

CBA's 2024 Legislative Session in Review

BY TYLER MOUNSEY

This article provides an overview of the CBA's legislative efforts during the Colorado General Assembly's 2024 session.

The 2024 legislative session was marked by significant work across a broad spectrum of policy areas, reflecting varied efforts to address pressing state issues. As always, the General Assembly covered a wide range of issues, with this year's session including legislation involving education reform, environmental protection, criminal justice reform, healthcare, affordable housing, alcohol sales and property taxes, among others. With just over 700 bills introduced, the ever-evolving political landscape was filled with good moments and also frustrating ones. Similarly, the CBA had its share of ups and downs, but we ultimately prevailed in our advocacy efforts and remain hopeful for continued member engagement and success in the future.

With participation from all 29 sections, the CBA reviewed nearly 700 bills during this session. Our legislative process is always 100% member driven. Each section has a legislative liaison responsible for reporting back to the section as well as helping guide their colleagues in reviewing and analyzing bills as they are introduced. If a section encounters legislation it would like the CBA to take a formal position on (support, oppose, or amend), it brings that request to our Legislative Policy Committee (LPC), which is composed entirely of CBA members. After significant discussion, the LPC votes on whether to authorize the CBA to present that position at the Capitol. Our goal is to help foster clear and consistent legislation that fits within the existing framework and avoids unintended consequences.

By the Numbers

Heading into this second regular session of the 74th Colorado General Assembly, Democrats maintained their 46-19 supermajority in the House and 23-12 near supermajority in the Senate. While those margins remained the

CBA "SUPPORT" POSITIONS

BILL NUMBER	BILL TITLE
HB 1017	Bill of Rights for Foster Youth
HB 1077	Lodged Wills
HB 1152	Accessory Dwelling Units
HB 1286	Equal Justice Fund Authority
HB 1291	Licensed Legal Paraprofessionals
HB 1316	Middle-Income Housing Tax Credit
HB 1383	Common Interest Community Declarations

CBA "OPPOSE" POSITIONS

BILL NUMBER	BILL TITLE
HB 1014	Deceptive Trade Practice Significant Impact Standard
HB 1057	Prohibit Algorithmic Devices Used for Rent Setting
SB 062	Prohibit Attorney Fees on Personal Injury Interest
SB 136	Uniform Guardianship and Conservatorship Act

same as last year, there was no shortage of policy disagreements between members. Many frequent observers saw much of the familiar contention that's become almost expected at the Capitol, but many were equally surprised by the resulting productivity.

This year the General Assembly introduced 705 bills: 233 in the Senate and 472 in the House. This is about a 14% increase in volume from 2023. Most of this year's bills were already at some point along the legislative process by the halfway mark of the 120-day legislation session. Of the total bills introduced, about 75% ultimately passed. There hasn't been a similar volume of work since 2018.

The LPC voted to take a position on 31 pieces of legislation (up from 22 the previous year). In accordance with our process,¹ we gathered

requests for these positions from CBA sections working day-to-day in related areas of law. Of the 31 official positions, 7 were in support, 4 were in opposition, and the remainder sought to amend ongoing pieces of legislation.

While the session had its obstacles, the proof is in the data: All but one of the CBA-supported bills passed, and all of the CBA-opposed bills failed. This is the definition of success. We were able to review, deliberate, and successfully carry forward our members' thoughts via a comprehensive lobby effort at the Capitol. This level of achievement is rare and a direct result of the hard work and dedication of our members.

Of course, there were still several difficult moments during the session. With the many conflicting personalities involved in a legislative session, disagreements are bound to arise. The

key is how we remain true to our mission and values while at the same time continue to evolve with the political environment.

The CBA has remained consistent with how we review and consider legislation. Our intent has always been and remains to create good law. We are not only a resource but a well of knowledge many decades deep. Thankfully, we have wonderful and diligent members who are always willing and eager to discuss how to make laws better for all Coloradans. Their willingness to both review legislation and serve as a sounding board for staff and legislators is truly one of the most helpful tools we have here at CBA.

CBA Agenda Bills

This year the CBA brought forward two bills for consideration by the General Assembly—one brought by the Real Estate Section and the other by the Trust and Estate Section. This is a good reminder that CBA members not only review legislation but also initiate changes they wish to see in the legal community. Their passion was evident this year in the first two bills discussed below.

HB 24-1077: Lodged Wills

Brought forward by the Trust and Estate Law Section, this bill sought to codify a process for the Judicial Branch to maintain lodged wills. The goal was to create a uniform process for courts based on the recommendations of the State Court Administrator's Office. Relying on our members' decades of experience, we determined that the Judicial Branch's recommendations were a step in the right direction but were not consistently followed.

As part of the legislative process, the Judicial Branch and other stakeholders provided valuable insight, and we worked together to present the best possible form of the bill. Unfortunately, with the tight budget this year, the small cost associated with the bill resulted in it being lost.

Despite the less than ideal outcome, we plan to bring it back next session. We're grateful for the continued engagement from the Judicial Branch, and we're thankful to Representatives Junie Joseph and Matt Soper for being stalwart bipartisan stewards for this legislation.

HB 24-1383: Common Interest Community Declarations

Brought by the Real Estate Law Section, this crucial piece of legislation addresses the requirements for creating common interest communities in Colorado. Under the Colorado Common Interest Ownership Act, every common interest community must be established through execution of a declaration. This legislation clarifies that (1) any declaration forming a common interest community must be executed with the express written permission of the owner(s) of the property to be included, and (2) any amendment to a declaration that adds real estate to a common interest community must be executed with the written authorization of the owner(s) of the real estate to be added.

With the continued support of our members and lobby team, we were able to unanimously pass this bill in both chambers. This is a great example of how our investment in strengthening relationships across the board will result in successes for the organization. Additionally, we are thankful for the leadership of our sponsors, Representative William Lindstedt and Senator Dafna Michaelson Jenet.

HB 24-1175: Local Governments Right to Property

Affordable housing has long been a highly debated topic at the Capitol, and this year was no different. HB 24-1175 is the second version of a controversial bill that passed in 2023 but was vetoed by the Governor. This bill grants local governments two key property rights related to multifamily rental properties—right of first refusal and right of first offer. Effective in August 2024, the bill's key provisions include notice requirements, response time frames, and exemptions.

As with any new legislation, the full impact and potential legal challenges to the most recent effort to create affordable housing is yet to be seen. Like the 2023 version, the CBA had significant concerns about the bill's unintended impact on property owners. Given the current majorities in both chambers and a significant revamp from the previous year, we knew the likelihood of this passing was very high. The CBA took an amend position on this bill, and

the Real Estate Section worked tirelessly with the sponsors to navigate legal land mines as deftly as possible. While we may not always agree with the policy, our role as the preeminent legal knowledge source is undeniable.

HB 24-1350: Parental Responsibilities Proceedings Child Safety

Once again, the CBA participated in several discussions concerning updates to the standards and protections in court proceedings regarding the allocation of parental responsibilities. HB 24-1350 was a hotly contested bill that sparked significant conversations on both sides of the aisle. This legislation aimed to update reporting requirements, use of evidence-based standards, training and disclosure requirements, and the definition of coercive control.

The CBA was not completely supportive but recognized that significant changes were necessary. With an official amend position, CBA representatives Chelsea Augelli and Kaela Zihlman of Wells Family Law took the lead in numerous conversations with sponsors and proponents. Along with the entire Family Law Section, the CBA successfully secured nearly all of the amendments we pursued. The CBA is truly thankful to the Family Law Section members for their work, dedication, and passion on this topic.

Our work on HB 24-1350 highlighted the Family Law Section's willingness to openly discuss and negotiate, which will have a continued positive impact on our ability to always be part of future discussions.

SB 24-136: Uniform Guardianship and Conservatorship Act

Finishing the trifecta of returning bills, the CBA once again worked on guardianship and conservatorship issues in the 2024 session. This year, as part of the work of the Colorado Commission on Uniform State Law (CCUSL), we began tackling the topic early by thoroughly reviewing the uniform act that would eventually become legislation.

Topping out as one of the longest bills of the session, this nearly 200-page bill sought to modernize and improve Colorado's guardianship and conservatorship laws. While it

CBA LEGISLATIVE EFFORTS

BILL NUMBER	BILL TITLE	CBA POSITION	LAST ACTION	SECTION/COMMITTEE
HB 1007	Prohibit Residential Occupancy Limits	Amend	Signed	Real Estate Law
HB 1014	Deceptive Trade Practice Significant Impact Standard	Oppose	Dead	Real Estate Law
HB 1017	Bill of Rights for Foster Youth	Support	Signed	Juvenile Law
HB 1057	Prohibit Algorithmic Devices Used for Rent Setting	Oppose	Dead	Real Estate Law
HB 1077	Lodged Wills	Support	Lost	Trust and Estate Law
HB 1078	Regulation of Community Association Managers	Amend	Lost	Real Estate Law
HB 1080	Youth Sports Personnel Requirements	Amend	Signed	Sports and Entertainment Law
HB 1098	Cause Required for Eviction of Residential Tenant	Amend	Signed	Real Estate Law
HB 1099	Defendant Filing Fees in Evictions	Amend	Signed	Real Estate Law
HB 1107	Judicial Review of Local Land Use Decision	Amend	Signed	Real Estate Law
HB 1122	Protection Orders for Victims of Crimes	Amend	Signed	Family Law
HB 1152	Accessory Dwelling Units	Support	Signed	Real Estate Law
HB 1158	Homeowners' Association Foreclosure Sales Requirements	Amend	Lost	Real Estate Law
HB 1175	Local Governments Rights to Property for Affordable Housing	Amend	Signed	Real Estate Law
HB 1248	Non-Testamentary Electronic Estate Planning Docs	Monitor	Signed	Trust and Estate Law
HB 1274	Uniform Consumer Debt Default Judgments Act	Amend	Dead	Business Law
HB 1286	Equal Justice Fund Authority	Support	Signed	Colorado Legal Services
HB 1289	Workload Standards for Office of State Public Defender	Monitor	Dead	Criminal Law
HB 1291	Licensed Legal Paraprofessionals	Support	Signed	LPC
HB 1316	Middle-Income Housing Tax Credit	Support	Signed	Real Estate Law
HB 1318	Modify Rental Premises Person with Disability	Amend	Signed	Real Estate Law
HB 1337	Real Property Owner Unit Association Collections	Amend	Signed	Real Estate Law
HB 1350	Parental Responsibilities Proceedings Child Safety	Amend	Signed	Alternative Dispute Resolution
HB 1383	Common Interest Community Declarations	Support	Signed	Real Estate Law
HB 1472	Raise Damage Limit Tort Actions	Monitor	Signed	Business Law/Litigation
SB 021	Exempt Small Communities from HOA Requirements	Monitor	Signed	Real Estate Law
SB 062	Prohibit Attorney Fees on Personal Injury Interest	Oppose	Dead	Litigation
SB 094	Safe Housing for Residential Tenants	Amend	Signed	Real Estate Law
SB 112	Construction Defect Action Procedures	Amend	Dead	Real Estate Law
SB 136	Uniform Guardianship and Conservatorship Act	Oppose	Dead	Trust and Estate Law/Elder Law
SB 233	Property Tax	Monitor	Signed	Real Estate Law

aimed to accomplish many things, some of the highlights included:

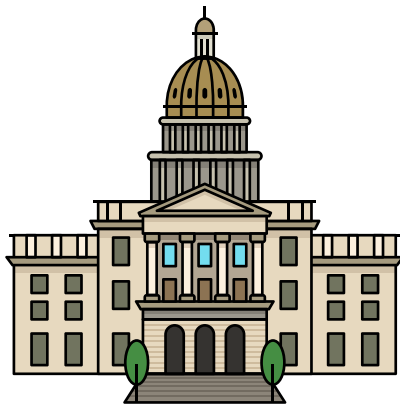
- repealed the Uniform Guardianship and Protective Proceedings Act and enacted the Uniform Law Commission’s Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act;
- modernized legal framework;
- changed guidance and decision making;
- emphasized less restrictive alternatives;
- increased monitoring and accountability; and
- addressed communication and visitation rights.

From the beginning, CBA members Letty Maxfield and Andrew Rogers took the lead in convening regular stakeholder meetings that included attorneys from multiple practice areas, legislators, disability advocates, and the Uniform Law Commission. Our focus never wavered; this was a large and sweeping change, and we had to be diligent in reviewing and considering all legal implications.

As review switched from the uniform act to the proposed legislation, we focused on our own process for determining the best position. With the continued help of both the Elder Law and Trust and Estate Law sections, we decided to take an opposing position. Even though our review of the policy highlighted definitive areas for future collaboration, we could not escape that the sweeping reform would be far too impactful and ultimately hurt those in both guardianships and conservatorships.

While we remained opposed, we felt it necessary to continue to actively participate in discussions on the bill. For that reason, CBA presented and shared a 26-page memo highlighting our top-level concerns. We are thankful for the participation of the bill’s sponsors and proponents, who worked to address our points in amendments during the legislative process. While we still felt that the “repeal and replace” approach was too heavy-handed for Colorado, in recognition of our collaborative efforts we shifted to a monitor position as the bill entered the second half of its legislative process.

Ultimately, as with many bills, fiscal concerns were insurmountable. The cost for implementation was too high and could not



be handled in the proposed budget for the upcoming year. This ultimately caused the bill to be postponed indefinitely, ending its progress for the session.

Closing Thoughts on the 2024 Legislative Session

Any consumer of media will have their own perspective on the highs and lows of the 2024 General Assembly. With more than 20 years working in politics and government, more than half of that in our state Capitol, I remain particularly weary from our work this year but equally positive by the opportunities that lie ahead.

On one side, the legislative session was filled with strange and interesting distractions, some of which derailed everyone from their efforts to make good policy. At the beginning of the session, we saw House Republican leadership take a quick and decisive change with the House minority leader stepping down.

Several times, policy discussions were diverted to seemingly focus on the personal lives of our elected officials. We saw firearms left in a bathroom and also stolen from legislators’ personal vehicles. We had lengthy delays from discussions about various impeachment efforts or the Israel/Hamas conflict, and internal arguments among members of the same caucus.

Individually, all of these issues are important, but how they detract from the collective efforts to make good law is certainly noticeable. The CBA, along with many other organizations, continued to advocate for our members and search for moments of alignment on legislation.

Whether we are well received or not, the CBA remains committed to our mission to bolster the legal community and make the practice of law better not only for our members but for all Coloradans.

Looking forward, I think the key takeaway from this session is that the CBA needs to remain flexible with the ever-changing political landscape while remaining rooted in our commitment to provide the depth of legal knowledge that only we possess. It’s for that reason I remain positive, committed, and excited for what comes next.

In the coming session, we will be continuing our legislative work while making every effort to put our members forward in both social and professional settings. This past year, we had incredibly successful moments creating new connections with legislators. With 15 new legislators due to take office, many of them practicing attorneys, the CBA is well situated to grow our advocacy work. The goal is to remind our elected officials that while we are attorneys, we are also Coloradans. Our members are as invested as anyone in making our state a wonderful place to live and work, and we are a crucial piece to accomplishing that vision.

In truth, none of this is even possible without our amazing members. The lobby team wants to thank our sections, our section legislative liaisons, and our LPC members, who all remain committed to making good law.

Because, like Charles de Gaulle said, politics are too serious a matter to be left to the politicians. CL



Tyler Mounsey is the CBA director of legislative relations. Readers are encouraged to contact him to receive periodic email updates during the legislative session or any time they would like more information about bills or other legislative matters that may relate to or affect the legal profession and the practice of law—tmounsey@cobar.org.

NOTE

1. The CBA’s process for legislative review is available at <https://www.cobar.org/lpc#9034267-process-for-legislative-review>.