

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**. For any questions please contact Skye Stuart.

****All fields must be completed.****
Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: _____

Please mark one: **Bill Request** or **Resolution Request**

1. Has your agency submitted this request in the last 12 months?

Yes **No**

If yes, please explain:

2. Title: *(Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)*

A bill for an ordinance adding a new Article XII to Chapter 10, D.R.M.C. concerning construction defect claims in common interest communities

3. Requesting Agency: Mayor's Office

4. Contact Person: *(With actual knowledge of proposed ordinance/resolution.)*

- **Name:** David W. Broadwell, Asst. City Attorney
- **Phone:** 720-865-8754
- **Email:** david.broadwell@denvergov.org

5. Contact Person: *(With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)*

- **Name:** David W. Broadwell, Asst. City Attorney; Skye Stuart, Legislative Director
- **Phone:** 5-8754; 5-9058
- **Email:** david.broadwell@denvergov.org; skye.stuart@denvergov.org

6. General description/background of proposed ordinance including contract scope of work if applicable:

The proposed ordinance is intended to address, in part, the lack of new condominium construction in Denver by proposing several measures to reduce some of the risks and costs associated with construction defect litigation in new condominium communities, without unduly restricting the rights condominium owners and the homeowners associations that represent them to seek redress for construction defect claims under state law. The major features of the proposal are:

- Provisions regulating the manner in which violations of Denver building codes may or may not be used to prove or support construction defect claims.
- Provision reinforcing covenants that require alternative dispute resolution in lieu of litigation for construction defect claims.
- A requirement for informed consent by a majority of affected condominium owners before a construction defect claim can be filed.

The contents of the proposed ordinance are explained in greater detail in the attached memorandum.

****Please complete the following fields:** *(Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field – please do not leave blank.)*

- a. Contract Control Number:** N/A
- b. Contract Term:** N/A
- c. Location:** City-wide

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____

d. Affected Council District: All

e. Benefits: Increased opportunities for owner-occupied housing in Denver, particularly in the most highly urbanized areas of the city and in transit-oriented developments near rail stations.

f. Contract Amount (indicate amended amount and new contract total): N/A

7. Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) Please explain.

Yes, the subject of construction defect litigation reform has been highly controversial at the state level and in some of the other municipalities where local ordinances have already been adopted. Advocates on both sides of the issue disagree at the most basic level regarding whether or not the risks and costs associated with construction defect litigation are the fundamental reason there is a lack of condominium construction in the Denver metropolitan region. They also fundamentally disagree about whether or not current state laws on this subject strike a proper balance in terms of litigation rights and risks, and whether municipalities can or should be involved in legislating on this topic.

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