



North Dakota Association of REALTORS®

To advocate for the success of our members in partnership with our local Associations and the National Association of REALTORS®

March 11, 2025

Testimony in Opposition of HB 1354

Chairman Barta  
Senate Industry and Business Committee  
North Dakota Senate  
600 East Boulevard Avenue  
Bismarck, ND 58505

Chairman Barta and Members of the Senate Industry and Business Committee, for the record my name is Jill Beck, and I am the CEO representing the North Dakota Association of REALTORS® (NDAR).

The North Dakota Association of REALTORS® membership is made up of more than 2,200 REALTORS® and more than 250 Business Partner members.

We oppose this bill in its current form but are offering two section amendments which would move us to a support position. Please note that we shared this and visited with the North Dakota Appraisal Association and had hoped to come to a compromise. They did inform us that some of this information was in the original bill, but the Legislative Council had it removed.

Real estate licensees can not and do not preform appraisals but do what is known as Brokers Price Opinions (BPOs) when requested which is a different work product. In a past session when a similar bill was brought forward, I was sent an email from a member of the appraisal industry leadership stating their takeaway is that anyone who directly or indirectly conducts this business without a permit is guilty of a class A misdemeanor and that would include REALTORS® giving value. Our industry is aware that we can do Brokers Price Opinions (BPOs), and we do not reference them as appraisals or value. This is clarified in law and with the North Dakota Financial Institutions. While I do not know how many BPOs are being done by our REALTOR® members we do not want to jeopardize the ability for them to do them.

We would like to recommend the following two amendments with the new language in yellow:

~~9.~~ 10. "Board" means the North Dakota real estate appraiser qualifications and ethics board. The certification and licensing provisions of this chapter shall not apply to transactions exempted from the requirements of Title XI of the Financial Institutions Recovery, Reform, and Enforcement Act of 1989.

We would like this language added to ensure that real estate licensees and the other exemptions can remain. The ND Appraisal Association had proposed to us to change this to

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Interagency Appraisal and Evaluation Guidelines under Appendix A (Appraisal Exemptions) but after legal review and consultation we prefer our language as it is enforceable and not just guidance.

Section 14 we both have agreed to this change:

14. "Evaluation" means an estimate of the value of real property, made in accordance with the federal Interagency Evaluation Guidelines, for use in a federally related real estate financial transaction for which an appraisal is not required by federal law.

I am not a practitioner and can not answer any questions in regards to process of BPOs but have several members in attendance today who could.

We urge a DO NOT PASS on House Bill 1354 in its current form and request consideration of the above mentioned amendments.

My contact info is below if you have any further questions.

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