



2025 Legislative Issue Form

To propose a CCI legislative issue, please complete this form.

Feel free to use more than one page and include any supplemental materials.

1.) **Contact Information** (of the person bringing forth the issue):

- a. **Name:** Carrie Geitner
- b. **Title:** Commissioner – District 2
- c. **County:** El Paso
- d. **Phone Number:** (813) 435-0896
- e. **E-Mail Address:** CarrieGeitner@elpasoco.com

2.) **Issue/Problem to be addressed** (What is the problem this legislation is seeking to solve?)

Per a Denver Post article from March of this year, Colorado faces a shortfall of 100,000 homes and apartments, which is the second worst deficit in the country – behind only California. With the average cost of buying a single-family home along the Front Range rising to roughly \$625,000, the need for more housing has hit a crisis point.

During the 2024 General Assembly session, lawmakers introduced **Senate Bill 24-106: Right to Remedy Construction Defects** which would have modified the Construction Defect Action Reform Act and requirements for HOAs to bring a construction defect action. This bill was bitterly fought by both parties and in the end was both heavily amended and postponed indefinitely due to lack of support in the House.

Addressing construction defect reform during the 2025 General Assembly Session is critical to jumpstarting condo construction, which has been outpaced by single family home and apartment construction since 2008. Condominiums are often a more affordable option for entry into home ownership, but currently they account for a staggeringly low number of new builds. The Common Sense Institute reported that since 2018 there have been 14 new apartments for every 1 new condo built in Colorado, while just six years earlier that ratio was 1.25 new apartments for every 1 new condo. If the state does not take up reforming construction defect policy in Colorado, it will continue to widen the affordability gap and price young families and workers out of the state.

3.) **Background on this Issue/Problem** (How did this come to be? Why are you seeking a legislative remedy?)

Since 2001, there have been five bills signed into law addressing construction defect policy. The most recent – **HB17-1279: Construction Defect Actions Notice Vote Approval** required that before the executive board of an Home-owners Association (HOA) in a common interest community brings suit against a developer for a defect, the board must notify all unit owners, provide an opportunity for the developer to offer to remedy the defect, and the HOA must obtain the approval of a majority of unit owners to proceed.

While HB17-1279 was a hard-fought compromise, existing regulations have brought condo construction to a halt. Construction litigation laws and insurance and liability costs have been cited by developers as the main reason for the significant reductions seen in new condo construction. Strict liability standards open developers up to expensive and lengthy litigation that is just not worth the time and effort based off a “perceived defect.”

If construction defect policy is not reformed in a meaningful way, housing prices will continue to rise as inventory drops and the state’s economy will take a hit as families and individuals leave Colorado for other states with more affordable housing. Colorado based businesses will look elsewhere to expand operations and businesses looking to expand into other states will bypass Colorado.

4.) **Proposed Solution/Legislative Remedy to this issue.**

With **Senate Bill 24-106: Right to Remedy Construction Defects** ultimately being postponed toward the end of the 2024 General Assembly Session, our proposed solution/legislative remedy is to reintroduce legislation that will

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By Friday, July 12.



jumpstart condo construction. The main goal of the legislation would be to cut down on litigation while giving homeowners an avenue to have issues fixed in a prompt manner.

Some policy solutions could include:

- Ensuring liability is more targeted toward subcontractors who do the defective work.
- Creating a right-to-remedy for builders that would allow them to pay a third-party contractor to fix any defects as another way to prevent court cases.
- Statewide minimum warranty standard to ensure reasonable timeliness for repairing defects.

5.) **Have you explored a non-legislative solution to this problem?**

We have not explored a non-legislative solution to this problem.

6.) **Statutory Citation to be modified AND proposed/revised language (The Colorado Revised Statute is available for free at [this link](#), by selecting “Colorado Revised Statutes”).**

N/A

7.) **Relationship of this issue to the County Commissioner’s roles and/or authorities.**

The issue has a direct correlation to the role of a County Commissioner. Over the last few years, Governor Polis and the General Assembly have introduced and passed legislation that addresses housing affordability. Requirements of some of these policies hold local governments responsible for planning and ensuring affordability, however, without the state also making changes to state policies that are affecting our communities, we are working with one hand tied behind our back. It’s essential that the state removes the roadblocks that only it has the power to deal with to give counties the opportunity to make meaningful impact.

Housing is critical not only to the health, safety, and welfare of residents, but also determines economic growth and prosperity. If there is not adequate/available housing in a community, it impacts cost of living and can have a negative impact on job growth and business expansion.

As Colorado continues to gain residents, especially along the Front Range, available housing continues to shrink. Families are being priced out of their communities and are either continuing to rent or choosing to move to a state with cheaper home prices. Lack of available/affordable housing increases commute times and puts stress on budgets as a majority of income goes to pay rent or mortgage each month.

8.) **Has this proposal been approved by the Board of County Commissioners?**

Yes, this proposal has been approved by the Board of County Commissioners.

9.) **List any potential Proponents/Opponents & their perspectives; indicate any groups/individuals with whom you have already discussed this issue.**

Proponents include the Board of County Commissioners, the Colorado Springs HBA, members of the El Paso County delegation, including House Minority Leader Rose Pugliese.

10.) **Have you visited with your legislator(s) about this proposal? What was their reaction? Are members of your delegation likely to sponsor, support, or oppose this proposal?**

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Yes, we have spoken directly with Rep. Pugliese, and she is very supportive of the proposal. We have reached out to other members of the EPC delegation and are waiting to hear back but expect additional support.

11.) **Anticipated Fiscal Impact (to counties, state, other stakeholders, etc.).**

No anticipated fiscal impact, other than potential workload increases.

12.) **Please list the local subject matter experts CCI staff can follow up with for more information on this proposal.**

Ryan Parsell, Government Affairs Executive Director

Brandon Wilson, Government Affairs Advisor

13.) **If your county is submitting multiple issue forms, please rank each issue.**

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