



From the Director's Desk

Will Courts Bust Realtor Cartel?

Underway in federal court, a class action suit takes aim at one impediment to affordable housing: the fees charged by realtors.

I've always found realtors ironic and disingenuous listening to them opine on the "free market" when, they stand protected behind one of the largest collectively bargained, price-fixing schemes in the U.S. when it comes to their fees. Even the right-leaning [Editorial Board of the Wall Street Journal](#), which concedes that "the Realtors may own the U.S. Congress," refer to them as a cartel. The WSJ has come out in support of a federal jury trial underway that takes aim at "numerous rules that inflate their pay" according to an October 15th, 2023, statement. Burnett v National Association of Realtors (NAR) is an anti-trust lawsuit brought by plaintiffs in Missouri.



NAR views the case as an existential threat. "The future of the buyer representation and the sanctity of the MLS system...is at stake," according to [Drive with NAR](#) a podcast by Realtor Magazine. NAR's Chief Legal Counsel Katie Johnson, interviewed on the podcast, expects an appeal no matter who prevails. She states that the 100-year-old model representing homebuyers and sellers is efficient, professional and lends stability to the marketplace. The interviewer points out that agents lend their services "free" for the many deals that don't close, and that because the buyer is not paying out of pocket for the service, that they have more funds for closing. For a group supposedly expert in negotiating, it has always been odd that realtors refuse to negotiate their fees, especially for affordable housing.



At crux in the case is whether the price is "fixed" in the structure. It sounds as though the two sides argue different definitions of fixed. Of course, a percentage is not "fixed" by one definition, but the set percentage does not reflect varied amount of time, complexity of effort marketing or negotiating different deals. Some realtors are known for the effort they put into preparing and showing a home. Others, not so much. Many transactions require no more than

perfunctory paperwork, especially in a "hot" market. And 6% is often far from insignificant; and becomes quite a chunk of a buyer's annual wages as median home prices spike over a half million dollars in the high country.

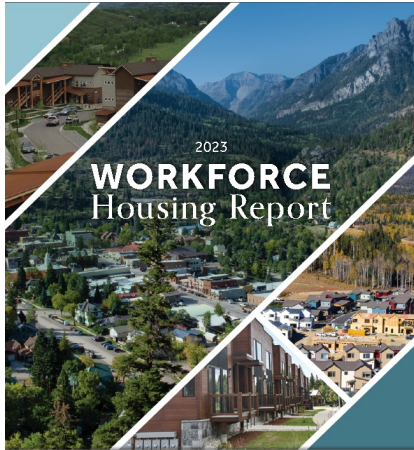
There are other tools which realtors object to when it comes to addressing housing affordability, like allowing more communities to impose Real Estate Transfer Fees (RETT). The NWCCOG Workforce Housing Report, soon to be published, speaks to what a powerful tool RETT has been to the 12 communities in Colorado that were grandfathered in before TABOR. Reforming that law in the state could allow these communities to direct those funds to affordable housing like Aspen which generates over \$30M each year for that purpose from a dedicated RETT. The Town of Vail's 1% RETT is dedicated currently to other purposes. The barriers for communities implementing new RETT are too high within the current law.

While communities innovate to bring down home prices through a number of reforms and funding tools, the variable of realtor fees which adds significantly to the cost of housing can only be changed by action of the courts, hopefully beyond the powerful influence that realtors continue to have over legislators.

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Announcing: The Northwest Colorado Council of Governments (NWCCOG) partnered with the Colorado Association of Ski Towns (CAST) to produce a Workforce Housing Report in an effort to provide our member communities, as well communities outside of the NWCCOG/CAST region which face similar challenges, with tools, strategies, best practices, and innovative ideas to increase the supply of affordable workforce housing. [Read the Workforce Housing Report here.](#)



The Ski Industry: A Key Component in the regional economy

By Rachel Tuyn, NWCCOG Economic Development District Director



A rendering of the outside of The Aerie, Cooper Mountain Resort/Courtesy photo

The tourism and outdoor recreation industry is an essential part of the NWCCOG region's economy, generating millions in visitor spending annually and supporting 40,000 jobs¹. The ski industry, led by the region's eleven world-class, internationally known ski resorts is a key component of that. Not only is the ski industry a huge economic engine for the region, it also contributes to the State's global recognition as a premiere destination, bringing billions of dollars in revenue into the state every year. A large share of visitor spending generated from the ski industry occurs outside the ski areas, thus supporting hundreds of small businesses throughout our mountain communities. These visitors pay into sales, lodging, and short-term rental taxes, which in turn fund vital community services in our region including workforce

housing, mental health services, childcare services, and community amenities such as open space, arts and culture, parks and trails.

The upcoming ski season was the topic of conversation at the Summit County Chamber of Commerce's annual Ski Area COO Summit on October 13, where the chief operating officers from Summit County's

four ski areas presented on new and exciting things to come this season, highlighting investments made and new things on the horizon for the 2023/2024 ski season. One thing our region's ski areas are blessed with is high elevation (which allows for cold temperatures) and investment in snow making equipment and operations. The four Summit County Ski Areas (Breckenridge, Keystone, Arapahoe Basin, Copper Mountain) are among the 10 highest ski areas in the U.S. These elements allow the ski areas in Summit County to start snowmaking as early as mid-October. This component is key to allowing the ski areas to get open early in the season, thereby generating a buzz and encouraging visitors to book their winter vacations to our region as well as the state as a whole. Ski areas in Summit County have made significant capital investments recently include new chairlifts (Breckenridge, A-basin, Keystone), a new mid-mountain lodge at Copper Mountain, investment in infrastructure such as snowmaking equipment, snowcats, parking, and transportation. Summer operations at each ski area have continued to grow over the last decade, including events, summer ski camps, the development of new mountain bike trails, aerial park zip-line, go carts, events and concerts, and mountain coasters. These investments in summertime activities contribute to making the region's economy year-round, thus more sustainable for the business community.

In addition to the capital investments made, ski area COOs reported on their investments into the workforce and the community overall. Breckenridge Ski Resort is opening a new childcare center and investing in the Breckenridge Outdoor Education Center to bring inclusivity to the mountain. Last fall, Vail Resorts implemented new minimum wage and increased benefits, increasing base wages by 30%. This move greatly supports the workforce in that the majority of the 40,000 jobs that support the tourism economy are in lower-paying sectors paying \$45,000/year and less.¹

Recognizing the impacts of climate change on the ski industry – warmer temperatures mean shortening ski season on either end – the resorts in Summit County are also making investments in sustainability. Arapahoe Basin is working on being carbon-neutral by 2025, and already has 100% of its electricity coming from renewable sources including three solar arrays on the mountain as well as connection to an off-site solar farm. Keystone's new patrol hut is 100% off the grid as well.

This annual event provides an opportunity for Summit County's key economic interests including large and small employers, town and county staff, non-profit organizations, federal land partners such as the USFS, education and healthcare industry representatives, and state and local legislators to network with one another and build and cultivate partnerships which serves to fostering a healthy, sustainable economic ecosystem in the community. Opening day is right around the corner!

1 - NWCCOG Regional Economic Update, September 2023 - <https://nwccog.org/edd/wp-content/uploads/2023/09/NWCCOG-Regional-Economic-Update-September-2023.pdf>

Vintage: Advocating, Educating, Training

ADVOCATING:

The aging network, like many local and state agencies, will see the end of COVID related stimulus funding at the end of this Federal Fiscal Year and the return of pre-pandemic funding levels. While increases in federal funding and flexibility in funding streams helped meet the demand during the pandemic, the demand for services has remained higher and the cost of delivering those services has increased. As a result, the Area Agencies on Aging (AAAs) face a serious "funding cliff" if state funding is not increased in the upcoming state budget. Vintage is projecting a 20% deficit in FY 24-25.

Vintage, in coordination with the Denver Regional Council of Governments, the Colorado Association of Area Agencies on Aging, and 87 additional supporters, has launched an advocacy campaign to request a \$5 million base increase in the State Funding for Senior Services line item which helps to fund the state's sixteen Area Agencies on Aging. Important advocacy notes include:

- AAAs have not had a budget increase in state General Fund since FY2019-20. Accounting for inflation and population growth, state funding for AAAs has drastically decreased.
- Without additional funding for the AAAs, many older Coloradans will not be able to access the services they need when they need them. With continued flat state funding, the AAAs will face a FY 2024-25 shortfall in spending power of state support compared to FY2019-20 of nearly \$10 million (\$4,689,000 from inflation and \$5,067,000 from increased need of the growing older adult population).
- The demand for services, which has been growing steadily for more than two decades, has



accelerated since the pandemic. Colorado is the third fastest aging state in the nation.

- State investment in AAA services will help older Coloradans and the state save money. AAA services help people age in the community and enable older adults to avoid or delay the need for higher level hospital or nursing home care, which are more expensive and put more pressure on the state budget, particularly Medicaid.

Area Agencies on Aging, their service providers, and local governments are on the frontlines working diligently every day to help older Coloradans access and obtain needed services and save money. The aging network respectfully requests that the state embrace this challenge by providing these three funding elements:

1. A General Fund “base” increase of \$5 million to help address unmet need.
2. Classification of the State Funding for Senior Services line item as a “community provider”, thereby ensuring that the line item will be considered for annual inflationary increases.
3. A statutory proposal to review the adequacy of funding for the line item every five years.

Additional funding is a critical step towards improving the quality of life of older Coloradans and ensuring Colorado remains an age-friendly state where everyone thrives.



EDUCATING:

OPEN ENROLLMENT NOW THROUGH December 7th

Updates in Medicare and our local State Health Insurance Program (SHIP) at Vintage

Our phones have been ringing off the hook with Medicare questions in anticipation of Open Enrollment, which begins October 15th and continues through December 7th, 2023. This is the time of year to make changes to your Medicare prescription drug coverage (Part D) or Medicare Advantage Plan, which go

into effect January 1, 2024. Our trained and certified SHIP counselors are available to provide unbiased and free information about Medicare by appointment only, both in-person and by phone. Walk-in service is not available. Appointments can be scheduled on our website at <https://yourvintage.org/your-care/medicare/> or by calling (970) 970-315-1329.

Earlier this year, we applied for and received a grant through SB-290 for a Client Management system to assist our counselors track time spent with clients and notes. We have worked with Chocolate Software, who also supplies our proprietary reimbursement, evaluation, and RFP software, to develop this new module the last six months and are excited to be launching this software. This will be the heart of our Medicare SHIP program, allowing us to keep client files in a HIPAA compliant database, ease beneficiary navigation for our counselors, and meet the data collection requirements for the numerous grants that fund this program.

Our Medicare SHIP Volunteers at Vintage are a huge asset in helping hundreds of community members navigate their Medicare and save people money every year. The world of Medicare is always changing and adapting. Our counselors go through regular trainings to stay up on these changes and continue to be experts in their area. If you are looking for a wonderful, stimulating way to give back to your community and are interested in being a Volunteer Medicare Counselor, please reach out to Jonnah Glassman JGlassman@NWCCOG.org.

Emergency Action Plan



Emergency Preparedness Trainings:

National Preparedness Month may have passed us by this year, but it’s never too late to be prepared for an emergency! Whether you’re interested in readying your agency of emergency response, you want to teach others how to be prepared, or you want to be prepared personally for an emergency, these trainings are for you. Vintage is partnering with University of Colorado’s Center for Inclusive Design & Inclusion and HCPF for four, in-person trainings at

the Summit County Community & Senior Center in Frisco on November 2nd, 3rd, and 4th. The trainings are free, but registration is required.

Class&Audience	Audience	Date and Time
Plan, Prepare, Respond:	Agency decision makers	November 2nd

Readying your agency for emergency response		8:00AM-5:00PM Click here to register
Train the Trainer: Teach others how to be prepared	Agency Staff	November 3rd 8:00AM-12:00PM Click here to register
Back it Up! Keep your devices running during power outage.	Everyone	November 3rd 1:00PM - 4:00PM Click here to register
Be Your Own First Responder: Prepare like no one is coming.	Everyone	November 4th 8:00AM-4:00PM Click here to register



Regional Grants Navigator Update

FROM: Johnathan Godes, Regional Grants Navigator

Congratulations to Energy Smart Colorado and Kasey Provorse for being selected as one of 39 equity-innovation track recipients of the DOE Buildings Upgrade prize! Energy Smart Colorado will upgrade energy efficiency and electrify 750 rural, underserved homes across 18 Colorado counties with this \$400,000 federal grant award.

Congratulations to Eagle County (with Energy Smart Colorado as subrecipient) which has ALSO been invited for negotiations with the DOE on the EECBG competitive grant. Eagle County was one of 12 recipients with an ask of \$1.4 million dollars to reduce energy burdens for unserved households. The partnerships includes 25 local governments, 10 sustainability organizations, 7 utilities, the Colorado Energy Office, Colorado Clean Energy Fund, post- secondary schools and manufacturers.

Great work Kasey the numerous participating partners!

For additional RGN news check out the [article Colorado News Line](#).

Next Board Meeting

Next Council Meeting - Thursday, December 7, 2023

Full Council Meeting, EDD Board & Foundation Board Meeting

Location: On site TBD and ZOOM

Time: **Foundation** 10:00 AM - **Council** 10:15 AM - 12:00 PM - **EDD** 12:30 PM - 2:30 PM

Agenda: Review ED Annual Review results; 2023 budget revisions; approve 2024 budget, List of bills; annual NWCCOG Foundation Board meeting

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