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HOME BUILDERS
ASSOCIATION
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METRO DENVER



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HBA University Live Webinar Series

Legal Issues for Homebuilders
With the Fox Rothschild
Real Estate Group





Chérie Talbert

CEO

HBA of Metro Denver

Welcome

Welcome, HBA Members to our new
HBA University Webinar Series!



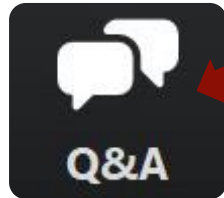
We are excited to have HBA Company Member Fox Rothschild's Real Estate Group, kicking-off our first educational seminar series geared toward our members' interests.

Jay Mankamyer is also an HBA Board Member and we thank Rick and all of the attorneys on our panel for your collective expertise through this platform!

But first a little Housekeeping

Please cursor to the bottom edge of your screen. There you will find a Q&A icon that you will be able to use during the webinar to ask specific questions of the panel.

Questions will be managed based on time.

A screenshot of a web browser window titled "Q&A". The window contains the text "No question and answer" in the center. At the bottom, there is a text input field with the placeholder "Please input your question". Below the input field is a checkbox labeled "Send Anonymously" and a blue "Send" button. A red arrow points to the "Send" button from the right.



Helping Homebuilders Navigate Legal Issues related to COVID-19

Presented by Fox Rothschild, LLP

- Rick Rubin
- Jed Sonnenshein
- Spencer Sears
- Benjamin Maresca
- Jay Mankamyer
- Scott Ross
- Marsha Piccone
- Joe Sellars

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Impact and Recovery

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Section I: Issues Related to the Purchase of Land and/or Lots

(Rick Rubin and Benjamin Maresca)

- Issues with delaying or deferring the closing of purchases, or pushing out other deadlines or contingency periods
- Cancelling contracts
- Force Majeure issues with respect to the finishing of lots
- Land banking
- E-recording and remote notaries

Section II: Issues Related to Customers and Homebuyers

(Jed Sonnenshein and Joe Sellars)

- Issues when the customer wants to get out of the contract
- Purchaser loan qualifications, including appraisals and employment verification
- Earnest money returns
- Issues when the homebuilder wants to get out of the contract
- Construction delays and force majeure clauses
- Addendum to purchase contracts related to COVID-19
- ILSA issues

Section III: Issues Related to Subcontracts (Scott Ross)

- Performance of subcontractors, and when performance is possible or impossible under current requirements
- Cancelling, delaying or putting performance of subcontract on hold
- Changes in pricing in materials or labor due to delays in performance, and which party bears those costs
- Other risks related to delay in performance, such as commenced but not completed work, and liability regarding same

Section IV: Employment Issues for Homebuilders (Marsha Piccone)

- Compliance with Orders, Rules and Regulations in the Workplace
- Managing Employees: Human Resources and COVID-19
- Potential Pitfalls: Employer Liability in the Age of COVID-19

Compliance with Orders, Rules and Regulations in the Workplace

- State and local orders
- The importance of keeping up to date
- Plans, protocols and checklists for compliance
 - In the office
 - At a worksite
 - Showing model homes
- Once a plan is developed, follow it

Managing Employees: Human Resources and COVID-19

- Employment status
 - COVID-19 issues
 - Retaliation for reporting an unsafe work environment
 - Discrimination, including discrimination based on an employee's COVID-19 status or having a condition making them more susceptible to COVID-19 and its effects
 - WARN Act notice for large employers
- Paid and unpaid leave requirements
 - FMLA, FFCRA and Colorado HELP Rule

Potential Pitfalls: Employer Liability in the Age of COVID-19

- Failure to provide a safe workplace
- Failure to follow relevant labor and employment laws
- OSHA requirements
- Employee health screening

Section V: Issues Related to Litigation and Insurance (Spencer Sears)

- Court closures, delays, and tele-court
- Video mediation and arbitrations
- General litigation strategies in light of the pandemic (uncertain results, equitable relief granted to homebuyers)
- Issues related to potential insurance claims

Section VI: Issues Arising with Lenders (Jay Mankamyar)

- Loan defaults, breach of contract
- Workouts and modifications
 - 3/22/20 Interagency Statement on Loan Modifications and Reporting
- Force Majeure principles
- Foreclosures
 - Colorado Executive Orders 2020-12, 2020-31 and 2020-51

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We hope to see you again soon!