



REALTORS® Correct Imbalance between Commercial Brokers and Property Owners

Governor Bill Ritter signed House Bill10-1288 – Commercial Real Estate Brokers Commission Security Act today after eight months of research, meetings, negotiations with stakeholders and legislators by representatives of the Colorado Association of REALTORS® (CAR). It is anticipated to go into effect August 11, 2010.

“We are pleased the Governor signed this bill and feel not only will this law correct the imbalance between commercial brokers and commercial property owners, but our hope is that it will also encourage a more positive working relationship between both parties,” said George Harvey, president of CAR.

HB10-1288 provides a broker with the ability to record a lien for an unpaid commission against a commercial property which has been enhanced by a lease with a tenant produced by the broker. Real Estate Brokers create an increase in value for property owners; a property without a lease has little value. Brokers, who often work for months and even years on a deal to earn a commission, deserve a mechanism that protects them. Brokers who have not been paid their commissions or have not had their written agreements honored properly need recourse for receiving their earned commissions. Property owners who pay earned commissions owed on time will never have to worry about a lien being filed on their property.

This much needed Broker Lien Law would not have been possible without the support of our bill sponsors — Rep. B.J. Nikkel (R-Loveland) and Sen. Suzanne Williams (D-Aurora). Our gratitude goes to the CAR Leadership, the CAR Legislative Policy Committee and the Denver Metro Commercial Association of REALTORS® for their fortitude and perseverance. A special thank you to Jack Fox (CAR Government Affairs Division VP), Eric Nesbitt (2009 DMCAR President), and Marcia Mueller (2010 DMCAR President), who initiated this idea and helped bring the plan to fruition. We also want to thank the following people for their insight and strong guidance: Rick Calhoun (Senior Managing Broker of CBRE) and Sherman Miller (Senior Managing Broker of Cushman Wakefield) and the time and testimonials of Carolyn Martinez, Debbie Tamlin and Bob Bramble.

The Colorado Association of REALTORS® is the state's largest real estate trade association that represents more than 21,500 members statewide. The association supports private property rights, equal housing opportunities and is the "Voice of Real Estate" in Colorado. For more information visit www.ColoradoREALTORS.com.