

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Labor, Licensing, and Regulation
(DLS Control No. 14-139)**

Overview and Legal and Fiscal Impact

This regulation removes a provision authorizing a real estate appraiser trainee to be supervised by a licensed real estate appraiser, to conform to the same change previously made in statute.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies. The regulation conforms to Chapter 649 of 2007.

Regulation of COMAR Affected

Department of Labor, Licensing, and Regulation:

Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors – Real Estate Appraisers: Appraiser Classifications: COMAR 09.19.01.01

Legal Analysis

Background

An individual is required to be licensed or certified by the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors as a condition of providing regulated real estate appraisal services. Chapter 649 of 2007 prohibited a licensed real estate appraiser from supervising a trainee appraiser, and instead allowed real estate appraiser trainees to meet supervision requirements only under an appraiser who has been certified as a residential real estate appraiser or a general real estate appraiser by the commission.

A licensed real estate appraiser may provide appraisal services in connection with a federally-related transaction for (1) noncomplex one- to four-unit residential property if the value of the transaction is less than \$1,000,000 and (2) any type of property (residential or commercial), if the value of the transaction is less than \$250,000. Unlike a licensed appraiser, a certified residential real estate appraiser is not limited by the complexity of the property or the value of the transaction if it involves only residential property. A certified general real estate appraiser may provide appraisal services for residential *or* commercial property, regardless of the value of the transaction.

Summary of Regulation

An individual who is a real estate appraiser trainee may provide real estate appraisal services only while under the supervision of a certified residential or certified general real estate appraiser and while the individual is in training to become a certified or licensed real estate appraiser.

Legal Issue

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 16-101(q) and (r), 16-216, 16-220, 16-509, and 16-5A-03 of the Business Occupations and Professions Article as authority for the regulation. Specifically, the regulation is authorized by § 16-216, which authorizes the commission to adopt any regulation necessary to carry out the provisions of the Maryland Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors Act. Further, § 16-101(r) defines “supervising appraiser” to mean a certified residential real estate appraiser or a certified general real estate appraiser who has the responsibility of supervising one or more real estate appraiser trainees. This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies. The regulation conforms to Chapter 649 of 2007.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has minimal or no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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