

# Broker Price Opinions - By Jurisdiction

## Executive Summary

### **BROKER PRICE OPINIONS**

#### **ANNUAL REPORT EXECUTIVE SUMMARY**

August 2019

#### *Overview*

Of the fifty-four jurisdictions surveyed, only two, Puerto Rico and Oklahoma, are totally silent on the topic of broker price opinions (BPO), comparative/competitive market analyses (CMA), appraisals or other price/value opinions by real estate licensees. Thirty-four states, or sixty-three percent, allow real estate licensee price opinions by exempting licensees from the state's real estate appraiser licensing laws. Those states do not otherwise regulate BPOs.

Seventeen states, or thirty-one percent, have more extensive, and generally more recent, provisions governing such opinions. For instance, Minnesota and Mississippi enacted relevant laws in 2011 and North Carolina and Wyoming did in 2012. Illinois passed relevant legislation in 2014. In 2018, Pennsylvania enacted detailed provisions that govern the preparation of BPOs by real estate licensees.

The two remaining states do not fall into either of the above categories. Kentucky's appraisal management companies statute exempts brokers and agents from its licensing provisions and Ohio's Canons of Ethics for the Real Estate Industry offer some general guidance as to when it is appropriate to provide a price opinion.

#### *Licensure Requirements*

Of the fifty jurisdictions that permit real estate licensees to render price/value opinions, only three have specific license-related exceptions. In Idaho only a broker may prepare a BPO for any purpose; salesman may do opinions of price for the purpose of prospective listing or sale only. In Michigan, a

fee may be collected for a broker-prepared opinion only. And, in North Carolina, a provisional broker may not prepare a BPO or CMA.

In eight of the thirty-five states where appraiser law exemptions apply, "any person" may perform an appraisal of real estate so long as the transaction is not federally related. New Jersey exempts any person if the price opinion or valuation is given directly to the property owner or buyer solely for their use.

Pennsylvania's 2017 legislation requires additional education in order to prepare price valuations.

### *Allowed Valuations*

In twenty-one of the thirty-five states where appraiser law exemptions apply, there is a specific requirement that the price opinion may not be referred to as an appraisal, and in eight of those states, the real estate licensee is specifically prohibited from representing himself or herself as being an appraiser. In those states with general statutes or laws relating to BPOs, fourteen require disclosures stating that the opinion is not an appraisal and/or that the preparer is not a licensed or certified appraiser. In 2018, Texas amended the language of its required disclosures.

The majority of jurisdictions specifically permit opinions of the listing price for a prospective seller or of the purchase price for a prospective buyer. Six states with recently enacted laws, also allow them to be prepared for a third party making decisions or performing due diligence related to the potential listing, sale, or rental price of real property or for an existing or potential lienholder under specified circumstances.

Detailed requirements regarding the contents of BPOs are found in the laws of nine states.

In Maine, Nebraska, and West Virginia no fee may be charged for a price opinion. Connecticut requires that a BPO fee be credited against any commission received in the transaction and Hawaii prohibits a BPO fee altogether if the licensee receives compensation related to the underlying sale. A licensee in Maine may not perform a BPO at all if an associated licensee or agency will receive a fee related to the underlying transaction.

## *Valuation Uses*

The most common prohibited uses of BPOs relate to residential mortgages. Eleven states explicitly do not allow them to be used as the basis for residential mortgage loan origination. Guam prohibits use of BPOs if federally insured financing is involved. Nebraska does not allow their use for tax protests.

## *Penalties*

No jurisdiction with BPO laws had specific penalty provisions related thereto. Thus, the general disciplinary actions that are available for any violation of the real estate brokerage laws are available, including administrative fines, license suspension or revocation, official reprimand and cease and desist orders.

## Alabama

### Alabama, Allowed Valuations

Alabama does not generally regulate broker price opinions. See "Licensure Requirements."

### Alabama, Licensure Requirements

Except where required by federal law, Alabama's real estate appraiser licensing law does not prevent a licensed real estate broker or salesperson from performing a real estate market analysis, and does not apply to a licensed real estate broker or salesperson, who in the ordinary course of business, gives:

- an opinion to a potential seller or third party as to the recommended listing price of real estate; or
- an opinion to a potential purchaser or third party as to the recommended purchase price.

Alabama law is otherwise silent regarding broker price opinions.

Statute amended 2019.

[Ala. Code § 34-27A-3](#) (as amended by [2019 Ala. Act No. 2019-282](#))

## Alabama, Penalties

Alabama does not generally regulate broker price opinions. See "Licensure Requirements."

## Alabama, Valuation Uses

Alabama does not generally regulate broker price opinions. See "Licensure Requirements."

## Alaska

### Alaska, Allowed Valuations

Alaska does not generally regulate broker price opinions. See "Licensure Requirements."

### Alaska, Licensure Requirements

Except when an appraisal by a certified real estate appraiser is required by federal law, Alaska's real estate appraiser certification law does not preclude a person who is not certified from appraising real estate for compensation, provided the person does not hold himself or herself out to be a certified appraiser.

Alaska law is otherwise silent regarding broker price opinions.

Enacted 1990.

[Alaska Stat. § 08.87.340 \(2018\)](#)

### Alaska, Penalties

Alaska does not generally regulate broker price opinions. See "Licensure Requirements."

### Alaska, Valuation Uses

Alaska does not generally regulate broker price opinions. See "Licensure Requirements."

## Arizona

### Arizona, Allowed Valuations

Arizona does not generally regulate broker price opinions. See "Licensure Requirements."

## Arizona, Licensure Requirements

Arizona's real estate appraiser licensing law does not apply to an Arizona-licensed real estate broker or salesperson who "when acting as such, gives an opinion as to the price of real estate if this opinion is not referred to as an appraisal." Similarly, the appraiser licensing law does not apply to "[a] person who produces a statement that is provided to any other person concerning the estimated value of real property through an internet website, automated valuation or other software program or other means of comparative market analysis and who discloses that the estimate is not an appraisal."

Arizona law is otherwise silent regarding broker price opinions.

The Arizona Department of Real Estate has stated: "An opinion of market value may be provided only by a licensed appraiser OR a real estate licensee; therefore, a Broker Price Opinion is a real estate activity that a real estate licensee may conduct only on behalf of the licensee's employing broker. Any and all compensation for performing Broker Price Opinions must be paid through the employing broker. In addition, the broker is required to maintain copies of the broker price opinions issued as part of their broker records." [2013 Real Estate Commission Bulletin, p. 8 \(Issue 1\)](#).

History unknown.

[Ariz. Rev. Stat. § 32-3602\(1\), \(8\) \(2018\)](#)

## Arizona, Penalties

Arizona does not generally regulate broker price opinions. See "Licensure Requirements."

## Arizona, Valuation Uses

Arizona does not generally regulate broker price opinions. See "Licensure Requirements."

## Arkansas

### Arkansas, Allowed Valuations

A licensee may prepare broker's price opinion (BPO) for a fee for:

- an existing or potential seller for the purposes of listing and selling real estate;
- an existing or potential buyer of real estate;
- a third party making decisions or performing due diligence related to the potential listing, offering, sale, exchange, option, lease, or acquisition price of real estate; or
- an existing or potential lienholder.

A report in which a BPO is prepared or issued must include within the body of the written report or in a separate cover letter the following:

- a brief description of the subject property;
- the basis used to determine the BPO to include any applicable market data and with regard to commercial properties, the computation of capitalization, including the capitalization rate;
- any assumptions or limiting conditions used to determine the BPO (i.e., repairs, items to be removed from property, zoning change, new or different access other than what is currently available, special financing, hazardous waste, nuisance removal, etc.);
- a disclosure of any existing or contemplated interest of every licensee who prepares or provides the BPO, including, without limitation, the possibility of a licensee representing the seller or lessor, or the buyer or lessee;
- the names and signatures of the licensee who prepared or issued the BPO and of the principal broker or designated executive broker with whom the licensee is associated;
- the name of the real estate firm with whom the licensee who prepared or issued the BPO is licensed;

- the date the BPO was issued; and
- in at least 14-point bold type, the following disclaimer:

"Notwithstanding any preprinted language to the contrary, this opinion is not an appraisal of the market value of the property. If an appraisal is desired, the services of a licensed or certified appraiser must be obtained. Pursuant to Ark. Code. Ann. § 17-42-110(d), a broker price opinion or market analysis issued by a real estate licensee shall not contain the terms "market value", "appraised value", or "appraisal".

Any reference in the report to a specific marketing time period is for illustrative purposes only and does not obligate the licensee or broker to sell the property within the stated timeframe or act as a representation or guarantee that the property will be sold within such timeframe.

Unless otherwise indicated, the broker price opinion assumes without investigation a fee simple title ownership interest without any reservation of minerals, subsurface rights, or otherwise.

This broker price opinion report is to be used solely for purposes allowed by state and federal law. If the report is to be used for any purpose not specifically allowed by state and federal law, legal counsel should be consulted."

A licensee may produce or transmit a BPO electronically to any person entitled to receive it.

A licensee must furnish to the principal broker or designated executive broker with whom the licensee is associated, copies of all broker price opinion reports, including the cover letter.

Enacted 2011.

Ark. Code Ann. 17-42-110 (LexisNexis 2019); [Ark. Real Estate Comm'n Reg. 10.15 \(2018\)](#)

## Arkansas, Licensure Requirements

An Arkansas-licensed broker or salesperson may prepare and provide a broker price opinion (BPO) for a fee, provided it does not contain the terms "market value", "appraised value", or "appraisal."

A principal broker or designated executive broker is responsible for the preparation and issuance of a BPO by any licensee who is associated with the broker unless the BPO was prepared or issued independently and without permission or authority from the broker. If the principal broker or designated executive broker learns that a licensee has prepared or issued a BPO independently,

that broker must immediately notify the Arkansas Real Estate Commission in writing and forward such licensee's license to the Commission.

A "broker's price opinion" is an "estimate prepared by a licensee that details the probable selling price of real estate and provides a varying level of detail about the real estate's condition, market, and neighborhood, and information about sales of comparable real estate."

Enacted 2011.

Ark. Code Ann. 17-42-110 (LexisNexis 2019); [Ark. Real Estate Comm'n Reg. 10.15 \(2018\)](#)

### Arkansas, Penalties

If a licensee is found to have violated the law or regulations, the Real Estate Commission may impose the following sanctions:

- suspension, revocation, or denial of his or her license or the renewal thereof;
- a penalty not to exceed (\$1000) for each violation;
- require completion of appropriate educational programs or courses;
- require successful completion of an appropriate licensing examination;
- place conditions or restrictions upon the licensee's license or practice; or



- such other requirements or penalties as may be appropriate to the circumstances of the case and which would achieve the desired disciplinary purposes, but which would not impair the public welfare and morals.

Amended 2019.

Ark. Code Ann. § 17-42-312 (LexisNexis 2019)

## Arkansas, Valuation Uses

A broker's price opinion prepared for an existing or potential lienholder in connection with the purchase of a buyer's principal residence may not be used as the primary basis to determine the value of the residence for the purpose of a loan origination of a residential mortgage loan secured by the buyer's principal residence.

Enacted 2011.

Ark. Code Ann. § 17-42-110 (LexisNexis 2019)

## California

### California, Allowed Valuations

A real estate licensee that offers or provides an opinion of value of residential real property that is used as the basis for the origination of a mortgage loan may not have a prohibited interest in that property, within the meaning of 12 C.F.R. § 226.42(d) and the accompanying commentary contained in Volume 75 of the Federal Register, page 66554, dated October 28, 2010.

See generally [Cal. Dep't Real Estate, Reference Book - A Real Estate Guide, ch. 15 \(2010\)](#) (containing a wealth of information regarding real estate appraisals performed by licensees)

Enacted 2011.

[Cal. Bus. & Prof. Code § 10177.3\(b\) \(2018\)](#)

## California, Licensure Requirements

For purposes of California's real estate appraiser licensing law, an "appraisal" does not include an opinion given by a California-licensed real estate licensee acting in the ordinary course of his or her business in connection with a function for which a real estate license is required.

Such an opinion may not be referred to as an "appraisal."

Amended 2017.

[Cal. Bus. & Prof. Code § 11302\(b\) \(2018\)](#)

## California, Penalties

California does not generally regulate broker price opinions. See "Licensure Requirements."

## California, Valuation Uses

California does not generally regulate broker price opinions. See "Licensure Requirements."

## Colorado

### Colorado, Allowed Valuations

When a real estate broker prepares a competitive market analysis or a broker's price opinion for any reason other than the anticipated sale or purchase of property, the licensee must include a notice stating: "This evaluation was prepared by a licensed real estate broker and is not an appraisal. This evaluation cannot be used for the purposes of obtaining financing."

Effective 2012.

[4 Colo. Code Reg. 725-1, § E-42 \(2019\)](#)

## Colorado, Licensure Requirements

Colorado's real estate appraiser licensing law exempts a Colorado-licensed real estate broker who provides an opinion of value, provided the opinion:

- is not represented as an appraisal; and
- is not used for the purpose of obtaining financing.

Colorado law is otherwise silent regarding broker price opinions.

Amended 2018.

Colo. Rev. Stat. § 12-61-702(11)(b)(II) (LexisNexis 2019)

## Colorado, Penalties

Colorado does not generally regulate broker price opinions. See "Licensure Requirements."

## Colorado, Valuation Uses

Colorado does not generally regulate broker price opinions. See "Licensure Requirements."

## Connecticut

### Connecticut, Allowed Valuations

Connecticut does not generally regulate broker price opinions. See "Licensure Requirements."

### Connecticut, Licensure Requirements

Connecticut's real estate appraiser licensing law does not apply to "any licensed real estate broker or salesperson who estimates the value of real estate as part of a market analysis performed for the owner of the real estate or a designee of the owner, on such terms as may be agreed upon between such owner or the owner's designee and the real estate broker or real estate salesperson," provided the estimate is not referred to or construed as an appraisal.

The estimate may be given for the purpose of:

- a prospective listing or sale of such real estate;

- providing information to the seller or landlord under a listing agreement; or
- providing information to a prospective buyer or tenant under a buyer or tenant agency agreement.

**Note:** If an owner executes a listing contract with the real estate broker or salesperson who makes a value estimate for the sale of real estate which contains any building or other structure, occupied or intended to be occupied by no more than four families, then the owner must be given a credit against any compensation the owner pays on account of the listing contract for any fee paid by the owner for the estimate.

Connecticut law is otherwise silent regarding broker price opinions.

Statute amended 2014.

[Conn. Gen. Stat. § 20-526 \(2019\)](#)

## Connecticut, Penalties

Connecticut does not generally regulate broker price opinions. See "Licensure Requirements."

## Connecticut, Valuation Uses

Connecticut does not generally regulate broker price opinions. See "Licensure Requirements."

However, a licensed real estate broker or salesperson may estimate the value of real estate as part of a market analysis for the purpose of:

- a prospective listing or sale of such real estate;
- providing information to the seller or landlord under a listing agreement; or

- providing information to a prospective buyer or tenant under a buyer or tenant agency agreement.

Statute amended 2014.

[Conn. Gen. Stat. § 20-526 \(2019\)](#)

## Delaware

### Delaware, Allowed Valuations

A real estate licensee may perform a competitive market analysis as part of providing real estate services, but may not do so for the mortgagee on property that is the subject of a signed sale agreement.

Statute enacted 2011.

[Del. Code Ann. tit. 24, § 2931 \(2019\)](#)

### Delaware, Licensure Requirements

A Delaware-licensed real estate broker or salesperson may perform a competitive market analysis as part of providing real estate services.

"Competitive market analysis" (CMA) is "a service provided by a licensee for the purpose of providing either a potential listing price or use or a potential offering price or use in a real estate services transaction" in which "licensees compare properties whose characteristics are similar in location, style, size and amenities to provide an estimated market price or a potential use for a target property or area." A "CMA usually consists of an evaluation of similar properties that have recently sold, are currently under agreement to sell and are currently listed or offered for sale" and may also be referred to as a comparative market analysis, a comparable market analysis, a broker price opinion or broker's market analysis. It is not an appraisal.

Delaware's real estate appraiser licensing law does not apply to "any Delaware licensed real estate salesperson or broker, who prepares a competitive market analysis survey used only for the purpose of listing a property for sale or lease."

Section 4019 amended 2005; § 2902 amended 2011; § 2931 enacted 2011.

[Del. Code Ann. tit. 24, §§ 2902, 2931, 4019 \(2019\)](#)

## Delaware, Penalties

The Delaware Real Estate Commission may impose any of the following sanctions for violations of the licensing law:

- issue a letter of reprimand;
- place the licensee on probationary status and require the licensee to (a) report regularly to the Commission upon the matters which are the basis for the probation; and/or (b) limit real estate services activities to those areas prescribed by the Commission;
- impose a penalty not to exceed \$5000 for each violation;
- suspend any licensee's license;
- revoke or permanently revoke any licensee's license; and/or
- require a licensee to complete continuing education courses in subjects specified by the Commission in addition to those required for licensure renewal.

Statute amended 2011.

[Del. Code Ann. tit. 24, § 2914 \(2019\)](#)

## Delaware, Valuation Uses

A real estate licensee may prepare a competitive market analysis only for:

- an existing or potential seller or owner for the purpose of listing a property for sale or lease; or
- an existing or potential buyer or tenant for the purpose of purchasing or leasing a property for sale or lease

The following disclosure must appear in at least a 12-point bold face type immediately following the estimated market price:

"Notwithstanding any language to the contrary contained herein, this Competitive Market Analysis is NOT an appraisal of the market value for property and is not intended to be used for any legal purpose including approval of a mortgage loan, modification of a mortgage loan, divorce/property separation, estate settlement, bankruptcy proceedings or any other purpose where real estate value is needed. If an appraisal is desired, the services of a licensed or certified appraiser must be obtained."

Statute enacted 2011.

[Del. Code Ann. tit. 24, § 2931 \(2019\)](#)

## District of Columbia

### District Of Columbia, Allowed Valuations

A real estate licensee may give an opinion of the price of real estate for the purpose of a prospective listing or sale or when making a Competitive Market Analysis (CMA) if:

- the licensee physically inspects the property; and
- the resulting opinion or CMA is not presented as an appraisal or referred to an appraisal.

A licensee may not give such an opinion or make a CMA if the licensee's employment is contingent upon the amount of the appraisal.

If the licensee has a present interest in the property for which an opinion is to be rendered or CMA made, that interest must be disclosed to the client.

Amended 2016.

[17 D.C. Mun. Regs. § 2609.15, .16, .17 \(2019\)](#)

## District Of Columbia, Licensure Requirements

The District of Columbia's real estate appraiser licensing law does not prohibit "a real estate broker or salesperson, in the ordinary course of business, from giving an opinion of the price of real estate for the purpose of a prospective listing or sale, if the opinion of the price does not refer to or cannot be construed as an appraisal."

Similarly the regulations governing appraisers promulgated by the Occupational & Professional Licensing Division of the Department of Consumer & Regulatory Affairs provide: **"Nothing in this chapter or the Act prohibits a person who holds an active real estate broker or real estate salesperson license issued by the D.C. Board of Real Estate from giving an opinion on the price of real estate or real property in the District for the purpose of a prospective listing or sale, or when making a Competitive Market Analysis (CMA), if the opinion or CMA complies with the requirements of [17 DCMR 2609.15](#)."**

Statute and regulation amended 2006.

[D.C. Code Ann. § 47-2853.153\(g\) \(2019\)](#); [17 D.C. Mun. Regs. § 2325.4 \(2019\)](#)

## District Of Columbia, Penalties

A real estate broker or salesperson may be subject to disciplinary action, and fines not to exceed \$2,500 per violation, if he or she has violated any regulation promulgated under the real estate licensing law, including those related to opinions of value and CMAs.

Enacted 1999.



[D.C. Code § 47-2853.197 \(2019\)](#)

## District Of Columbia, Valuation Uses

The District of Columbia does not generally regulate broker price opinions. See "Licensure Requirements" and "Allowed Valuations."

## Florida

### Florida, Allowed Valuations

Florida does not generally regulate broker price opinions. See "Licensure Requirements."

### Florida, Licensure Requirements

Florida's real estate appraiser licensing law does not apply to "a real estate broker or sales associate who, in the ordinary course of business, performs a comparative market analysis, gives a price opinion, or gives an opinion of the value of real estate" provided the analysis or opinion is not referred to or construed as an appraisal.

**Note:** The real estate broker/salesperson licensing law contains identical language, as an exception to a provision that allows discipline of a licensee if he or she violates any standard for the development or communication of a real estate appraisal **as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation.**

The appraiser law also states that it does not preclude a Florida-licensed real estate broker, sales associate or broker associate who is not a Florida-licensed or -certified real estate appraiser from providing valuation services for compensation, provided he or she does not represent himself or herself as a certified, licensed or registered appraiser.

Florida law is otherwise silent regarding broker price opinions.

Section 475.25 amended 2012; § 475.612 amended 2017.

[Fla. Stat. §§ 475.25\(1\)\(t\), .612 \(2019\)](#)

### Florida, Penalties

Florida does not generally regulate broker price opinions. See "Licensure Requirements."

## Florida, Valuation Uses

Florida does not generally regulate broker price opinions. See "Licensure Requirements."

## Georgia

### Georgia, Allowed Valuations

Georgia does not generally regulate broker price opinions. See "Licensure Requirements."

### Georgia, Licensure Requirements

Georgia's real estate appraiser licensing law exempts a Georgia real estate licensee (i.e., broker or salesperson) "who, in the ordinary course of real estate brokerage business, gives a broker's price opinion, competitive market analysis, or any other written or oral opinion to a potential seller, purchaser, landlord, tenant, or third party as to the recommended listing, lease, rental, or purchase price of real estate or real property." The opinion may not be referred to as an "appraisal."

Georgia law is otherwise silent regarding broker price opinions.

Statute amended 2019.

Ga. Code Ann. § 43-39A-24 (LexisNexis 2019)

### Georgia, Penalties

Georgia does not generally regulate broker price opinions. See "Licensure Requirements."

### Georgia, Valuation Uses

Georgia does not generally regulate broker price opinions. See "Licensure Requirements."

## Guam

### Guam, Allowed Valuations

Guam does not generally regulate broker price opinions. See "Licensure Requirements."

### Guam, Licensure Requirements

Guam's real estate appraiser licensing law does not apply to a Guam-licensed real estate broker or salesperson who in the ordinary course of business gives a value of the prices of real estate,

provided federally insured financing is not involved and the evaluation is not referred or construed to as an appraisal.

Guam law is otherwise silent regarding broker price opinions.

Statute amended 2010.

[Guam Code Ann. tit. 22, § 30103 \(2019\)](#)

## Guam, Penalties

Guam does not generally regulate broker price opinions. See "Licensure Requirements."

## Guam, Valuation Uses

Guam does not generally regulate broker price opinions. See "Licensure Requirements."

## Hawaii

### Hawaii, Allowed Valuations

Hawaii does not generally regulate broker price opinions. See "Licensure Requirements."

### Hawaii, Licensure Requirements

Hawaii's real estate appraiser licensing law exempts licensed real estate brokers and salespersons who provide opinions as to the estimated price of real estate, whether or not the broker or salesperson receives compensation for the opinion, provided:

- the opinion states that it is not an appraisal; and
- the broker or salesperson does not represent that he or she is a certified or licensed real estate appraiser.

The broker or salesperson may not receive additional compensation for providing an estimated price opinion if he or she receives compensation related to the sale of the property.

Hawaii law is otherwise silent regarding broker price opinions.

Statute amended 2011.

[Haw. Rev. Stat. § 466K-4 \(2018\)](#)

## Hawaii, Penalties

Hawaii does not generally regulate broker price opinions. See "Licensure Requirements."

## Hawaii, Valuation Uses

Hawaii does not generally regulate broker price opinions. See "Licensure Requirements."

## Idaho

### Idaho, Allowed Valuations

Any real estate licensee may prepare and present a price opinion for the purpose of a prospective listing or prospective sale (also known as a comparative market analysis).

Only a broker or associate broker, whose license is active and in good standing, may prepare and present a broker price opinion (BPO) for any purpose, for which a fee may be charged, provided it is in writing and contains:

- a statement of the intended purpose of the BPO;
- a brief description of the subject property and property interest to be priced;
- the basis of reasoning used to reach the conclusion of the price, including the applicable market data and/or capitalization computation;
- any assumptions or limiting conditions;

- a disclosure of any existing or contemplated interest of the broker(s) issuing the BPO;
- the name and signature of the broker(s) issuing the price opinion and the date of its issuance;
- a disclaimer that, unless the broker is licensed under the Idaho real estate appraisers act, chapter 41, title 54, Idaho Code, the report is not intended to meet the Uniform Standards of Professional Appraisal Practice; and
- a disclaimer that the BPO is not intended to be an appraisal of the market value of the property, and that if an appraisal is desired, the services of a licensed or certified appraiser should be obtained.

An associate broker who prepares a BPO must notify the designated broker and may not accept any fee except through the designated broker.

Statute amended 2013.

[Idaho Code Ann. § 54-4105 \(2019\)](#)

## Idaho, Licensure Requirements

An actively licensed salesperson or broker may in the ordinary course of business, give an opinion of the price of real estate for the purpose of a prospective listing or sale.

However, only an actively licensed broker or associate broker may prepare and render a broker price opinion (BPO). A "broker price opinion" is a written opinion, rendered by an actively licensed broker or associate broker for a purpose other than a prospective listing or sale, that complies with requirements of Idaho Code § 54-4105.

Sections 54-2004 amended 2017, § 54-2038 amended 2011; § 54-4105 amended 2013; Guideline history unknown.

[Idaho Code §§ 54-2004\(6\), -2038\(3\), -4105\(2\), \(3\) \(2019\); Idaho Real Estate Comm'n, Guideline #20, "Joint Guideline on Broker Price Opinions" \(July 2011\)](#)

## Idaho, Penalties

Any licensee that prepares and provides a price opinion that does not comply with the law is subject to imposition of the following disciplinary measures by the Real Estate Commission:

- temporary license suspension;
- permanent license revocation;
- a formal reprimand;
- a civil penalty, not to exceed \$5000; and/or
- assessment of costs and attorney fees for investigation and proceedings expenses.

Section 54-2038 amended 2011; § 54-2059 amended 2018.

[Idaho Code Ann. §§ 54-2038\(3\), -2059 \(2019\)](#)

## Idaho, Valuation Uses

A broker price opinion may not be used as an appraisal, or in lieu of an appraisal, in a federally related transaction.

Statute amended 2013.

## Illinois

### Illinois, Allowed Valuations

A real estate broker or managing broker may prepare or provide a broker price opinion (BPO) or comparative market analysis (CMA) for:

- an existing or potential buyer or seller, or lessor or lessee, of an interest in real estate;
- "a third party making decisions or performing due diligence related to the potential listing, offering, sale, option, lease, or acquisition price of an interest in real estate;" or
- an existing or potential lienholder or other third party for any purpose other than as the primary basis to determine the market value of an interest in real estate for the purpose of a mortgage loan origination by a financial institution secured by such real estate.

A BPO or CMA must be in writing, paper or electronic, and must include:

- the intended purpose of the BPO or CMA;
- a brief description of the real property that is the subject of the BPO or CMA;
- a brief description of the methodology used to develop the BPO or CMA;
- any assumptions or limitations;
- disclosure of any existing or contemplated interest of the broker or managing broker in the subject real estate interest;

- the name, license number and signature of the broker or managing broker that developed the BPO or CMA;
- a statement in substantially the following form:

"This is a broker price opinion/comparative market analysis, not an appraisal of the market value of the real estate, and was prepared by a licensed real estate broker or managing broker who was not acting as a State certified real estate appraiser."; and
- other items deemed appropriate by the broker or managing broker.

A "broker price opinion" is "an estimate or analysis of the probable selling price of a particular interest in real estate, which may provide a varying level of detail about the property's condition, market, and neighborhood and information on comparable sales."

A "comparative market analysis" is an analysis or opinion regarding pricing, marketing, or financial aspects relating to a specified interest in real estate that may be based upon an analysis of comparative market data, the expertise of the real estate broker or managing broker, and such other factors as the broker or managing broker may deem appropriate in developing or preparing such analysis or opinion."

Note: The activities of a broker or managing broker in the ordinary course of business as a broker will not be deemed a broker price opinion or comparative market analysis if no compensation is paid to the broker, other than compensation based upon the sale or rental of real estate.

225 ILCS 454/1-10 amended 2018; /10-45 enacted 2019.

[225 ILCS 454/1-10, /10-45](#) (as amended by [2019 Ill. Pub. Act 100-071](#))

## Illinois, Licensure Requirements

The Illinois real estate appraiser law does not apply to a person who holds a valid real estate broker or managing broker license under the Real Estate License Act who prepares or provides a comparative market analysis or broker price opinion complying with [225 ILCS 454/10-45](#).



Statute amended 2015.

[225 Ill. Comp. Stat. 45/5-5\(c\) \(2019\)](#)

## Illinois, Penalties

The Department of Financial and Professional Regulation may in the case of any violation of the Real Estate Licensure Act, including provisions related to the rendering of BPOs and CMAs:

- refuse to renew a license;
- suspend, revoke or put on probation any license;
- reprimand a licensee;
- impose a fine of not more than \$25,000; or
- take any other disciplinary or nondisciplinary action deemed proper.

More specifically, Commission rules state that A broker or managing broker preparing a BPO or CMA that does not comply with section 10-45 of the Act is subject to discipline for:

- false, untruthful or misleading statements;
- inadequate or improper preparation of a broker price opinion or comparative market analysis; or
- any violation set forth in section 20-20.

Section amended 2018; regulation promulgated 2016.

[225 ILCS 454/20-20 \(2019\)](#); [Ill. Admin. Code tit. 68, § 1450.790 \(2019\)](#)

## Illinois, Valuation Uses

A broker price opinion or comparative market analysis may *not* be prepared for an existing or potential lienholder as the primary basis to determine the market value of an interest in real estate for the purpose of a mortgage loan origination by a financial institution secured by the real estate.

Section enacted 2019.

[225 ILCS 454/10-45](#) (as amended by [2019 Ill. Pub. Act 100-071](#))

## Indiana

### Indiana, Allowed Valuations

Indiana does not generally regulate broker price opinions. See "Licensure Requirements."

### Indiana, Licensure Requirements

Indiana's real estate appraiser licensing law does not preclude an Indiana-licensed real estate broker from appraising real estate in Indiana for compensation. An exemption is not provided for a salesperson.

Any broker who appraises real estate in Indiana must comply with the Uniform Standards of Professional Appraisal Practice as adopted in 876 Ind. Admin. Code 3-6-2 and 3-6-3.

Indiana law is otherwise silent regarding broker price opinions.

Statute amended 2008; regulation promulgated 2014.

[Ind. Code § 25-34.1-3-8 \(2019\); 876 Ind. Admin. Code 8-2-8 \(2019\)](#)

## Indiana, Penalties

Indiana does not generally regulate broker price opinions. See "Licensure Requirements."

## Indiana, Valuation Uses

Indiana does not generally regulate broker price opinions. See "Licensure Requirements."

## Iowa

### Iowa, Allowed Valuations

Iowa does not generally regulate broker price opinions. See "Licensure Requirements."

### Iowa, Licensure Requirements

Iowa's real estate appraiser licensing law provides that a person who is not an Iowa-certified appraiser may appraise real property for compensation if appraiser certification is not required by federal or state law, rule or policy.

Iowa law is otherwise silent regarding broker price opinions.

Statute amended 2007.

[Iowa Code § 543D.3 \(2019\)](#)

## Iowa, Penalties

Iowa does not generally regulate broker price opinions. See "Licensure Requirements."

## Iowa, Valuation Uses

Iowa does not generally regulate broker price opinions. See "Licensure Requirements."

## Kansas

### Kansas, Allowed Valuations

Kansas does not generally regulate broker price opinions. See "Licensure Requirements."

### Kansas, Licensure Requirements

The Kansas real estate appraiser licensing law does not preclude a Kansas-licensed real estate broker or salesperson from "performing and providing a comparative market analysis or broker's price opinion to a customer, client or third party for compensation in the ordinary course of business," provided the analysis or opinion is not referred to as an appraisal and the broker or salesperson does not refer to himself or herself as a certified or licensed appraiser.

"Broker's price opinion" and "comparative market analysis" mean an analysis, opinion or conclusion prepared by a Kansas-licensed real estate broker or salesperson "relating to the price of specified interests in or aspects of identified real estate property that is provided to a potential customer, client or third party in the ordinary course of business."

Kansas law is otherwise silent regarding broker price opinions.

Sections 58-4102 and -4103 amended 2008.

[Kan. Stat. Ann. §§ 58-4102\(c\), -4103\(f\) \(2018\)](#)

## Kansas, Penalties

Kansas does not generally regulate broker price opinions. See "Licensure Requirements."

## Kansas, Valuation Uses

Kansas does not generally regulate broker price opinions. See "Licensure Requirements."

## Kentucky

### Kentucky, Allowed Valuations

Kentucky does not generally regulate broker price opinions. See "Licensure Requirements."

Note, however, that the Kentucky Real Estate Commission has advised licensees that:

"Agents and brokers are often asked to perform Broker Price Opinions, commonly called "BPO's," for companies that need a value for a property. Licensees are able to perform this service as part of their licensure activities. Therefore, this activity falls under license law, specifically KRS 324.160(4)(f), the statute which requires an agent to be paid for real estate brokerage only by his or her principal

broker. The Commission receives a lot of inquiries about this, because the companies sometimes choose to send the payments directly to the agent. As the above information shows, this is not allowed under license law."

[Ky. Real Estate Comm'n, Kentucky Real Estate News, p. 3 \(Fall 2008\)](#)

## Kentucky, Licensure Requirements

Kentucky law does not address broker price opinions, comparative market analyses or other real estate valuations by real estate licensees. The Kentucky appraisal management licensing act exempts a real estate broker or agent authorized to do business in Kentucky.

Statute amended 2013.

[Ky. Rev. Stat. § 324A.164 \(2019\)](#)

## Kentucky, Penalties

Kentucky does not generally regulate broker price opinions. See "Licensure Requirements."

## Kentucky, Valuation Uses

Kentucky does not generally regulate broker price opinions. See "Licensure Requirements."

# Louisiana

## Louisiana, Allowed Valuations

Louisiana does not generally regulate broker price opinions. See "Licensure Requirements."

Note, however, that Real Estate Commission rules do require that records of "appraisal, broker price opinions, and comparative market analyses" must be maintained for at least five years.

Promulgated 2017.

[La. Admin. Code tit. 46, § 1803 \(2019\)](#)

## Louisiana, Licensure Requirements

Louisiana's real estate appraiser licensing law does not preclude "a licensed real estate broker or salesperson from performing a broker price opinion/comparative market analysis in the ordinary course of the practice of real estate," provided he or she does not represent himself or herself as being a licensed real estate appraiser.

"Broker price opinion/comparative market analysis" is "an analysis of recent sales of similar properties by a real estate salesperson or broker to derive an indication of the probable sales price of a particular property for the salesperson's or broker's principal."

Louisiana law is otherwise silent regarding broker price opinions.

Section 37:3392 amended 2014; § 37:3393 amended 2009.

[La. Rev. Stat. §§ 37:3392\(5\), ;3393\(E\) \(2018\)](#)

## Louisiana, Penalties

Louisiana does not generally regulate broker price opinions. See "Licensure Requirements."

## Louisiana, Valuation Uses

Louisiana does not generally regulate broker price opinions. See "Licensure Requirements."

## Maine

### Maine, Allowed Valuations

A real estate licensee may provide a *free* opinion of value to a buyer or seller when the licensee is soliciting the buyer or seller to provide brokerage services and *before* an agreement to provide services has been reached or executed. After any such solicitation, a transaction broker may *not* provide market value advice to either party.

A licensee must advise a client of any factors known to the licensee or, if acting reasonably, should have been known by the licensee, that may materially impact the client's interest as it pertains to the market value of the real estate.

**Note:** A licensee who provides comparable market data to a buyer or seller for the buyer or seller to determine market value or list price is performing a ministerial act.

Amended 2013.

[02-039 Me. Code R. § 410.3 \(2019\)](#)

## Maine, Licensure Requirements

"Real estate appraisal activity" that requires licensure under Maine's real estate appraiser licensing law does not include appraisals or opinions of value prepared by Maine actively licensed real estate brokers or associate brokers rendered for purposes other than federally related transactions.

Any such opinion or appraisal must contain the following language in bold print in a prominent location:

"This opinion or appraisal was prepared solely for the client, for the purpose and function stated in this report and is not intended for subsequent use. It was not prepared by a licensed or certified appraiser and may not comply with the appraisal standards of the uniform standards of professional appraisal practice."

Section enacted 1999.

[Me. Rev. Stat. tit. 32, § 14004 \(2018\)](#)

## Maine, Penalties

### Judicial Sanctions

A licensee who violates any provision of the Real Estate Brokerage Act commits a civil violation for which a court may impose a fine of not more than \$2000 for each violation, plus the amount of compensation received in the subject transaction. Any court of competent jurisdiction may try any violation and, upon conviction, may at its discretion revoke or suspend the license of the person or entity so convicted. The State may bring an action to enjoin any person from violating the Act, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted.

**Note:** A violation includes performing or attempting to perform acts that constitute prohibited practices. Any officer or agent of an entity who personally participates in or is accessory to a violation is subject to the above penalties.

### Administrative Sanctions

The Real Estate Commission may impose a variety of sanctions for violations of the Real Estate Brokerage Act, including:

- a civil penalty of up to \$1500;
- refusal to renew a license;
- revocation of a license;
- issuance of a warning, reprimand or censure; or
- suspension of a license for up to 90 days.

Title 10, § 8003 amended 2017; tit. 32, § 13005 amended 2001; § 13067-A amended 2017.

[Me. Rev. Stat. tit. 10, § 8003 \(5-A\); tit. 32, §§ 13005, 13067-A \(2018\)](#)

### Maine, Valuation Uses

A real estate broker or associate broker may not knowingly provide or offer an appraisal or opinion of market value on real estate in a transaction if he or she, or any other licensee licensed with the agency, is to receive a fee on that transaction.



A broker or associate broker may not prepare an appraisal or market value opinion for purposes of a federally related transaction.

Each opinion or appraisal must contain the following language in bold print in a prominent location:

"This opinion or appraisal was prepared solely for the client, for the purpose and function stated in this report and is not intended for subsequent use. It was not prepared by a licensed or certified appraiser and may not comply with the appraisal standards of the uniform standards of professional appraisal practice."

Section 13251-A amended 1999; § 14004 enacted 1999.

[Me. Rev. Stat. tit. 32, §§ 13251-A, 14004 \(2018\)](#)

## Maryland

### Maryland, Allowed Valuations

A licensee may prepare a CMA of a specific property for a client, prospective client, or customer, which analysis must include on the first page:

#### COMPETITIVE MARKET ANALYSIS DISCLOSURE

This analysis is not an appraisal. It is intended only for the purpose of assisting buyers or sellers or prospective buyers or sellers in deciding the listing, offering, or sale price of the real property.

If a property in which the licensee has an interest is included as one of the comparables, that fact must be disclosed to the client, prospective client, or customer.

Promulgated 2004.

[Md. Code Regs. 09.11.02.02\(F\) \(2019\)](#)

### Maryland, Licensure Requirements

For purposes of Maryland's real estate appraiser licensing law, an "appraisal" does not include an opinion to a potential seller or third party by a Maryland-licensed real estate broker, associate broker or salesperson about the recommended listing price or recommended purchase price, provided the opinion is not referred to as an appraisal.

Maryland law is otherwise silent regarding broker price opinions.

Statute amended 2018.

[Md. Code Ann., Bus. Occ. & Prof. § 16-101\(b\)\(3\) \(2018\)](#)

## Maryland, Penalties

Maryland does not generally regulate broker price opinions. See "Licensure Requirements."

## Maryland, Valuation Uses

The Maryland Real Estate Commission advises that in a short-sale transaction a real estate licensee may conduct "a Comparative Market Analysis (CMA), which a lender/servicer may refer to as a Broker's Price Opinion (BPO)" and that the licensee "may communicate with the lender/servicer regarding the value of the proposed short-sale property, including topics such as neighborhood conditions and comparable sales within the community."

Revised 2013.

[Md. Real Estate Comm'n, "Guidance for Licensees in Short-Sale Transactions" \(last visited Aug. 9, 2019\)](#)

## Massachusetts

### Massachusetts, Allowed Valuations

Massachusetts does not generally regulate broker price opinions. See "Licensure Requirements."

### Massachusetts, Licensure Requirements

Massachusetts' real estate appraiser licensing law does not apply to a real estate broker or salesperson who, in the ordinary course of business, "gives an opinion of the price of real estate for

the purpose of a prospective listing, purchase, sale, or business valuation," provided the price opinion is not referred to as an appraisal.

Massachusetts law is otherwise silent regarding broker price opinions.

History unknown.

[Mass. Gen. Laws ch. 112, § 174\(B\) \(2018\)](#)

## Massachusetts, Penalties

Massachusetts does not generally regulate broker price opinions. See "Licensure Requirements."

## Massachusetts, Valuation Uses

Massachusetts does not generally regulate broker price opinions. See "Licensure Requirements."

## Michigan

### Michigan, Allowed Valuations

Michigan does not generally regulate broker price opinions. See "Licensure Requirements."

### Michigan, Licensure Requirements

For purposes of the real estate appraiser licensing law, "appraisal" does not include:

- a market analysis performed by a Michigan real estate licensee "solely for the purpose of assisting a customer or potential customer in determining the potential sale, purchase, or listing price of real property or the rental rate of real property," provided no fee or other consideration is charged; or
- a market analysis of real property for a fee performed by a Michigan-licensed broker or associate broker which does not involve a federally related transaction if the market analysis is put in writing and states in boldface print:

"This is a market analysis, not an appraisal and was prepared by a licensed real estate broker or associate broker, not a licensed appraiser."

Statute amended 2014.

[Mich. Comp. Laws § 339.2601 \(2019\)](#)

## Michigan, Penalties

A licensee who conducts or develops a market analysis that does not comply with [§ 339.2601\(a\)\(ii\)](#) is subject to the following penalties:

- placement of a limitation on a license;
- suspension or revocation of a license;
- denial of a license or renewal of a license;
- an administrative fine, not to exceed \$10,000;
- censure;
- probation; and/or
- requirement that restitution be made, based upon proofs submitted to and findings made by the hearing examiner after a contested case.

Section 339.2512 amended 2016; § 339.602 amended 2012.

[Mich. Comp. Laws §§ 339.2512, .602 \(2019\)](#)

## Michigan, Valuation Uses

Michigan does not generally regulate broker price opinions. See "Licensure Requirements."

## Minnesota

### Minnesota, Allowed Valuations

A Minnesota-licensed real estate broker or salesperson may prepare a broker price opinion (BPO) for:

- an existing or potential seller for the purposes of listing and selling a parcel of real property;
- an existing or potential buyer of a parcel of real property;
- a third party making decisions or performing due diligence related to the potential listing, offering, sale, exchange, option, lease, or acquisition price of a parcel of real property when prepared in accordance with Minn. Stat. § 82.735; or
- an existing or potential lienholder or other third party for any purpose other than as the primary basis to determine the value property for the purpose of a loan origination of a residential mortgage loan secured by property, when done in conjunction with the purchase of a consumer's principal dwelling, when prepared in accordance with Minn. Stat. § 82.735.

A broker may charge a fee for a BPO; a salesperson may not.

Unless the requesting party requires a specific report, a BPO must be in writing and contain:

- a statement of the BPO's intended purpose;
- a brief description of the subject property and property interest to be priced;
- the basis of reasoning used to reach the price opinion, including the applicable market data;

- any assumptions or limiting conditions;
- a disclosure of any existing or contemplated interest of the broker or salesperson issuing the BPO;
- the name of the broker or salesperson issuing the BPO;
- the name of the real estate brokerage that the broker or salesperson is acting on behalf of;
- the date of the BPO; and
- a disclaimer stating, "This opinion is not an appraisal of the market value of the property, and may not be used in lieu of an appraisal. If an appraisal is desired, the services of a licensed or certified appraiser must be obtained."

A BPO may be produced or transmitted electronically to any person entitled to receive it.

Statute amended 2014.

[Minn. Stat. § 82.735 \(2018\)](#)

## Minnesota, Licensure Requirements

A Minnesota-licensed real estate broker or salesperson may prepare and provide a broker price opinion (BPO), and the broker may charge a fee, if the license of that licensee is active and in good standing.

The real estate appraiser licensing law does not apply to a licensed broker or salesperson who prepares a BPO in accordance with Minn. Stat. § 82.735, or who prepares a market analysis in the ordinary course of business so long as it is not referred to as an appraisal.

A "broker price opinion" is "an estimate prepared by a real estate broker, real estate salesperson, or licensed real estate appraiser that details the probable selling price of a particular parcel of real property and provides a varying level of detail about the property's condition, market, and neighborhood, and information on comparable sales, but does not include an automated valuation model."

Sections 88.55 and 82.735 amended 2014; 82B.035 amended 2011.

[Minn. Stat. §§ 82.55, .735; 82B.035 \(2018\)](#)

## Minnesota, Penalties

The Commissioner of Commerce may by order deny, suspend or revoke any license or may censure a licensee if the Commissioner finds that the order is in the public interest and that the applicant or licensee has violated any provision of the real estate broker and salesperson law.

A person who violates the law is also guilty of a gross misdemeanor.

Sections 82.82 and 82.83 amended 2004.

[Minn. Stat. §§ 82.82, .83 \(2018\)](#)

## Minnesota, Valuation Uses

In connection with the purchase of consumer's principal dwelling, a broker price opinion may not be used as the primary basis to determine the value of a parcel of property for the purpose of a loan origination of a residential mortgage loan secured by the property

Section 82.735 amended 2014; § 82B.035 amended 2011.

## Mississippi

### Mississippi, Allowed Valuations

A real estate licensee may prepare a broker's price opinion (BPO) for:

- an existing or potential seller for the purposes of listing and selling a parcel of real property;
- an existing or potential buyer of a parcel of real property;
- a third party making decisions or performing due diligence related to the potential listing, offering, sale, exchange, option, lease or acquisition price of a parcel of real property; or
- an existing or potential lienholder or other third party for any purpose other than as the basis to determine the value of a parcel of real property, for a mortgage loan origination, including first and second mortgages, refinances, or equity lines of credit.

Effective July 1, 2012, a BPO must be in writing and contain the following:

- a statement of the intended purpose of the BPO;
- a brief description of the subject property and property interest to be priced;



- the basis of reasoning used to reach the price conclusion, including the applicable market data and/or capitalization computation;
- any assumptions or limiting conditions;
- a disclosure of any existing or contemplated interest of the broker or salesperson issuing the opinion;
- the effective date of the BPO;
- the name and signature of the broker or salesperson issuing the BPO;
- the name of the real estate brokerage firm for which the broker or salesperson is acting;
- the signature date;
- a disclaimer stating, "This opinion is not an appraisal of the market value of the property, and may not be used in lieu of an appraisal. If an appraisal is desired, the services of a licensed or certified appraiser must be obtained. This opinion may not be used by any party as the primary basis to determine the value of a parcel of real property for a mortgage loan origination, including first and second mortgages, refinances or equity lines of credit."; and

- a certification that the licensee is covered by errors and omissions insurance, to the extent required by Mississippi law, for all liability associated with the preparation of the BPO.

If a BPO is submitted electronically or on a form supplied by the requesting party the required signature may be an electronic signature, and signature and required disclaimer required may be transmitted in a separate attachment if the electronic format or form supplied by the requesting party does not allow additional comments to be written by the licensee. The electronic format or the form supplied by the requesting party must reference the existence of a separate attachment and include a statement that the BPO is not complete without the attachment.

In addition to conforming to statutory requirements, a BPO must conform to the Standards established by the National Association of Broker Price Opinion Professionals (NABPOP).

Under no circumstances may a BPO be referred to as an appraisal.

Statute enacted 2011.

Miss. Code Ann. § 73-35-4 (LexisNexis 2018); [30 Miss. Code R. pt. 1601, § 3.1\(G\) \(2019\)](#)

### Mississippi, Licensure Requirements

Mississippi's Real Estate Appraiser Law does not apply to active-status real estate licensees who perform a broker price opinion pursuant to Mississippi law.

A real estate licensee may prepare a broker's price opinion for a fee if the licensee's license is active and in good standing and the opinion meets the requirements of Miss. Code Ann. § 73-35-4.

A "broker's price opinion" is "an estimate prepared by a real estate broker, agent, or salesperson that details the probable selling price of a particular piece of real estate property and provides a varying level of detail about the property's condition, market, and neighborhood, and information on comparable sales, but does not include an automated valuation model."

Sections 73-34-5, 73-35-3 amended 2011; § 73-35-4 enacted 2011.

Miss. Code Ann. §§ 73-34-5, -35-3, -4 (LexisNexis 2018)

### Mississippi, Penalties

The Real Estate Commission may suspend or revoke a license for a violation of the law governing real estate brokers and salespersons.

Additionally, any person convicted of a first violation of the law may be punished by a fine of not less than \$500 nor more than \$ 1000 and/or by imprisonment for a term not to exceed 90 days, and upon a second conviction a fine of not less than \$1000 nor more than \$2000 and/or imprisonment for not more than six months.

A corporation convicted of a first violation may be punished by a fine of not more than \$2000 and upon a second conviction by a fine of not less than \$2,000 nor more than \$5000.

Section 73-35-21 amended 2016; § 73-35-31 amended 2005.

Miss. Code Ann. §§ 73-35-21, -31 (LexisNexis 2018)

### Mississippi, Valuation Uses

A broker's price opinion (BPO) may not be used as the basis to determine the value of a parcel of real property, for a mortgage loan origination, including first and second mortgages, refinances, or equity lines of credit.

A licensee may not prepare a BPO for any purpose in lieu of an appraisal when federal or state law requires an appraisal. A BPO which estimates value or worth of a parcel of real estate rather than sales price is deemed an appraisal and must be prepared by a licensed appraiser and meet the requirements of regulations adopted by the Mississippi Real Estate Appraiser Licensing and Certification Board.

A BPO may be used in conjunction with or in addition to an appraisal.

Statute enacted 2011.

Miss. Code Ann. § 73-35-4 (LexisNexis 2018)

## Missouri

### Missouri, Allowed Valuations

Missouri does not generally regulate broker price opinions. See "Licensure Requirements."

### Missouri, Licensure Requirements

Missouri's real estate appraiser licensing law exempts a licensed real estate broker or salesperson who prepares a comparative market analysis or a broker price opinion.

A "broker price opinion" is defined as "an opinion of value prepared by a real estate licensee, that includes, but is not limited to, analysis of competing properties, comparable sold properties, recommended repairs and costs or suggested marketing techniques."

A "comparative market analysis" is defined as "the analysis of sales of similar recently sold properties in order to derive an indication of the probable sales price of a particular property undertaken by a licensed real estate broker or agent, for his or her principal."

A broker price opinion or a comparative market analysis must specifically state it is not an appraisal.

Missouri law is otherwise silent regarding broker price opinions.

Sections 339.501 and 339.503 amended 2012.

[Mo. Rev. Stat. §§ 339.501, .503 \(2019\)](#)

### Missouri, Penalties

Missouri does not generally regulate broker price opinions. See "Licensure Requirements."

### Missouri, Valuation Uses

Missouri does not generally regulate broker price opinions. See "Licensure Requirements."

## Montana

### Montana, Allowed Valuations

Montana does not generally regulate broker price opinions. See "Licensure Requirements."

### Montana, Licensure Requirements

Montana's real estate appraiser licensure law does not preclude a person who is not a licensed or certified real estate appraiser from appraising, for compensation, real property for transactions not related to a federal agency or project, provided the person does not purport to be licensed or certified as a real estate appraiser.

Montana law is otherwise silent regarding broker price opinions.

Statute amended 2003.

[Mont. Code Ann. § 37-54-201\(3\) \(2017\)](#)

### Montana, Penalties

Montana does not generally regulate broker price opinions. See "Licensure Requirements."

### Montana, Valuation Uses

Montana does not generally regulate broker price opinions. See "Licensure Requirements."

## Nebraska

### Nebraska, Allowed Valuations

No fee or other consideration may be charged for a broker's price opinion or comparative market analysis other than a real estate commission or brokerage fee charged or paid for brokerage services rendered in connection with the sale of the real estate involved unless the opinion or analysis:

- is in writing, signed by the preparer;
- includes the date on which it was prepared; and
- contains or has attached thereto the following disclosure in bold fourteen-point type:

"This opinion or analysis is not an appraisal. It is intended only for the benefit of the addressee for the purpose of assisting buyers or sellers or prospective buyers or sellers in deciding the listing, offering, or sale price of the real property, for lending purposes in a transaction other than a federally related transaction, or for real property tax appeal purposes. This opinion or analysis is not governed by the Real Property Appraiser Act."

A "broker's price opinion" is an analysis, opinion or conclusion prepared by a Nebraska-licensed broker or salesperson in the ordinary course of his or her business relating to the price of specified interests in or aspects of identified real estate or identified real property for the purpose of:

- listing, purchase, or sale;
- originating, extending, renewing, or modifying a loan in a transaction other than a federally related transaction; or
- real property tax appeals.

A "comparative market analysis" is an analysis, opinion, or conclusion prepared by a Nebraska-licensed real estate broker or salesperson in the ordinary course of his or her business relating to the price of specified interests in or aspects of identified real estate or identified real property by comparison to other real property currently or recently in the marketplace for the purpose of:

- listing, purchase, or sale;
- originating, extending, renewing, or modifying a loan in a transaction other than a federally related transaction; or
- real property tax appeals.

A designated broker must maintain records related to all licensed activity under the broker's supervision. When a BPO or CMA is performed for compensation other than a real estate commission or brokerage fee charged or paid for brokerage services rendered in connection with the sale of real estate, records related to such opinion or analysis must be maintained for five years after it is completed.

Section 81-885.01 amended 2016; § 81-885.16 amended 2015. Regulation amended 2017.

[Neb. Rev. Stat. §§ 81-885.01\(15\), \(16\), .16 \(2018\); 299 Neb. Admin. Code § 3-001.04 \(2019\)](#)

## Nebraska, Licensure Requirements

The Nebraska Real Property Appraiser Act does not apply to a Nebraska-licensed real estate broker or salesperson who, in the ordinary course of his or her business, gives a broker's price opinion or comparative market analysis, provided the opinion or analysis is not referred to as an appraisal.

Statute amended 2015.

[Neb. Rev. Stat. § 81-885.16 \(2018\)](#)

## Nebraska, Penalties

The Real Estate Commission may for each violation alleged in a complaint for which the Commission has made a finding of guilt:

- revoke or suspend licenses issued under the Nebraska Real Estate License Act;
- censure licensees;
- enter into consent decrees;
- issue cease and desist orders; and/or
- impose a civil fine, which may not exceed \$2500 per complaint.

Statute amended 2010.

[Neb. Rev. Stat. § 81-885.10 \(2018\)](#)

## Nebraska, Valuation Uses

A broker's price opinion or comparative market analysis prepared for an existing or potential lienholder originating, extending, renewing, or modifying a loan in a transaction, other than a federally related transaction, may not be used as the sole basis to determine the value of the real estate for the purpose of originating a loan secured by such real estate. The person giving the opinion or analysis must be engaged directly by the lienholder or its agent and need not inquire as to any other basis used to determine such value.

Statute amended 2015.

[Neb. Rev. Stat. § 81.885.16 \(2018\)](#)

Nevada



## Nevada, Allowed Valuations

A licensee may prepare a broker's price opinion (BPO) for:

- an existing or potential seller for the purposes of listing and selling a parcel of real property;
- an existing or potential buyer of a parcel of real property;
- a third party making decisions or performing due diligence related to the potential listing, offering, sale, exchange, option, lease or acquisition price of real property; or
- an existing or potential lienholder, except that a BPO prepared for an existing or potential lienholder may not be used in lieu of an appraisal for the purpose of determining whether to approve a mortgage loan.

A BPO must include:

- a statement of the BPO's intended purpose;
- a brief description of the real property and interest in the property for which the BPO is being prepared;
- the basis used to determine the BPO, including, without limitation, any applicable market data and the computation of capitalization;
- any assumptions or limiting conditions used to determine the BPO;
- the date the BPO is issued;

- a disclosure of any existing or contemplated interest of every licensee who prepares or provides the BPO, including, without limitation, the possibility of a licensee representing the seller or purchaser;
- the license number, name and signature of every licensee who prepares or provides the BPO;
- if a licensee who prepares or provides the BPO is a real estate salesperson or broker-salesperson, the name of the broker with whom the licensee is associated; and
- in at least 14-point bold type, the following disclaimer:

Notwithstanding any preprinted language to the contrary, this opinion is not an appraisal of the market value of the property. If an appraisal is desired, the services of a licensed or certified appraiser must be obtained.

If a BPO is submitted electronically or on a form provided by the person requesting the BPO, the required signature may be an electronic signature and the signature and the required disclosure may be transmitted in a separate attachment if the electronic form or the form supplied by the requestor does not allow additional comments.

Statute enacted 2009.

[Nev. Rev. Stat. § 645.2515 \(2017\)](#)

## Nevada, Licensure Requirements

A Nevada-licensed real estate broker or salesperson may prepare and provide a broker's price opinion (BPO) for a fee if:

- the license of that licensee is active and in good standing; and

- the BPO meets the requirements Nev. Rev. Stat. § 645.2515.

A broker is responsible for the preparation of a BPO by a licensee associated with the broker.

A "broker's price opinion" is a written analysis, opinion or conclusion that a licensee prepares for a person described in the statute (*see* "Allowed Valuations") relating to the estimated price for a specified parcel of real property.

Statute enacted 2009.

[Nev. Rev. Stat. § 645.2515 \(2017\)](#)

## Nevada, Penalties

If a licensee violates any provision of the law governing real estate licensees, the Real Estate Commission may:

- require the violator to pay an administrative fine not to exceed \$10,000;
- suspend or revoke the violator's license;
- deny the renewal of the violator's license;
- place conditions on the violator's license.

Section 645.630 amended 2007; § 645.633 amended 2015.

[Nev. Rev. Stat. §§ 645.630, .633 \(2017\)](#)

## Nevada, Valuation Uses

A broker's price opinion prepared for an existing or potential lienholder may not be used in lieu of an appraisal for the purpose of determining whether to approve a mortgage loan.

Enacted 2009.

[Nev. Rev. Stat. § 645.2515 \(2017\)](#)

## New Hampshire

### New Hampshire, Allowed Valuations

A licensee may not:

- accept employment or compensation for a comparative market analysis of real property contingent upon reporting a predetermined value; or
- issue a comparative market analysis on any real property in which the broker or salesperson has an interest, unless that interest is clearly stated in the market analysis report.

Statute amended 2015.

[N.H. Rev. Stat. Ann. § 331-A:26\(XIV\), \(XV\) \(2018\)](#)

### New Hampshire, Licensure Requirements

The provisions of New Hampshire's real estate appraiser licensing law do not:

- apply to a New Hampshire-licensed real estate licensee (i.e., broker or salesperson) when performing comparative market analyses or broker price opinions pursuant to permitted activities regulated by the New Hampshire Real Estate Commission; or

- preclude a person who is not certified or licensed as a real estate appraiser from appraising real estate for non-federally related transactions for compensation.

Statute amended 1997.

[N.H. Rev. Stat. Ann. § 310-B:3 \(2018\)](#)

## New Hampshire, Penalties

The Real Estate Commission may impose the following sanctions on a licensee found to have violated the Real Estate Practice Act:

- suspend, revoke or deny a license or the renewal of such license;
- levy a fine not to exceed \$2000 for each offense; and/or
- require the person to complete a course or courses in selected areas of real estate practice relevant to the section of the Act violated.

The Commission may also issue a cease and desist order if a violation is found to have occurred.

Statute amended 2014.

[N.H. Rev. Stat. Ann. § 331-A:28 \(2018\)](#)

## New Hampshire, Valuation Uses

A person who is not certified or licensed as a real estate appraiser may appraise real estate for non-federally related transactions for compensation.

Statute amended 1997.

[N.H. Rev. Stat. Ann. § 310-B:3 \(2018\)](#)

## New Jersey

### New Jersey, Allowed Valuations

New Jersey does not generally regulate broker price opinions. See "Licensure Requirements."

### New Jersey, Licensure Requirements

A person not licensed pursuant to New Jersey's real estate appraiser licensing may "give or offer to give, for compensation or otherwise, counsel and advice on pricing, listing, selling and use of real property, directly to a property owner or prospective purchaser if the intended use of the counsel or advice is solely for the individual knowledge of or use by the property owner or prospective purchaser."

In addition, a New Jersey or federally chartered bank, savings bank or savings and loan association may obtain and use appraisals made by a person who is not a New Jersey-licensed or certified real estate appraiser, if the underlying transaction is a federally related transaction for which federal law and regulation do not require that a certified or licensed appraiser be used.

The current Real Estate Commission rule provides: "'Appraisal' as used herein is given its technical meaning as a study and analysis by an appraiser authorized by law to perform appraisals of New Jersey real estate to ascertain fair market value by using a process in which all factors that would fix price in the market place must be considered. A comparative market analysis or study is not an appraisal as herein defined. Any written comparative market study or analysis (CMA) provided by a licensee to a consumer shall include a statement indicating that the CMA is not an appraisal and should not be considered the equivalent of an appraisal. The said statement shall appear in print as large as the predominant size print in any writing reporting the results of the CMA."

A November 2012 Advisory Opinion issued by the New Jersey Real Appraisers Board addressed the questions of whether real estate licensees (brokers) who render BPOs or CMAs are engaged in the unlicensed practice of appraising. The Board concluded that a broker can only legally prepare a BPO or CMA in New Jersey if it is prepared pursuant to one of the two exemptions discussed above. Otherwise it violates the appraiser licensing law.

To resolve any conflict between the Board's Advisory opinion and the current Commission rule, the Commission has advised,

"in lieu of the statement that a CMA or BPO 'is not an appraisal,' they may include a statement in all written CMAs and BPOs they prepare indicating that the 'CMA or BPO should not be considered the equivalent of an appraisal prepared by a New Jersey licensed or certified real estate appraiser.' Such a statement should appear in print as large as the predominant size print in the written CMA or BPO. Licensees who do so will be deemed to be compliance with N.J.A.C. 11:5-6.1(m)(3)."

Broker-salespersons and salespersons may not accept payment directly from consumers, including banks or individuals, for rendering a BPO or CMA; they may only accept payment from the broker with whom they are licensed.

Statute amended 1997; regulation amended 2012.

[N.J. Stat. Ann. § 45:14F-21 \(2019\)](#); N.J. Admin. Code 11:5-6.1(m) (LexisNexis 2017); [N.J. Real Estate Comm'n Bulletin No. 13-05 \(Mar. 19, 2013\)](#); [N.J. Real Estate Appraisers Bd. Advisory Op. \(Nov. 27, 2012\)](#)

## New Jersey, Penalties

New Jersey does not generally regulate broker price opinions. See "Licensure Requirements."

## New Jersey, Valuation Uses

In a 2013 Bulletin, the New Jersey Real Estate Board stated the following as to permitted uses of BPOs or CMAs:

"Regarding the use of CMAs and BPOs, some licensees may be preparing them for use by consumers in proceedings such as tax appeals, divorce, probate, and bankruptcy proceedings, or with respect to real estate financing issues. The Commission rules do not govern whether such uses of a CMA or BPO are permissible or advisable. Whether CMAs or BPOs will be accepted in such proceedings and, if accepted, what weight to afford to them, are determinations solely within the province of the court or administrative body before which the proceeding is held. Licensees and consumers may wish to consult with their own legal counsel concerning this issue."

[N.J. Real Estate Comm'n Bulletin No. 13-05 \(Mar. 19, 2013\)](#)

## New Mexico

### New Mexico, Allowed Valuations

New Mexico does not generally regulate broker price opinions. See "Licensure Requirements."

### New Mexico, Licensure Requirements

The registration, licensing or certification requirement of New Mexico's real estate appraiser licensing law does not apply to New Mexico licensed "qualifying or associate broker . . . who gives

an opinion of the price of real estate for the purpose of marketing, selling, purchasing, leasing or exchanging such real estate or any interest therein or for the purpose of providing a financial institution with a collateral assessment of any real estate in which the financial institution has an existing or potential security interest." The opinion may not be referred to or construed as an appraisal or appraisal report.

Statute amended 2014.

[N.M. Stat. § 61-30-10\(E\) \(2019\)](#)

## New Mexico, Penalties

New Mexico does not generally regulate broker price opinions. See "Licensure Requirements."

## New Mexico, Valuation Uses

A real estate licensee's opinion of price may not be used as the primary basis for determining value of real estate for loan origination purposes.

Statute amended 2014.

[N.M. Stat. § 61-30-10\(E\) \(2019\)](#)

## New York

### New York, Allowed Valuations

New York does not generally regulate broker price opinions. See "Licensure Requirements."

### New York, Licensure Requirements

New York appraiser licensing and certification law does not preclude a person who is not a New York certified or licensed real estate appraiser or a licensed real estate appraiser assistant from appraising real estate for compensation.

History unknown.



[N.Y. Exec. Law § 160-b \(2019\)](#)

## New York, Penalties

New York does not generally regulate broker price opinions. See "Licensure Requirements."

## New York, Valuation Uses

New York does not generally regulate broker price opinions. See "Licensure Requirements."

## North Carolina

### North Carolina, Allowed Valuations

Effective October 2012, a broker price opinion (BPO) or comparative market analysis (CMA) may be prepared for:

- an existing or potential seller or buyer of a parcel of real property;
- an existing or potential lessor or lessee of a parcel of or interest in real property;
- a third party making decisions or performing due diligence related to the potential listing, offering, sale, option, lease, or acquisition price of a parcel of or interest in real property; or
- an existing or potential lienholder or other third party for any purpose other than as the basis to determine the value of a parcel of or interest in property, for a mortgage loan origination, including first and second mortgages, refinances, or equity lines of credit.

A BPO or CMA must be in writing and must include:

- a statement of the intended purpose of the BPO or CMA;
- a brief description of the subject property and property interest to be priced;
- the basis of reasoning used to reach the conclusion of the price, including the applicable market data or capitalization computation;
- any assumptions or limiting conditions;
- a disclosure of any existing or contemplated interest of the broker issuing the broker price opinion, including the possibility of representing the landlord/tenant or seller/buyer;
- the BPO's effective date;
- the name, signature and broker license number of the broker issuing the BPO;
- the name of the real estate brokerage firm for which the broker is acting;
- the signature date;
- a disclaimer stating: "This opinion is not an appraisal of the market value of the property, and may not be used in lieu of an appraisal. If an appraisal is

desired, the services of a licensed or certified appraiser shall be obtained. This opinion may not be used by any party as the primary basis to determine the value of a parcel of or interest in real property for a mortgage loan origination, including first and second mortgages, refinances, or equity lines of credit.";

- a copy of the assignment request for the BPO or CMA.

In addition, a BPO or CMA must include the following:

- a description of the comparable properties used in the analysis, including any unsold properties listed for sale or rent that were used;
- adjustments made to the selling or leasing prices of comparable properties;
- local real estate market conditions;
- if the date on which the sale or lease of a comparable property became final is more than six months prior to the effective date of the BPO or CMA, an explanation of why the comparable property was used and a description of the market conditions affecting it at the time the sale or lease became final; and
- each method used in deriving the estimated probable selling or leasing price.

If a BPO is submitted electronically or on a form supplied by the requesting party, the required signature may be an electronic signature, and the signature and required disclaimer required may be transmitted in a separate attachment if the electronic format or form supplied by the requesting party does not allow additional comments to be written by the licensee.

A broker price opinion or comparative market analysis may not include the reporting of a predetermined result.

**Exception:** The above requirements do not apply to any BPO or CMA performed by a licensee for no fee or consideration.

A broker may accept a BPO or CMA assignment only if he or she has:

- knowledge of the real estate market;
- direct access to sales or leasing data; and
- brokerage or appraisal experience in the geographic area of the subject property.

A broker may not provide a BPO or CMA unless he or she has personally inspected the interior or exterior of the subject property, except that such inspection is not required if it is waived in writing by the party for whom the BPO or CMA is provided.

In connection with a BPO or CMA:

- an estimated probable leasing price may be reported as a lease rate; and
- an estimated probable selling or leasing price may be reported either as a single figure or a price range.

**Note:** If stated as a price range and the higher figure exceeds the lower figure by more than 10% the broker must include an explanation for the range.

Statute enacted 2012; regulation promulgated 2012.

[N.C. Gen Stat. § 93A-83 \(2018\); 21 N.C. Admin. Code 58A.2202 \(2019\)](#)

### North Carolina, Licensure Requirements

Effective October 1, 2012, a licensed real estate broker, other than a provisional broker, may prepare a broker price opinion (BPO) or comparative market analysis (CMA) for a fee if:

- the licensee's license is active and in good standing;
- the BPO or CMA meets the requirements of N.C. Gen. Stat. § 93A-83; and
- the licensee does not represent himself or herself as a registered trainee or licensed or certified real estate appraiser.

"Broker price opinion" and "comparative market analysis" mean "an estimate prepared by a licensed real estate broker that details the probable selling price or leasing price of a particular parcel of or interest in property and provides a varying level of detail about the property's condition, market, and neighborhood, and information on comparable properties, but does not include an automated valuation model."

Sections 93A-82, -83 enacted 2012; § 93E-1-3 amended 2018.

[N.C. Gen. Stat. §§ 93A-82, -83; 93E-1-3 \(2018\)](#)

## North Carolina, Penalties

Any person convicted of violating a provision of the law governing real estate brokers is guilty of a Class I misdemeanor punishable by up to six months of imprisonment.

The Real Estate Commission may suspend or revoke a license or censure or reprimand any licensee found to have violated the law or regulations promulgated thereunder.

Section 93A-6 amended 2011; § 93A-8 amended 2019.

[N.C. Gen. Stat. §§ 93A-6, -8 \(2018\)](#)

## North Carolina, Valuation Uses

A broker price opinion (BPO) or comparative market analysis (CMA) prepared for an existing or potential lienholder or other third party may not be used as the basis to determine the value of a parcel of or interest in property, for a mortgage loan origination, including first and second mortgages, refinances, or equity lines of credit.

A licensee may not knowingly prepare a BPO or CMA for any purpose in lieu of an appraisal when state or federal law requires an appraisal. A BPO or CMA that estimates the value of or worth a parcel of or interest in real estate rather than a sales or leasing price is deemed to be an appraisal, which may only be prepared by a licensed or certified appraiser and which must meet the regulations adopted by the North Carolina Appraisal Board.

A BPO or CMA may be used in conjunction with or in addition to an appraisal.

Statute enacted 2012.

[N.C. Gen. Stat. § 93A-83 \(2018\)](#)

## North Dakota

### North Dakota, Allowed Valuations

North Dakota does not generally regulate broker price opinions. See "Licensure Requirements."

### North Dakota, Licensure Requirements

North Dakota's real estate appraiser licensing law does not apply to a licensed real estate broker or salesperson who, in the ordinary course of business gives:

- an opinion to a potential seller or third party as to the recommended listing price of real estate; or
- an opinion to a potential purchaser or third party as to the recommended purchase price of real estate.

Any such opinion may not be referred to as an "appraisal."

North Dakota law is otherwise silent regarding broker price opinions.

History unknown.

[N.D. Cent. Code § 43-23.3-04 \(2019\)](#)

### North Dakota, Penalties

North Dakota does not generally regulate broker price opinions. See "Licensure Requirements."

### North Dakota, Valuation Uses

North Dakota does not generally regulate broker price opinions. See "Licensure Requirements."

## Ohio

### Ohio, Allowed Valuations

Ohio does not generally regulate broker price opinions. The "Canons of Ethics for the Real Estate Industry" posted at the website of the Division of Real Estate and Professional Licensing does, however, contain the following provisions, which offer some guidance to licensees:

- "Article 13. When asked to provide an appraisal (formal or informal), price opinion, comparative market analysis or any other task that is intended to determine the value of a property, a licensee shall not render that opinion without the careful analysis and interpretation of all factors affecting the property, and should not mislead their client as to the value of the property."
- "Article 14. The licensee should not undertake to provide professional services concerning a property or its value where the licensee has a present or contemplated interest unless such interest is specifically disclosed to all affected parties. Nor should the licensee make a formal appraisal when the licensee's employment or fee charged for the appraisal is contingent upon the amount of the appraisal. "
- "Article 15. The licensee should not attempt to provide an appraisal, price opinion, comparative market analysis or any other task that is intended to determine the value of a property, if the subject property is of a type that is outside the field of expertise of the licensee unless, the licensee obtains the assistance of another licensee or appraiser who has expertise in this type of property."

Ohio statutes and regulations are silent regarding broker price opinions.

History unknown.

[Canons of Ethics for the Real Estate Industry](#) (undated) (posted at Div. of Real Estate & Professional Licensing website)

### Ohio, Licensure Requirements



Ohio statutes and regulations are silent regarding broker price opinions. See "Allowed Valuations."

### Ohio, Penalties

Ohio statutes and regulations are silent regarding broker price opinions. See "Allowed Valuations."

### Ohio, Valuation Uses

Ohio statutes and regulations are silent regarding broker price opinions. See "Allowed Valuations."

## Oklahoma

### Oklahoma, Allowed Valuations

No statutes or regulations referencing broker price opinions, competitive market analyses or other real estate evaluations by real estate licensees were located.

The Real Estate Commission does provide the following information with respect to the term "comparable market analysis" (CMA): "Prior to selling or purchasing real estate the Seller or Buyer may engage the services of a real estate licensee who will render a CMA giving the Seller or Buyer an idea of the value of the property they desire to sell or purchase. The CMA is based on sales that have occurred recently in proximity to the subject property. The CMA should not be confused with a real estate Appraisal that must be prepared by a person licensed with the Oklahoma Insurance Department."

[Okla. Real Estate Comm'n, Contract Information Booklet, pp. 17-18 \(Feb. 2018\)](#)

### Oklahoma, Licensure Requirements

No statutes or regulations referencing broker price opinions, competitive market analyses or other real estate valuations by real estate licensees were located.

### Oklahoma, Penalties

No statutes or regulations referencing broker price opinions, competitive market analyses or other real estate valuations by real estate licensees were located.

### Oklahoma, Valuation Uses

No statutes or regulations referencing broker price opinions, competitive market analyses or other real estate valuations by real estate licensees were located.

## Oregon

### Oregon, Allowed Valuations

A real estate licensee may provide a competitive market analysis (CMA) and letter opinions, whether for a fee or not, when:

- he or she is giving an opinion in pursuit of a listing;
- assisting a potential buyer in formulating an offer; or
- providing a broker's price opinion.

A CMA or letter opinion must be in writing and contain at least the following:

- a statement of purpose and intent;
- a brief property description;
- the basis for the value, including the applicable market data and/or capitalization computation;
- any limiting conditions;
- a disclosure of any existing or contemplated interest of the licensee in the subject property;
- the licensee's signature and the date it was prepared;

- a disclaimer that, unless the licensee is also licensed by the Oregon Appraiser Certification and Licensure Board, the report is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice; and
- a disclaimer that the CMA or letter opinion is not intended as an appraisal and that if an appraisal is desired, the services of a competent professional licensed appraiser should be obtained.

The word "value" as used in a CMA or letter opinion is the estimated worth or price for a specific property and is not intended to imply the "value" was arrived at by any method of appraisal.

Regulation amended 2017.

[Or. Admin. R. 863-015-0190 \(2019\)](#)

## Oregon, Licensure Requirements

"Real estate licensees may provide competitive market analyses and letter opinions in the normal course of their business when they are giving an opinion in pursuit of a listing, to assist a potential buyer in formulating an offer, or to provide a broker's price opinion, whether or not done for a fee."

A "competitive market analysis" is "a method or process used by a real estate licensee in pursuing a listing agreement or in formulating an offer to acquire real estate in a transaction for the sale, lease, lease-option, or exchange of real estate," and may be expressed as an opinion of the value of the real estate in a contemplated transaction. "Competitive market analysis may include but is not limited to an analysis of market conditions, public records, past transactions and current listings of real estate."

A "letter opinion" is "a document that expresses a real estate licensee's conclusion regarding a recommended listing, selling or purchase price or a rental or lease consideration of certain real estate and that results from the licensee's competitive market analysis."

Regulation amended 2017; § 696.010 amended 2017, § 696.294 enacted 2007.

[Or. Rev. Stat. §§ 696.010, .294 \(2017\); Or. Admin R. 863-015-0190 \(2019\)](#)

## Oregon, Penalties

The Real Estate Commissioner may for any violation of governing statutes or rules, and specifically for accepting employment or compensation "for the preparation of a competitive market analysis or letter opinion that is contingent upon reporting a predetermined value or for real estate in which the real estate licensee had an undisclosed interest":

- suspend or revoke a license;
- reprimand any licensee; or
- deny renewal of a license.

Statute amended 2017.

[Or. Rev. Stat. § 696.301 \(2017\)](#)

## Oregon, Valuation Uses

Real estate licensees may provide a "lending collateral analysis" or "default collateral analysis," if the analysis is used solely for the internal purposes of a financial institution and, in the case of a "lending collateral analysis," any loan transaction at issue is less than \$250,000.

"Lending collateral analysis" means a real property market analysis for use by a lending institution in support of a loan application.

"Default collateral analysis" means a real property market analysis for use by a lending institution in considering its actions with respect to a loan in default.

If a real estate broker completes a lending collateral analysis or default collateral analysis on a property in which he or she has either a current, active listing agreement or is representing the buyer or seller in a pending transaction, the broker must disclose to the buyer and seller the broker's relationships with the lending institution.

History amended 2017.

[Or. Admin. R. 863-015-0190 \(2019\)](#)

## Pennsylvania

### Pennsylvania, Allowed Valuations

#### *Broker price opinion*

A real estate licensee may perform a broker price opinion (BPO), which is defined as an "estimate prepared by a broker, associate broker or salesperson that details the probable selling price of a particular parcel of real property and provides a varying level of detail about the property's condition, market and neighborhood, and information on comparable sales, but does not include an automated valuation model" as defined by federal law.

A BPO must contain the following statement displayed conspicuously verbatim:

"This analysis has not been prepared in accordance with the Uniform Standards of Professional Appraisal Practice which require valuers to act as unbiased, disinterested third parties with impartiality, objectivity and independence and without accommodation of personal interest. It is not to be construed as an appraisal and may not be used as such for any purpose."

Any fees charged for a BPO must be paid to the broker.

A BPO must be signed manually or electronically by the person who prepared it and must contain:

- an identification of the intended users and uses of the BPO, if known;

- a brief description of the subject property and the property interest to be priced;
- the basis for the conclusion as to the price, including applicable market data or capitalization computation;
- any assumption or limiting condition;
- any existing or contemplated interest of the licensee who prepared the BPO;
- the effective date of the BPO and the date the document is signed and
- the preparer's real estate license number.

### *Comparative market analysis*

A real estate licensee may perform a comparative market analysis (CMA), which is defined as a written analysis, opinion or conclusion by a licensee relating to the probable sale or rental price of a specified parcel of real property in an identified real estate market at a specified time, which is prepared for:

- an existing or potential seller, buyer, lessor or lessee of the parcel; or
- a person making decisions or performing due diligence related to the potential listing, offering, sale, option, lease or acquisition price of the parcel.

A CMA must contain the following statement printed conspicuously verbatim on the first page:

"This analysis has not been performed in accordance with the Uniform Standards of Professional Appraisal Practice which requires valuers to act as unbiased, disinterested third parties with impartiality, objectivity and independence and without accommodation of personal interest. It is not to be construed as an appraisal and may not be used as such for any purpose."

Any fees charged for a CMA must be paid to the broker

Regulation 35.201 amended 2012; § 35.340 adopted 2002; statutes enacted 2018.

[Pa. Code tit. 49, §§ 35.201, .340 \(2019\); 2018 Pa. Laws Act 75 \(H.B. 863\)](#)

## Pennsylvania, Licensure Requirements

A real estate licensee may perform a comparative market analysis and a broker price opinion.

However, a licensee may not prepare a BPO, and a broker or associate broker may not sign a salesperson's BPO, unless he or she:

- has satisfied the requirements prescribed by Commission rules to obtain education in the preparation of broker price opinions; and
- has completed at least three hours of continuing education during the current or immediately preceding two-year license period in BPO topics prescribed by the rules.

In addition, a salesperson may not prepare a BPO unless the salesperson has held an active license for the three years immediately preceding the effective date of the BPO. A BPO prepared by a salesperson must be signed by the broker or an associate broker designated by the broker in addition to the salesperson.

Enacted 2018.

[2018 Pa. Laws Act 75 \(H.B. 863\)](#)

## Pennsylvania, Penalties

The Pennsylvania Real Estate Commission may levy a penalty of up to \$1000 on any licensee who violates any provision of the Real Estate Licensing and Registration Act.

Statute enacted 1984.

1980 Pa. Pub. L 35, No.9, § 305

## Pennsylvania, Valuation Uses

A licensee may prepare a BPO only for use in conjunction with:

- a property owned by a lender after an unsuccessful sale at a foreclosure auction;
- a modification of a first or junior mortgage or equity line of credit;
- a short sale of a property; or
- an evaluation or monitoring of a portfolio of properties.

A BPO may not be prepared for use:

- as the basis to determine the value of a parcel of real property for a mortgage loan origination, including a first or junior mortgage, refinancing or equity line of credit; or
- in connection with: (i) an eminent domain proceeding; (ii) a federal, state or local tax appeal; (iii) a bankruptcy or insolvency proceeding; (iv) an action or proceeding involving divorce or equitable distribution of property; (v) any other action or proceeding before a court of record; or (vi) the distribution of a decedent's estate.



A BPO may be used in conjunction with or in addition to an appraisal.

Enacted 2018.

[2018 Pa. Laws Act 75 \(H.B. 863\)](#)

## Puerto Rico

### Puerto Rico, Allowed Valuations

No statutes or regulations referencing broker price opinions, competitive market analyses or other real estate evaluations by real estate licensees were located.

### Puerto Rico, Licensure Requirements

No statutes or regulations referencing broker price opinions, competitive market analyses or other real estate evaluations by real estate licensees were located.

### Puerto Rico, Penalties

No statutes or regulations referencing broker price opinions, competitive market analyses or other real estate evaluations by real estate licensees were located.

### Puerto Rico, Valuation Uses

No statutes or regulations referencing broker price opinions, competitive market analyses or other real estate evaluations by real estate licensees were located.

## Rhode Island

### Rhode Island, Allowed Valuations

A Rhode Island-licensed real estate salesperson or real estate broker may provide his or her client with a broker price opinion (BPO) or a comparative market analysis (CMA), if he or she discloses that the BPO or CMA is not an appraisal that conforms to the Uniform Standards of Professional Appraisal Practice and includes on the BPO or CMA the following disclaimer:

"This opinion or analysis is not a certified appraisal or an appraisal that conforms to the Uniform Standards of Professional Appraisal Practice (USPAP). It is intended only for the benefit of the addressee for the purpose of assisting buyers or sellers or

prospective buyers or sellers in deciding the listing offering, or sale price of the real property and not for any other purpose, including but not limited to, lending purpose excepting that specifically provided under R.I. Gen. Laws § 5-20.7-3."

Regulatory chapter renumbered and amended 2017.

[230-30-20 R.I. Code R. § 2.27 \(2019\)](#)

## Rhode Island, Licensure Requirements

A Rhode Island-licensed real estate broker or salesperson who is not certified as a real estate appraiser under Rhode Island law may not appraise real property for compensation, but may in the ordinary course of business give a written or oral opinion of value of real estate for the purposes of a prospective listing, purchase, sale or business valuation, provided the opinion is not referred to as an appraisal.

Section amended 2009; regulatory chapter amended 2017.

[R.I. Gen. Laws § 5-20.7-3 \(2018\)](#); [230-30-20 R.I. Code R. § 2.27 \(2019\)](#)

## Rhode Island, Penalties

The Director of the Department of Business Regulation may, for any violation of the real estate broker/salesperson licensing law or regulations, impose any of the following sanctions:

- an administrative penalty of up to \$2000;
- place a licensee on probation for up to one year;
- revoke or suspend the violator's license.

In case any licensee has received any money, or the equivalent, as a fee, commission, compensation, or profit by or in consequence of a violation of any provision of the licensing law, he or she is liable for a penalty of not less than the sum of money received and not more than three times the sum

received, which penalty may be recovered in any court of competent jurisdiction by any person aggrieved.

Section 5-20.5-14 amended 2018, § 5-20.5-17 enacted 1973.

[R.I. Gen. Laws §§ 5-20.5-14, -17 \(2018\)](#)

## Rhode Island, Valuation Uses

If a dual facilitation situation arises after a comparative market analysis was prepared for a seller client or buyer client, the dual facilitator may only provide the CMA to the other party with the prior consent of the party for whom it was initially prepared. A dual facilitator may not prepare a CMA for either party after a dual facilitation situation arises "as it may adversely affect one party's bargaining position relative to the other party."

A "dual facilitator" is a single real estate licensee who, with the prior consent of both parties assists a seller client and a buyer client in the same transaction, subject to the limitations of [R.I. Gen. Laws § 5-20.6-6](#).

Section 5-20.6-2 amended 2014; § 5-20.6-6(4) amended 2014.

[R.I. Gen. Laws §§ 5-20.6-2, -6\(4\) \(2018\)](#)

## South Carolina

### South Carolina, Allowed Valuations

South Carolina does not generally regulate broker price opinions. See "Licensure Requirements."

### South Carolina, Licensure Requirements

The licensing requirements of South Carolina's real estate appraiser law do not apply to a South Carolina-licensed real estate broker salesman or property manager who performs a market analysis or gives an opinion as to the price of real estate provided the analysis or opinion is not referred to as an appraisal. Before performing a market analysis, a real estate licensee must disclose to the requesting party:

"This market analysis may not be used for the purposes of obtaining financing in a federally-related transaction."

South Carolina law is otherwise silent regarding broker price opinions.

Statute enacted 2016.

[S.C. Code Ann. § 40-60-30\(1\) \(2018\)](#)

## South Carolina, Penalties

South Carolina does not generally regulate broker price opinions. See "Licensure Requirements."

## South Carolina, Valuation Uses

South Carolina does not generally regulate broker price opinions. See "Licensure Requirements."

## South Dakota

### South Dakota, Allowed Valuations

South Dakota does not generally regulate broker price opinions. See "Licensure Requirements."

### South Dakota, Licensure Requirements

South Dakota's real estate appraiser licensing law does not apply to a licensed real estate broker, or any broker employee, "when appraising within the scope of the broker's license." A broker who performs an appraisal must comply with the uniform appraisal standards established under the appraiser licensing law. See [S.D. Admin. R. § 20.69.10.03 \(2018\)](#) ("In developing an appraisal, a broker or broker associate under a broker's supervision must be aware of, understand, and correctly employ the recognized methods and techniques as required by § 20:14:06:01.>").

A licensed real estate broker or salesperson "may perform a broker price opinion or comparative market analysis for purposes of purchase, sale, lease, rental or exchange of real property."

"Accepting employment or compensation for appraising real estate contingent upon reporting a predetermined value or issuing an appraisal report on real estate in which a licensee has an undisclosed interest" constitutes unprofessional conduct.

"[B]roker price opinion and comparative market analysis, mean an estimate prepared by a licensed broker or salesperson that details the probable selling price or leasing price of a particular parcel of or interest in real property and provides a varying level of detail about the property's condition,

market and neighborhood, and information on comparable properties, but does not include an automated valuation model. A broker price opinion or a comparative market analysis is not an appraisal."

South Dakota law is otherwise silent regarding broker price opinions.

Sections 36-21A-6, -12, and -71 amended 2013; § 36-21B-8 enacted 1995; § 36-21A-12.2 enacted 2013.

[S.D. Codified Laws §§ 36-21A-6, -12, -12.2, -71; -21B-8 \(2018\)](#)

## South Dakota, Penalties

South Dakota does not generally regulate broker price opinions. See "Licensure Requirements."

## South Dakota, Valuation Uses

South Dakota does not generally regulate broker price opinions. See "Licensure Requirements."

## Tennessee

### Tennessee, Allowed Valuations

Tennessee does not generally regulate broker price opinions. See "Licensure Requirements."

### Tennessee, Licensure Requirements

Tennessee's Licensing and Certified Real Estate Appraisers Law does not apply to a Tennessee-licensed real estate broker or salesperson who, in the ordinary course of business, "gives an opinion to a potential seller or third party as to the recommended listing price of real estate or an opinion to a potential purchaser or third party as to the recommended purchase price of real estate" provided:

- the opinion is not referred to as an appraisal; and
- no opinion is rendered as to the value of the real estate.

Additionally, the appraiser licensing law does not apply to any evaluation of the value of real estate serving as collateral for a loan made by a federally regulated financial institution or to any evaluation of the value of the assets of a trust held by the institution; provided:

- the applicable federal regulator does not require an appraisal by a state-licensed or state-certified appraiser for the loan or trust;
- the evaluation is used solely by the financial institutions in their records to document the collateral or asset value; and
- the evaluation is labeled on its face "this is not an appraisal."

Individuals may be compensated for performing such evaluations.

Tennessee law is otherwise silent regarding broker price opinions.

Statute amended 1994.

Tenn. Code Ann. § 62-39-104 (LexisNexis 2019)

## Tennessee, Penalties

Tennessee does not generally regulate broker price opinions. See "Licensure Requirements."

## Tennessee, Valuation Uses

Tennessee does not generally regulate broker price opinions. See "Licensure Requirements."

## Texas

### Texas, Allowed Valuations

If a real estate licensee provides a broker price opinion (BPO), comparative market analysis (CMA) or estimated worth or sale price, the licensee must also provide the person for whom the opinion or

analysis is prepared with a written statement containing the following language verbatim in at least 12-point font as part of the opinion or report:

"This represents an estimated sale price for this property. It is not the same as the opinion of value in an appraisal developed by a licensed appraiser under the Uniform Standards of Professional Appraisal Practice."

A salesperson may prepare, sign, and present a BPO or CMA for the salesperson's sponsoring broker, but the salesperson must submit the BPO or CMA in the broker's name, and the broker is responsible for it.

Regulation amended 2017.

[22 Tex. Admin. Code § 535.17 \(2019\)](#)

## Texas, Licensure Requirements

A Texas-licensed real estate broker or salesperson acting under the authority of a sponsoring broker may provide a written analysis, opinion or conclusion relating to the estimated price of real property provided it is:

- not referred to as an appraisal;
- given in the ordinary course of business; and
- related to the actual or potential acquisition, disposition, encumbrance or management of a real property interest.

Statutes amended 2015.

[Tex. Occ. Code Ann. §§ 1101.002\(1\)\(A\)\(xi\), 1103.004\(2\) \(2017\)](#)

## Texas, Penalties

The Commissioner may suspend or revoke a license if a licensee violates the governing law or regulations in addition to or instead of assessing a range of administrative monetary penalties as set out in the Commission's regulations.

Regulation amended 2018.

[22 Tex. Admin. Code § 535.191 \(2017\)](#)

## Texas, Valuation Uses

A real estate licensee must provide a broker price opinion or comparative market analysis on a property when negotiating a listing or offering to purchase the property for the licensee's own account as a result of contact made while acting as a real estate agent.

Regulation amended 2014.

[22 Tex. Admin. Code § 535.16 \(2017\)](#)

## Utah

### Utah, Allowed Valuations

Utah does not generally regulate broker price opinions. See "Licensure Requirements."

### Utah, Licensure Requirements

Utah's Real Estate Appraiser Licensing and Certification Act does not require licensure of a Utah-licensed principal broker, associate broker or sales agent who, in the ordinary course of his or her business, gives an opinion regarding the value of real estate to a potential seller or third party recommending a listing price of real estate or to a potential buyer or third-party recommending a purchase price. Such a value opinion may not be referred to as an appraisal.

Utah law is otherwise silent regarding broker price opinions.

Statute amended 2019.



[Utah Code Ann. § 61-2g-301\(2\)\(a\) \(2019\)](#)

## Utah, Penalties

Utah does not generally regulate broker price opinions. See "Licensure Requirements."

## Utah, Valuation Uses

Utah does not generally regulate broker price opinions. See "Licensure Requirements."

## Vermont

### Vermont, Allowed Valuations

Vermont does not generally regulate broker price opinions. See "Licensure Requirements."

### Vermont, Licensure Requirements

The Vermont Board of Real Estate Appraisers rules state that an appraiser's license is not required to perform appraisals for transactions that are not federally related.

History unknown.

[Vt. Bd. of Real Estate Appraisers Rule 1.1\(b\) \(2019\)](#)

## Vermont, Penalties

Vermont does not generally regulate broker price opinions. See "Licensure Requirements."

## Vermont, Valuation Uses

Vermont does not generally regulate broker price opinions. See "Licensure Requirements."

## Virgin Islands

### Virgin Islands, Allowed Valuations

The U.S. Virgin Islands does not generally regulate broker price opinions. See "Licensure Requirements."

### Virgin Islands, Licensure Requirements

The Virgin Islands real estate appraiser licensing law does not apply to a Virgin Islands-licensed real estate broker or salesperson who, "in the ordinary course of real estate

brokerage business, gives a broker's price opinion, competitive market analysis, or any other written or oral opinion to a potential seller, purchaser, landlord, tenant, or third party as to the recommended listing, lease, rental, or purchase price of real estate or real property." Such an opinion may not be referred to as an appraisal.

Virgin Islands law is otherwise silent regarding broker price opinions.

Statute amended 2002.

V.I. Code Ann. tit. 27, § 449(c)(2) (LexisNexis 2018)

## Virgin Islands, Penalties

The U.S. Virgin Islands does not generally regulate broker price opinions. See "Licensure Requirements."

## Virgin Islands, Valuation Uses

The U.S. Virgin Islands does not generally regulate broker price opinions. See "Licensure Requirements."

## Virginia

### Virginia, Allowed Valuations

Virginia does not generally regulate broker price opinions. See "Licensure Requirements."

### Virginia, Licensure Requirements

A Virginia-licensed real estate broker or salesperson "who, in the ordinary course of business, provides a valuation or analysis of real estate for a fee" is not subject to the real estate appraiser licensing law, provided he or she does not hold himself or herself out as a real estate appraiser and, the valuation and is not referred to as an appraisal. The valuation may not be used in lieu of an appraisal performed by a licensed appraiser.

Statute amended 2017; Guidance document posted Dec. 12. 2009.

[Va. Code Ann. § 54.1-2010 \(2019\)](#); see generally [Va. Real Estate Bd. "Broker Price Opinion Guidance Document" \(Dec. 4, 2009\)](#) (reminding licensees that general provisions governing real estate practice apply to activity of preparing BPO)

## Virginia, Penalties

Virginia does not generally regulate broker price opinions. See "Licensure Requirements."

## Virginia, Valuation Uses

A valuation or analysis of real estate prepared by a licensed real estate broker or salesperson may not be used in lieu of an appraisal performed by a licensed appraiser.

Statute amended 2017.

[Va. Code Ann. § 54.1-2010 \(2019\)](#)

## Washington

### Washington, Allowed Valuations

If the broker's price opinion is written, or given as evidence in any legal proceeding, and is issued to a person who is not a prospective seller, buyer, lessor, or lessee as the only intended user, then the broker's price opinion must contain a statement, in an obvious location within the written document or specifically and affirmatively in spoken testimony, that substantially states:

"This brokers price opinion is not an appraisal as defined in chapter 18.140 RCW and has been prepared by a real estate licensee, licensed under chapter 18.85 RCW, who . . . . (is/is not) also state-certified or state-licensed as a real estate appraiser under chapter 18.140 RCW."

Statute amended 2005.

[Wash. Rev. Code § 18.140.020\(6\) \(2018\)](#)

### Washington, Licensure Requirements

A Washington-licensed real estate broker or salesperson may issue a broker's price opinion (BPO). The Washington Real Estate Commission has stated:

"We have determined that an individual must be actively licensed in order to issue a broker's price opinion. Please be advised that it is considered a violation . . . for a licensee to receive a

commission, compensation, or any form of valuable consideration from anyone except the licensed real estate broker with whom he or she is licensed."

Additionally, any person may perform an appraisal or appraisal review for a financial institution or mortgage broker if the appraisal or review is not required to be performed by a state-certified or state-licensed real estate appraiser by the appropriate federal financial institution regulatory agency.

A "broker's price opinion" is "an oral or written report of property value" that is prepared by a licensed real estate broker or salesperson.

Section 18.85.011 amended 2017; § 18.140.020 amended 2005.

[Wash. Rev. Code §§ 18.85.011\(17\)\(f\); 18.140.020\(6\), \(7\) \(2018\): Wash. Real Estate Comm'n, Resources and publications, Law and policy changes, "Policy on broker price opinions" \(last visited Aug. 13, 2019\)](#)

## Washington, Penalties

A violation may result in the following actions by the Real Estate Commissioner:

- revocation of the license for an interval of time;
- suspension of the license for a fixed or indefinite term;
- restriction or limitation of the practice;
- satisfactory completion of a specific program of remedial education or treatment;
- monitoring of the practice in a manner directed by the Commission;

- censure or reprimand;
- compliance with conditions of probation for a designated period of time;
- payment of a fine for each violation found, not to exceed \$5000 per violation;
- denial of an initial or renewal license application for an interval of time; or
- other corrective action.

Statute amended 2016.

[Wash. Rev. Code § 85.235.110 \(2018\)](#)

## Washington, Valuation Uses

A broker's price opinion issued by a Washington-licensed real estate broker or salesperson may not be used as an appraisal in conjunction with a federally related transaction.

Statute amended 2005.

[Wash. Rev. Code § 18.140.020 \(2018\)](#)

## West Virginia

### West Virginia, Allowed Valuations

West Virginia does not generally regulate broker price opinions. See "Licensure Requirements."

### West Virginia, Licensure Requirements

The West Virginia Real Estate Appraiser Licensing and Certification Act does not apply to a West Virginia-licensed real estate broker or salesperson who, in the ordinary course of his or her

business, gives an opinion to a potential seller or third party as to a recommended listing price on real estate or to a potential purchase or third party on a recommended purchase price, provided:

- the opinion as to price is not referred to as an appraisal;
- no opinion is rendered as to the value of the real estate; and
- no fee is charged for the opinion.

West Virginia law is otherwise silent regarding broker price opinions.

History unknown.

[W. Va. Code § 30-38-1\(c\)\(1\) \(2018\)](#)

## West Virginia, Penalties

West Virginia does not generally regulate broker price opinions. See "Licensure Requirements."

## West Virginia, Valuation Uses

West Virginia does not generally regulate broker price opinions. See "Licensure Requirements."

## Wisconsin

### Wisconsin, Allowed Valuations

Wisconsin does not generally regulate broker price opinions. See "Licensure Requirements."

### Wisconsin, Licensure Requirements

The Wisconsin real estate appraiser licensing law does not preclude a person who is not a certified appraiser or licensed appraiser, such as a real estate licensee, from appraising real estate if the person does not:

- use the title “Wisconsin certified appraiser,” “Wisconsin certified general appraiser,” “Wisconsin certified residential appraiser” or any similar title unless the person holds an applicable appraiser certificate;
- describe or refer to an appraisal of real estate located in Wisconsin by the term “Wisconsin certified” or Wisconsin licensed” or any similar term unless the person holds an applicable appraiser certificate or license; or
- use the title “Wisconsin licensed appraiser” or any similar title unless the person is a certified appraiser or licensed appraiser.

Wisconsin law is otherwise silent regarding broker price opinions.

Section 458.02 amended 1991; § 458.055 amended 1993.

[Wis. Stat. Ann. §§ 458.02, .055 \(2019\)](#)

## Wisconsin, Penalties

Wisconsin does not generally regulate broker price opinions. See "Licensure Requirements."

## Wisconsin, Valuation Uses

Wisconsin does not generally regulate broker price opinions. See "Licensure Requirements."

## Wyoming

### Wyoming, Allowed Valuations

Wyoming does not generally regulate broker price opinions. See "Licensure Requirements."

### Wyoming, Licensure Requirements

A real estate licensee (i.e., broker, associate broker or salesman) may prepare a broker's price opinion:

- to a potential seller or third party recommending a listing price of real estate;

- to a potential buyer or third party recommending a purchase price of real estate; or
- to a third party, for any purpose permitted by law.

The opinion, whether printed or electronic, must include the following statement:

"This is an opinion of price and is not a certified appraisal of the market value of the property. If such an appraisal is desired, the service of a certified appraiser must be obtained."

A "broker's price opinion" is "an estimate prepared by a [real estate] licensee that details the probable selling price of real estate and provides a varying level of detail about the real estate's condition, market and neighborhood and information about sales of comparable real estate."

Section 33-28-102 amended 2017; § 33-28-125 enacted 2012.

Wyo. Stat. Ann. §§ 33-28-102, -125 (2019)

## Wyoming, Penalties

Wyoming does not generally regulate broker price opinions. See "Licensure Requirements."

## Wyoming, Valuation Uses

Wyoming does not generally regulate broker price opinions. See "Licensure Requirements."