

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0204

**DEADLINE FOR RECEIPT: Monday, June 24, 2024**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (c), line 20, do you need the term “minimum”? Generally, rules set the minimum standards, so the use of the term “minimum” is discouraged.*

*Is the intent of (c) to incorporate the Qualification Criteria by reference? If that was the intent, please do so in accordance with 150B-21.6 (assuming that it’s not been done elsewhere in this Rule.) You can incorporate the information by using a hyperlink.*

*In lines 25 and 32, please put a hyphen between “seven hour”. Please spell out the acronym “USPAP” the first time it’s used in each rule.*

*In lines 28 and 32, is there a definition or standard for “successfully complete(s)”? Does it mean that an appraiser must receive, at least, a certain score on the exam? Please include a definition or score that must be achieved to successfully complete the course. Or consider deleting “successfully” if it’s unnecessary.*

*In lines 29 and 31, are the “Valuation Bias and Fair Housing Laws and Regulations” encompassed in the federal code? If so, please incorporate them by reference in accordance with 150B-21.6. Please cross-reference the General Statute(s) if they are found in North Carolina law.*

*In line 36, consider changing to “shall not carry over any continuing education credits from those courses into the subsequent years.”*

*In (f) lines 4-6, what does “proof of satisfaction” mean? Is the proof of satisfaction a certificate of course completion from an approved course sponsor?*

Travis Wiggs  
Commission Counsel  
Date submitted to agency: June 10, 2024

*In (g) lines 20-21, add “and” before “licensed” and add a comma after “credit” in line 21.*

*On line 25, is “Requests for equivalent approval for continuing education” the same as “appraisal education activity equivalent” on lines 11-12?*

*In (i), your agency refers to an affidavit, and the Board may require the use of a form for this document. The APA requires the substantive contents of forms to be set forth in either rules or statute. Wherever you refer to forms, you should either state the substantive contents of the form in the rule or be able to show rules or statutes where the substantive content is stated. The rule should also state, with specificity, where the form may be obtained.*

*In (i) line 12, add a comma after “certificate” and after “93E-1-12”.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0206

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In lines 7 and 15, please put a hyphen between “seven hour”. Please spell out the acronym “USPAP” the first time it’s used in each rule.*

*Is the intent of lines 9-10 to incorporate the “Real Property Qualification Criteria as implemented by The Appraisal Foundation’s Appraiser Qualification Board” by reference? If so, please do so in accordance with 150B-21.6. You can incorporate the information by using a hyperlink.*

*In line 8, are the “Valuation Bias and Fair Housing Laws and Regulations” encompassed in the federal code? If so, please incorporate them by reference in accordance with 150B-21.6. Please cross-reference any General Statute(s) that are found in North Carolina law. Please add a comma after “outline.”*

*In line 6, consider putting a period after “renewed” to start a new sentence. Making (a) into two sentences may make this section clearer to the regulated public.*

*In line 13, your agency refers to an “application”, and the Board may require the use of a form for this document. G.S. § 150B-2(8d) requires the substantive contents of forms to be set forth in either rules or statute. The rule should also state, with specificity, where the form may be obtained.*

*In lines 5 and 13, your agency refers to “proof”. Is this referring to the “proof of satisfaction” of course completion from an approved course sponsor in Rule .0204?*

*In line 20, what are considered “disciplinary actions?” Is this term defined in a rule or elsewhere? Do you need to add G.S. 93E-1-12 to the History Note? What is considered when examining the “applicant’s fitness”? Are there certain factors or standards that are used during the examination?*

*In line 22, is the phrase “or it shall not be accepted” necessary? You already state in (c) that applications for reinstatement “shall not be granted” if “more than 5 years.”*

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*In (d), consider adding “of an application” after “Reinstatement.”*

*In the History Note, why isn't G.S. 93E-1-12 included in your authority? It appears to be applicable here.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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Commission Counsel  
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0301

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In line 5, your agency refers to an "examination approval form", and the Board may require the use of a form for this document. G.S. § 150B-2(8d) requires the substantive contents of forms to be set forth in either rules or statute. The rule should also state, with specificity, where the form may be obtained.*

*In lines 8-9, please incorporate the "Real Property Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualification Board" by reference in accordance with 150B-21.6.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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Commission Counsel  
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0303

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In reviewing this Rule, the staff recommends the following technical changes be made:

*In lines 5-6, what is your agency's authority to utilize a "private testing service?" What is the process for the Board to approve the use of such a service?*

*In lines 7-8, is your agency referring to a certain examination when referring to "the examination"? Or is the intent that this Rule apply to "any" examination?*

*In line 10, what is meant by "the application shall be cancelled?" What is your authority to cancel the application? G.S. 93-E-1-6 says that "if the applicant has not affirmatively demonstrated that the applicant meets the requirements for registration, licensure, or certification, action on the application **will be deferred** pending a hearing before the Board."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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Commission Counsel  
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AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0501

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In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), lines 16-17, please add "the" before "USPAP" in both locations.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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Commission Counsel  
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57B .0302

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In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), please incorporate the "Real Property Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualification Board" by reference in accordance with 150B-21.6.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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Commission Counsel  
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57D .0101

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In reviewing this Rule, the staff recommends the following technical changes be made:

*In line 6, "submit an application" to whom and how?*

*In (6) and (7), what is required to be a "compliance manager"? You need to cross-reference G.S. 93E-2-5 to make clear who you are referring to. What authority are you relying upon to require an application and Board approval of the compliance manager? G.S. 93E-2-5 simply requires the individual to file a form indicating the designation and the individual's acceptance of the same. Are you relying upon G.S. 93E-2-3?*

*In line 20, what are considered "disciplinary actions?" Is this term defined in a rule or elsewhere? Does your agency need to add G.S. 93E-1-12 to the History Note?*

*In (17), line 35, add commas before "in" and after "nationwide".*

*Does your agency need to add G.S. 93E-2-5 to the History Note?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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*In (3) lines 13-14, change “over 10 percent” to “of more than ten percent (10%) of the appraisal management company”.*

*In (4), line 15, please cross-reference G.S. 93E-2-5 after “compliance manager”.*

*In lines 23-24, how and when does the AMC submit the “registry fee”? Please make this clear to the regulated public.*

*In line 27, does “disciplinary action” in this Rule also refer to G.S. 93E-1-12?*

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RULE CITATION: 21 NCAC 57D .0302

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In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), lines 7-8, consider changing “The address shall be sufficiently descriptive” to “The business address and email address provided shall enable...”*

*In (b), lines 11-12, what authority are you relying upon to require an application and Board approval of the compliance manager? G.S. 93E-2-5 simply requires the individual to file a form indicating the designation and the individual’s acceptance of the same. Are you relying upon G.S. 93E-2-3? If so, please include it in the History Note.*

*In line 15, who decides what is considered an “unexpected change”?*

*In line 20, change to “ten percent (10%)”.*

*Consider adding G.S. 93E-2-4, G.S. 93E-2-5, and G.S. 93E-2-8 to the History Note.*

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