

Government Affairs Update

August 2020

Barbara Koelzer, Regional Government Affairs Director

barbara@ires-net.com

303.886.5675

LOCAL

Larimer County

County Allows Open Houses With Unique Requirement: As of June 30, Larimer County is now allowing open house events. However, unlike other counties in Northern Colorado, *each REALTOR® planning to hold an open house in the county must submit an indoor request online form.* The form only has to be submitted once.

Keep in mind that once the form is submitted, the public health team will review it and follow-up with you. They may approve the plan as is, ask some clarifying questions, or require certain adaptations to the plan for it to be approved. The County says staff will respond within 3-5 business days. Here's a link to the form: <https://www.jotform.com/form/201706022336140>

In filling out the form, use the advice provided by your company's attorney and/or CAR's legal counsel, Scott Peterson, to ensure safety. See more advice from Peterson below.

Surprises in Larimer Commissioner Primary Races: In the Republican primary for District 2, Bob McCluskey decisively beat Jeff Jensen by over 6,400 votes. He will face Democrat Fort Collins City Councilmember, Kristin Stephens, in November. Stephens had no opposition from her party in the primary.

Jody Shadduck-McNally easily beat Myles Baker and Karen Stockley in her bid to be the Democratic candidate for District 3. In November, she will face Republican Ben Aste (aka Uncle Benny), who beat former Fort Collins City Councilmember, Aislinn Kottwitz by 8,211 votes.

FCBR and LBAR will conduct joint County Commissioner candidates on July 28. The boards of both associations will then consider recommendations for endorsement, should the interviewing team decide to recommend supporting any of these candidates.

REGION

Primary Races Featured Recognizable Names: Barbara Kirkmeyer, the term-limited Weld County Commissioner (District 3) beat Rupert Parchment in the Senate District 23 Republican primary. Vicki Marble who held SD 23 until term-limited this year, lost her bid to be the Republican candidate for House District 49 (Larimer County), formerly held by Perry Buck, to Mike Lynch.

Other incumbent legislators in our region such as Edie Hooton (SD 10), Joann Ginal (SD 14), Steve Fenberg (SD 17), Mary Young (HD 50), Hugh McKean (HD 51, Loveland), Cathy Kipp (HD 52) and Jeni Arndt (HD 53) didn't face Primary opponents.

STATE

State Amends Order, Allows Open Houses: As of June 30, the State is allowing open houses with a multitude of requirements. In Scott Peterson's latest Legal Bytes, he offered advice which is summarized here:

- Scott referenced pages 6 and 7 of the amended order. [Read the Eighth Amended Public Health Order 20-28.](#)
- A maximum of 100 people is allowed at an "event," but it is challenging to meet all the requirements and have 100 people at an open house at one time. Peterson referenced the social distancing calculator (see the link, below) but advised he would focus on the maximum allowed for each room.
- Consider eliminating the use of restrooms, especially the sinks and toilets. Leave the doors open, tape off sinks and bathrooms, etc.
- The requirements included in Appendix B for showings are still in effect. Face coverings, social distancing and gloves are still required.
- Eliminate or minimize mixing people, especially at entrances and exits. Use directional signs.
- Ventilation must meet OSHA standards: <https://bit.ly/2YQuz0X>
- It is critical to keep a log with every attendee's contact information and the date in case anyone tests positive for COVID-19 and public health officials need to trace people who could be affected.
- Have a conversation with sellers and get their confirmation in writing that they authorize an open house.
- Broker Open Houses – the same rules apply.
- Social Distancing calculator: <https://covid19.colorado.gov/safer-at-home/social-distancing-calculator-for-indoor-and-outdoor-events>
- Colorado Safer at Home Guidance for Public Health Order 20-28 updated July 1, 2020 – field services: <https://docs.google.com/document/d/1FcuKBB6XhmN5kCS9yJv5B3mzVaE0o7yxVWgUU5YxtxM/edit#>

NATION

Congress Extends PPP: On Wednesday, July 1, the House of Representatives extended the SBA Paycheck Protection Program (PPP) through August 8, 2020 (the Senate passed the extension the day before). The program had previously expired on June 30, with more than \$100 billion in funds still available for borrowers, and NAR strongly advocated for its extension in both the House and Senate. This extension means that new applicants will be accepted by SBA lenders until August 8 and allows the program to continue assisting small businesses and independent contractors while Congress works on the next COVID-19 relief package.

House Passes Infrastructure Bill: NAR sent a letter supporting H.R. 2, a wide-reaching infrastructure bill last week, with a number of NAR-supported provisions. This bill combines significant investment in surface transportation and mass transit, broadband access, water infrastructure, affordable housing, and other important provisions to make these systems more resilient and sustainable.

NAR supported traditional infrastructure issues such as significant increases in direct Federal investments in surface transportation and mass transit systems; an extension of the Highway Trust Fund through October 1, 2025; incentives to encourage high-density, transit-oriented development; streamlining the costly Federal permitting process while continuing to provide critical environmental protections; resources for communities to develop systems to better manage, utilize, and control their water, wastewater, and drinking water resources; and resources for communities to make their transportation and infrastructure systems more resilient and sustainable.

In addition, NAR supports a number of provisions related to affordable housing including: reform and modernization of the Low-Income Housing Tax Credit; private investment in community development and affordable housing through private activity bonds and the New Markets Tax Credit; and resources to preserve, protect, and expand affordable housing in rural communities.

Lastly, NAR supported expanded broadband, as well as energy efficiency measures to extend and expand the 179D Energy Efficient Commercial Building Deduction and Home Energy Savings Retrofit Rebate Program.

The measure passed the House largely on a partisan basis. The Senate is expected to consider an infrastructure proposal later this summer, and NAR will work to see these provisions included.

FHFA Asked to Extend Comment Period: NAR joined a coalition of housing, finance, and consumer groups requesting an extension of the FHFA's comment period on its proposed capital rule. The proposal was made public earlier this month with a 60-day comment period that began on July 1st. The rule is an update to a 2018 proposal by the agency.

The new proposal incorporates a number of significant changes that would meaningfully raise the level of capital the GSEs must hold above the 2018 proposal and makes it harder to structure the capital. As a result, these changes would have far-reaching impacts on the GSEs' business models and their abilities to carry out their mission. NAR and the coalition have requested an additional 60 days for analysis and comment which would make the comment due by the end of October.

NAR Supports HUD Funding: NAR sent a letter to the Housing Appropriations Subcommittee for HUD's FY2021 budget, requesting additional funding for fair housing and housing counseling. Specifically, NAR supports increases in Fair Housing Initiatives Program (FHIP) to support private nonprofit enforcement of the Fair Housing Act (the Act), the Fair Housing Assistance Program (FHAP) and increased salaries and expenses for HUD's Office of Fair Housing and Equal Opportunity (FHEO), the primary Federal office charged with the administration of the Act. We also support strong funding for HUD's housing counseling program.

In January 2020, NAR launched its Fair Housing Action Plan (ACT!) in order to increase accountability, culture change, and training among the real estate profession. Increases in FHIP, FHAP and FHEO are consistent with this goal. In voicing its support for fair housing testing, NAR emphasizes that adequate funding must be made available to ensure testers are well trained, and adhere to the highest standards. Poorly-conducted tests unfairly tarnish our members and the reputations of the entire fair housing community.

The economic fallout of the COVID-19 pandemic threatens the housing situation of so many Americans. As forbearance measures end, many homeowners may be struggling with their repayment plans. Housing counseling could be an effective tool to help them stay in their homes after the pandemic.

The House expects to finish work on the T-HUD budget bills before the August recess.