure that will last 20-30 years versus the original 10-year plan. Thursday's funding commitment saves the State \$250M over the long-term.

The Fix North I-25 Business Alliance and North I-25 Coalition, organizations that represent the business community and local governments of the Northern Colorado region, have worked together to support and testified Thursday for the full funding of the permanent alignment.

"Northern Colorado business and government leaders were united in urging the Commission to approve the additional funding. This is a smart investment that will deliver significant returns on investment for the state and the region," said Fix North I-25 Business Alliance lobbyist Sandra Hagen Solin. "The Commission's decision yesterday reflects their ongoing commitment to the state's infrastructure and its economic health. We are very grateful for the investment in Colorado's future."

**About the I-25 North Express Lanes: Johnstown to Fort Collins Project:**

- A now permanent third lane in both directions from SH 402 south of Loveland to SH 14 in Fort Collins
- Replacement of aging bridges and widening of others
- Improvement of bus service performance by adding new bus slip ramps
- Creation of pedestrian and bicycle access under I-25 at Kendall Parkway
- Connection of the Cache la Poudre River Regional Trail under I-25
- The project is scheduled to be completed by early 2022.

**COLORADO ASSOCIATION OF REALTORS®**

**Impact of the 2019 Legislative Session:** This year's legislative session was challenging for real estate because landlord/tenant issues were in the bull's eye. Democrats didn't have the votes to get these bills through the General Assembly in the past, but this year, holding the majority in both the House of Representatives and the Senate, the time was right. CAR's strategy was to support bills that improve housing affordability without doing harm to our industry.

CAR's lobbyists worked diligently getting the votes to kill bills that were dangerous for our industry such as the rent "stabilization" (control) bill, SB-225 that would've allowed local governments to legislate rent prices. CAR's Call to Action on the bill was very helpful in putting pressure on legislators to stop this bill's progress. Unfortunately, the bill's sponsor has already proclaimed her intent to bring the bill back in 2020.

Bills that could not be halted were at least modified to limit their negative impact. For example, HB-1118, "Time Period to Cure Lease Violation" increases the amount of time a landlord is required give a tenant from three days to ten to "cure" a violation for unpaid rent or vacate the property due to a lease violation. CAR opposed the bill but could not stop its passage. However, our lobbyists were able to add important amendments to the bill: single-family homes owned by a property owner with five or fewer rental homes receive more leniency under the new law, which allows our vulnerable military and elderly families the ability to protect their savings and investments on their fixed incomes or sudden mobility change in circumstances as they serve our nation honorably.

This year's warrant of habitability bill, HB-1170 "Residential Tenants Health and Safety Act" revises current law, which presumes that every rental agreement between a landlord and a tenant carries an implicit guarantee that a residential property is fit for human habitation. HB-1170 modifies the conditions that trigger a breach of the warranty of habitability, establishes a process for the tenant and landlord to deal with any potential safety problems with the premises, and creates time limits for the landlord to address defective conditions within a reasonable time frame.

CAR worked with the bill sponsors to find common ground on defining the types of conditions that would trigger property owner responsibilities to mitigate any safety concerns for the resident and help define a time period that allows the property owner to properly address these concerns with any potential work that must be completed to improve the habitability for a resident.

Of course, CAR also took positions on other bills that relate to real estate and economic development/quality of life issues. SB-181 "Protect Public Welfare Oil and Gas Operations" was one of the most controversial bills of the session. CAR opposed this bill and REALTORS® testified on its potential negative impacts on the housing market. Lobbyists worked to amend the bill so that local governments in anti-oil and gas areas like Boulder County, would not have the authority to control operations in Weld County, for example, where the industry is a key economic driver and job creator.

CAR supported two bills to amend the Taxpayer Bill of Rights (TABOR) that referred measures to the November 2019 ballot. These bills will ask voters to allow the State to keep excess revenue that would otherwise be refunded to taxpayers in order to help fund education and transportation, which are significant issues for our industry.

## **STATE**

**Legislature Funds Transportation:** Colorado's Department of Transportation has a 10-year, \$9 billion list of priority projects. This year legislators tried to find new revenue sources to fund the list but were unsuccessful in convincing their colleagues to approve their bills. Nevertheless, transportation advocates like Fix

North I-25 Business Alliance were successful in pressuring the legislature's leadership to allocate \$300 million in new dollars for transportation in next year's budget.

In addition, if the referred measures sponsored by House Speaker KC Becker are approved by voters this fall, transportation could get additional funding from future excess revenues (see above), although the Speaker said she didn't know how much money could be generated or when those dollars would be available.

## **NATION**

**NAR Supports AHP Appeal:** NAR sent a letter to U.S. Department of Justice supporting an appeal of the ruling issued by the U.S. District Court for the District of Columbia that struck down parts of the Department of Labor's final rule on Association Health Plans (AHP).

The AHP rule removes regulatory barriers that make it possible for self-employed individuals and small employers to purchase health insurance through a professional or trade association, providing much-needed savings in an increasingly expensive market. The Department of Labor's efforts expanding AHPs has already been successful, with over a thousand real estate professionals and their families enrolled in new group health plans.

In the letter, NAR encouraged the Department of Justice to appeal the court's decision and defend the ability of self-employed REALTORS® across the country to have the freedom and flexibility to choose a health insurance plan that best fits their needs.

**CFPB Updates Investigation Process:** As authorized by the Consumer Financial Protection Act of 2010, the Consumer Financial Protection Bureau (CFPB) may issue investigational subpoenas known as Civil Investigative Demands (CIDs) when looking into potential violations of consumer finance laws. In response to extensive public feedback and an inspector general report, the CFPB is updating how it conducts these investigations to provide more information about the potentially wrongful conduct.

NAR provided feedback to the CFPB on CIDs last year, requesting improved communication with investigators, more clarity in those communications, more narrowly tailored requests, and better understanding of the underlying laws being investigated by Bureau staff, among other things. Because of the amount of resources, it takes to comply with CIDs, which are especially burdensome on small businesses, these potential changes by the Bureau are welcome steps for future investigations.