

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number **Rab 300**

<p>1. Agency Name & Address:</p> <p>NH Real Estate Appraisers Board c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u> RSA 310-B:24, I, I-a, and II </u></p> <p>3. Federal Authority: <u> n/a </u></p> <p>4. Type of Action:</p> <p>Adoption <u> X </u></p> <p>Repeal <u> X </u></p> <p>Readoption <u> </u></p> <p>Readoption w/amendment <u> X </u></p>
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5. Short Title: **Apprentice Classification, Certification and License Requirements**

6. (a) Summary of what the rule says and of any proposed amendments:

The Real Estate Appraiser Board is proposing to:

Adopt expired Rab 301.01 describing the application process for Real Estate Appraiser licensing and classification. The classification of licensure includes:

- **Apprentice;**
- **Licensed residential real estate appraiser;**
- **Certified residential real estate appraiser; and**
- **Certified general real estate appraiser;**

Rab 301.01 is being amended from the expired rule to:

- **Remove the ways a payment to the Board is required to be made; and**
- **Updating the time requirements for requesting a hearing for reconsideration of the denial of an application and completing the application;**

Adopt Rab 301.02 describing the information to be included on the application for real estate appraisers licensure or certification and amending the expired rule to clarify the information required on the application;

Adopt Rab 301.03 describes the information to be included on the application for apprentice classification and amending the expired rule to clarify the information required on the application;

Adopt 301.04 describing the additional requirements when applying for apprentice classification or real estate appraiser licensure or certification and is not making any amendments to the expired rule;

Readopt with amendment Rab 302.01 describing the experience established by the AQB required and hours of experience to become licensed or certified as a real estate appraiser and is being amended to update the requirements established by the AQB to be “The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria” effective 1/2022;

Adopt Rab 302.02 describes the general criteria for experience required for licensure or certification and amending the expired rule as follows:

- **Update the “The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria” to be the version effective 1/2022;**
- **Use the appraisal experience to include the successful completion of the PAREA programs for residential applicants only per AQB criteria effective 1/1/2022; and**
- **Change the standards of the AQB criteria for residential applicants to, standards 1,2,3, and 4;**

Readopt with amendment Rab 302.03 describing the general education requirements and is being amended to make various editorial changes;

Adopt Rab 302.04 describing the experience hour standards for applicants who are under supervision of a licensed certified residential or certified general appraiser and PAREA program applicants who are not under the supervision and the expired rule is being amended to:

- **Clarify the requirements for both supervised and unsupervised applicants for licensure or certification;**
- **Remove the tables showing the number of hours required and referring the applicant and supervisor to use the hours required by the USPAP Standards; and**
- **Add the section of standards that applies to an applicant how is in a PAREA program;**

Adopt Rab 302.05 describing the hours of experience for certified general real estate appraiser’s applicants and the expired rule is being amended to reword to clearly state the requirements;

Adopt Rab 302.06 describing review experience for applicants and is being amended form the expired rule to update the USPAP standards used to standard 3 and 4;

Adopt Rab 302.07 describing Assessor experience for applicants and is not being amended from the expired rule;

Adopt Rab 302.08 describing reports, documents and criteria required for applicants and is not being amended from the expired rule;

Adopt Rab 302.09 through Rab 302.17 describing the education requirements, documentation for formal instruction, college credit, qualified course credit, course providers, time limitations, course content, standards for approval of courses, and criteria for course approval for real estate appraisers and is not being amended from the expired rule;

Repeal Rab 302.18 describing distance education which has expired so that it is removed from the rules;

Adopt Rab 301.01 describing prerequisite education requirements for applicants for licensure or certification and is not being amended form the expired rule;

Adopt Rab 303.02 describing prerequisite experience for applicants for licensure and is being amended form the expired rule to change the requirement for at least 25% of he experience to have been met with in the 2 years prior to the submission of the application from 3 years;

Adopt 303.03 describing the examination requirements and is not being amended from the expired rule;

Adopt 303.04 describing notification of examination date and is being amended from the expired rule to make an editorial change to the pronoun “his or her” to “their”;

Adopt 305.01 describing responsibilities of the apprentice and is being amended rule to change pronouns to non-gender specific pronouns;

Adopt Rab 305.02 describing responsibilities of supervising appraiser and is being amended from the expired rule to change pronouns to non-gender specific pronouns, and change “supervisor” to “supervisory appraiser”;

Adopt Rab 305.03 describing real estate apprentice log and is being amended from the expired rule to:

- **Change the section heading specifying it is for the log is for those licensing through a traditional model clarifying the information needed in the log and adding a file or reference number used by the applicant to retrieve the appraisal, name of the client, and signature and certificate number of the supervisory appraiser; and**
- **Removing the requirement to include the nature of the apprentice’s participation in each assignment;**

Adopt Rab 307.01 and Rab 307.03 describing the purpose of temporary appraisal practice and issuance of temporary practice permit and is not being amended from the expired rule;

Readopt Rab 307.05 Rab 307.06 describing the rights and obligations of the holder of a temporary permit and the temporary practice permit applicant procedures and is not being amended from the expired rule;

Adopt Rab 307.07 describing the information to be included on the application form and is being amended from the expired rule to:

- **Clarify the information required on the application;**
- **Add to the application the applicant’s home mailing address, home phone or cell number, business mailing address, and social security number; and**
- **Remove fax number; and**

Readopt with amendment Rab 308.01 describing the requirements for the appraisal management company and is being amended to update the “Appraisal Management Company (AMC) Application” and to update the AMC National Registry Fee Calculation Sheet.

6. (b) Brief description of the groups affected:

This proposal affects applicants for Real Estate Appraiser license, Real Estate Apprentice, those wishing to obtain a temporary Real Estate Appraiser license, and Appraisal Management Companies.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute which the Rule Implements
Rab 301	RSA 310-b:5 and RSA 310-b:24, 1

Rule	Specific State Statute which the Rule Implements
Rab 301.01-301.02	RSA 310-B:5, RSA 310-B:6, RSA 310-B:20; RSA 310-B:24,I; 12 C. 3338
Rab 301.03	RSA 310-B:5, RSA 310-B:6, I (a)
Rab 301.04	RSA 310-B:20; RSA 310-B:5, RSA 310-B:24, I
Rab 302.01 – Rab 302.02	RSA 310-B:9
Rab 302.03	RSA 310-B:9, RSA 310-B:24, I, 12 U.S.C. 3345
Rab 302.04 – Rab 302.08	RSA 310-B:9
Rab 302.09	RSA 310-B:8; RSA 310-B:24, VII
Rab 302.10 – Rab 302.17	RSA 310-B:8; RSA 310-B:24, VII
Rab 302.18 (repealed)	RSA 310-B:8; RSA 310-B:24, VII
Rab 303	RSA 310-B:7; RSA 310-B:24, III
Rab 305	RSA 310-B:6, I(a)
Rab 305.02 (d)	RSA 310-B:6, I(a), 12 U.S.C. 3345
Rab 305.02 (e) intro., (1) and (2)	RSA 310-B:6, I(a), 12 U.S.C. 3345
Rab 307	RSA 310-B:12-a, RSA 310-B:24, I-a,
Rab 308.01	RSA 310-B:12-b; RSA 310-B:12-n; RSA 310-B:24, VII-a; 12 U.S.C. 3338

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina Kelley** Title: **Program Specialist IV**
Address: **Office of Professional Licensure and Certification** Phone #: **(603) 271-5247**
7 Eagle Square Fax#: **None**
Concord, NH 03301 E-mail: **OPLC-Rules@oplcnh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, May 22, 2023 at 4:00 p.m.**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, May 12, 2023 at 9:00 a.m.**
Office of Professional Licensure and Certification
Place: **7 Eagle Square**
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 23:038, dated 2/24/2023

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

- Not applicable to Rab 301.01 through Rab 301.04, Rab 302.02, Rab 302.04 through Rab 302.18, Rab 303.01 through Rab 303.05, Rab 305.01 through Rab 305.03, Rab 307.01 through Rab 307.03, Rab 307.05 through Rab 307.07 as they expired in February 2023.

- Not applicable to Rab 302.18 as it is being repealed.

2. Cite the Federal mandate. Identify the impact on state funds:

- RSA 310-B:5, II An annual federal registration fee shall be collected by the board for transmittal to the federal government under Title XI.
- RSA 310-B:12-s Requirements for Federally Regulated Appraisal Management Companies; Reporting Information for the AMC National Registry. – A federally regulated AMC operating in this state must report to the state the information required to be submitted by the state to the Appraisal Subcommittee, pursuant to the Appraisal Subcommittee's policies regarding the determination of the AMC National Registry fee, including but not necessarily limited to the collection of information related to ownership limitations set forth in this chapter.

3. Cost and benefits of the proposed rule(s):

There is no cost or benefit attributable to the proposed rules or the expired rules.

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

None

C. To independently owned businesses:

None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.