

## Commission Position 28 - Minimum Service Requirements

(Recodification adoption June 7, 2022: CP-36 Commission Position on Minimum Service Requirements recodified to CP 28 - Minimum Service Requirements)

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The Commission has received numerous inquiries regarding the minimum services that Brokers must provide to Consumers. Section 12-10-403, C.R.S., requires that any Broker performing Real Estate Brokerage Services, must act in the capacity of either a Transaction-Broker or a Single Agent in the transaction. The uniform duties required to be performed by a Broker acting in the capacity of a Single Agent are set forth in sections 12-10-404 and 12-10-405, C.R.S. The minimum duties required to be performed by a Broker acting in the capacity of a Transaction-Broker are set forth in section 12-10-407, C.R.S.

Most often, the inquiries are about offering some sort of “limited services” or “entry only services” whereby the Broker and Consumer agree to limit the uniform duties as set forth in statute by unbundling the Real Estate Brokerage Services in exchange for a flat fee or greatly reduced commission. In *Colorado Real Estate Commission v. Vizzi*, 488 P.3d 470 (Colo. App. 2019), the Colorado Court of Appeals held that the legislature intended that Brokers assist in the entire real estate transaction and undertake all of the uniform duties set forth in the license law. As such, each of the listed uniform duties is mandatory and a Broker may not waive these duties, in writing or otherwise.

Section 12-10-403, C.R.S., allows Brokers to perform duties in addition to those established in sections 12-10-404, 12-10-405, and 12-10-407, C.R.S. Additional duties may include, but are not limited to, holding open houses, property showings, providing a lockbox, use of multiple listing services or other information exchanges, etc. Additional duties that Brokers agree to provide their clients must be documented in writing such as in the Listing Contract.

The Commission does not regulate the fees or commissions charged by Brokers for services provided. Fees and commissions are negotiable between the Broker and the Consumer.