

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0201

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

Is the intent of (a) to incorporate the Qualification Criteria by reference? I think so. If that was the intent, please do so in accordance with 150B-21.6 (assuming that it's not been done elsewhere.)

In (a), do you need "as stated in G.S. 93E-1-6 and this Section"? What is the intent of this language. The way that I'm reading everything together, I'm thinking

So, with the two above comments in mind, please consider revising as follows (assuming that it meets your needs): Applicants for trainee registration, licensure as a licensed residential real estate appraiser, and for certification as a certified real estate appraiser ~~must~~ shall satisfy the qualification requirements set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, which is hereby incorporated by reference, including subsequent amendments and editions and can be found at www.appraisalfoundation.org at no cost. ~~Board as stated in G.S. 93E-1-6 and in this Section. [The Appraisal Foundation's website is www.appraisalfoundation.org]~~

In (b), since Rule .0407 sets forth all of this information, please consider saying: Applicants for licensure or certification who are currently registered trainees ~~must~~ shall submit a copy of their complete appraisal log in accordance with Rule .0407(c) of this Subchapter. ~~log. The log form may be found at the Board's website, www.ncappraisalboard.org. [www.ncappraisalboard.org and the contents are found in Rule .0407 of this Subchapter.]~~ *If you choose to use this, please double check that (c) is the correct Paragraph of .0407.*

*In (d), 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."*

In (d), is there a cross-reference available to the initial application and the required fees?

Please be sure that this Rule complies with G.S. 93B-8.1.

Amber May
Commission Counsel

Date submitted to agency: Thursday, March 26, 2020

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

Amber May
Commission Counsel
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57A .0201 is amended as published in 34:13 NCR 1253-1264 as follows:

**21 NCAC 57A .0201 QUALIFICATIONS FOR TRAINEE REGISTRATION AND APPRAISER
LICENSURE AND CERTIFICATION**

(a) Applicants for trainee registration, licensure as a licensed residential real estate appraiser, and for certification as a certified real estate appraiser ~~must~~ shall satisfy the qualification requirements set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board as stated in G.S. 93E-1-6 and in this Section. The Appraisal Foundation's website is www.appraisalfoundation.org.

~~(b) Applicants for trainee registration shall have completed, within the five year period immediately preceding the date application is made, 90 hours of education as set forth in 21 NCAC 57B .0101 or education found by the Board to be equivalent to such courses. Applicants for trainee registration must possess a high school diploma or its equivalent.~~

~~(c) Applicants for licensure as a licensed residential real estate appraiser shall have completed 150 hours of education as set forth in 21 NCAC 57B .0102 or education found by the Board to be equivalent to such courses. In addition, applicant for licensure as a licensed residential real estate appraiser must hold an associate's degree, or higher, from an accredited college, community college, or university. Applicants shall have obtained at least 2,500 hours of appraisal experience acquired within the eight year period immediately preceding the date application is made and over a minimum period of two calendar years. Applicants must have been engaged in real estate appraising for at least two calendar years prior to the date application is made. At least 50 percent of this appraisal experience must have been of one to four family residential properties in which the sales comparison approach was utilized in the appraisal process.~~

~~(d) Applicants for certification as a certified residential real estate appraiser shall have completed 200 hours of education as set forth in 21 NCAC 57B .0102 or education found by the Board to be equivalent to such courses. In addition, applicants for certification as a certified residential real estate appraiser must hold a bachelor's degree, or higher, from an accredited college, community college, or university. Applicants shall have obtained at least 2,500 hours of appraisal experience acquired within the eight year period immediately preceding the date application is made and over a minimum period of two calendar years. Applicants must have been engaged in real estate appraising for at least two calendar years prior to the date application is made. At least 50 percent of this appraisal experience must have been of one to four family residential properties in which the sales comparison approach was utilized in the appraisal process.~~

~~(e) Applicants for certification as a certified general real estate appraiser shall have completed 300 hours of education as set forth in 21 NCAC 57B .0103 or education found by the Board to be equivalent to such courses. In addition, applicants for certification as a certified general real estate appraiser must hold a Bachelor's degree or higher from an accredited college or university. Applicants shall have obtained at least 3,000 hours of appraisal experience acquired within the eight year period immediately preceding the date application is made and over a minimum period of two and a half calendar years of which at least 50 percent must have been in appraising non residential real estate. Applicants must have been engaged in real estate appraising for at least two and one half calendar years prior to the~~

1 ~~date application is made. At least 50 percent of the non-residential appraisal experience must have been of special use~~
2 ~~properties such as schools, churches, or hospitals in which the income approach is not applicable or of improved~~
3 ~~properties in which the income approach was utilized in the appraisal process.~~

4 ~~(f)(b)~~ Applicants for licensure or certification who are currently registered trainees ~~must~~ shall submit a copy of their
5 complete appraisal log. The log form may be found at the Board's website, ~~www.ncappraisalboard.org.~~
6 www.ncappraisalboard.org and the contents are found in Rule .0407 of this Subchapter.

7 Applicants for certification who are currently licensed or certified appraisers ~~must~~ shall submit an appraisal log
8 showing that they possess the ~~requisite~~ amount and length of experience as set forth in ~~Paragraphs (c) and (d) of this~~
9 ~~Rule.~~ the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser
10 Qualifications Board. All applicants for licensure or certification shall provide to the Board copies of appraisal reports
11 and work files in ~~support of experience credit.~~ In order for an appraisal to be given experience ~~credit, it must comply~~
12 ~~with the Uniform Standards of Professional Appraisal Practice (USPAP) and with any applicable state statutes or~~
13 ~~rules.~~ credit.

14 ~~(g)(c)~~ When a trainee or a licensed real estate appraiser becomes a certified real estate appraiser, his or her previous
15 registration or licensure shall be cancelled by the Board. When a certified residential real estate appraiser becomes
16 certified as a general real estate appraiser, his or her previous certification shall be ~~immediately~~ cancelled by the Board.

17 ~~(h)(d)~~ In the event that the Board ~~asks~~ requests that an applicant ~~to~~ submit updated information or provide further
18 information that the Board determines is necessary in order for the applicant to complete the application and the
19 applicant fails to submit ~~such the requested~~ information within 90 days following the Board's request, the Board shall
20 cancel the applicant's ~~application and the application fee shall be retained by the Board.~~ application. An applicant
21 whose application has been cancelled and who wishes to obtain a registration, license, or certificate ~~must~~ shall start
22 the licensing process over by filing a complete application with the Board and paying all required fees.

23 ~~(i)(e)~~ An applicant may request that his or her application be withdrawn at any time before final action is taken by
24 the Appraisal Board on the application.

25 ~~(j)(f)~~ If an applicant has ~~a current~~ an open complaint before the North Carolina Appraisal Board or an appraiser
26 licensing board from any other state, or if the applicant has pending criminal charges in ~~this or~~ any state, the application
27 shall be accepted but no further action shall be taken on the application until the complaint or criminal charges are
28 resolved. For the purposes of this ~~Section,~~ Paragraph, criminal charges do not include ~~speeding tickets or~~ traffic
29 infractions.

31 *History Note: Authority G.S. 93E-1-6(a); 93E-1-10;*

32 *Eff. July 1, 1994;*

33 *Amended Eff. July 1, 2014; January 1, 2013; July 1, 2010; September 1, 2008; January 1, 2008;*
34 *March 1, 2007; April 1, 2006, July 1, 2005; August 1, 2002; April 1, 1999;*

35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*
36 *2017;*

37 *Amended Eff. May 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0210

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

(b) seems to be missing something. Perhaps add "in determining whether to approve an application" at the end of "... Rule .0202 of this Section"

Please consider revising (c) as follows to make it clear who is responsible for what. For example, on line 32, is the requirement that the "Board receive" or is the requirement that the "applicant submit"? I assume it's the latter. This of course is only a suggestion. If you think this is more clear, feel free to use it and to make any changes that you deem necessary. If you choose to use it, it is formatted correctly.

If additional time is needed to complete the appraisal assignment, the permittee may request an extension of the temporary practice permit. The request shall be submitted and received by the Board prior to the expiration of the original practice permit, shall be in writing, and shall include the following:

- (1) temporary practice permit number;
- (2) the amount of additional time needed to complete the assignment; and
- (3) the reason the extension is necessary.

Upon receipt of the request, the Board shall extend the temporary practice privileges if it determines that additional time is needed to complete the assignment. ~~The~~ However, upon a showing by the permittee satisfactory to the Appraisal Board that, notwithstanding the permittee's attention to the appraisal assignment, [that] additional time is needed to complete the assignment, the Board shall extend the temporary practice privileges granted under the permittee's temporary practice permit to afford him [or her] additional time to complete the appraisal assignment. [The Board shall receive the] Such request for extension must be received before the original temporary practice permit expires or it shall not be granted. The request shall be in writing and shall include the temporary practice permit number, the amount of additional time needed to complete the assignment, and the reason the extension is necessary.

In (e), by "may not", do you mean "shall not"?

In (e), please capitalize "state" in "the State" and "this State" on line 7.

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

Amber May
Commission Counsel
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57A .0210 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57A .0210 TEMPORARY PRACTICE

(a) A real estate appraiser who does not reside in North Carolina and who is licensed or certified by the appraiser licensing or certifying agency in another state may apply to receive temporary appraiser licensing or certification privileges in this State by filing ~~a notarized~~ an application with the Board. The application is available on the Board's website at www.ncappraisalboard.org. The application shall include:

- (1) the applicant's name, address, phone number, email, date of birth, social security number, driver's license number;
- (2) license or certification number currently held in another state;
- (3) whether the applicant has had any disciplinary actions taken against them in connection with any appraiser, real estate, or other professional license held;
- (4) whether the applicant has ever been convicted of any criminal offense or has any criminal charges pending;
- (5) the projected beginning and ending date;
- (6) a legal description of the subject properties and state the purpose of the appraisal assignment; and
- (7) the signature of the applicant.

(b) Upon filing a completed application accompanied by the fee prescribed in G.S. 93E-1-9(c), the Board shall consider whether an applicant's appraiser license or certification is or has been subject to discipline in their resident state or any other state, and shall consider all other information outlined in Rule .0202 of this Section. If the application is approved, an applicant shall be granted a temporary practice permit by the Board authorizing the applicant to perform in this State the appraisal assignment described in ~~such~~ the application, provided that the Board determines the length of time projected by the applicant for completion of the assignment is reasonable given the scope and complexity of the assignment. ~~The fee must be paid by money order, certified check, or cashier's check. The Board may consider whether an applicant's trainee registration or appraiser license or certification is or has been subject to discipline in their resident state or any other state, and may consider all other information outlined in Rule .0202 of this Section.~~

(c) Privileges granted under the provisions of this Rule shall expire upon the expiration date set forth in the temporary practice permit. However, upon a showing by the permittee satisfactory to the Appraisal Board ~~that, notwithstanding the permittee's attention to the appraisal assignment, that~~ additional time is needed to complete the assignment, the Board shall extend the temporary practice privileges granted under the permittee's temporary practice permit to afford him ~~or her~~ additional time to complete the appraisal assignment. The Board shall receive the ~~Such~~ request for extension ~~must be received~~ before the original temporary practice permit expires or it shall not be granted. The request shall be in writing and shall include the temporary practice permit number, the amount of additional time needed to complete the assignment, and the reason the extension is necessary. An applicant for a temporary practice permit shall not begin performing any appraisal work in this State until the temporary practice permit has been issued by the Board. The Board shall deny an applicant who begins work before the permit is issued.

1 (d) Persons granted temporary practice privileges under this Rule shall ~~not only~~ advertise or otherwise hold themselves
2 out as being a North Carolina ~~trainee or~~ licensed or certified ~~appraiser.~~ appraiser for the assignment for which they
3 received the temporary practice permit. Any appraisal report for an appraisal of property located in North Carolina
4 ~~must shall~~ contain a copy of the temporary practice number for that assignment.

5 (e) A trainee may not apply for a temporary practice permit. The term "trainee" shall include apprentices and others
6 who are licensed and regulated by a state agency to perform real estate appraisals under the supervision of a certified
7 appraiser. If a trainee does enter the state to inspect a property located in this state, the trainee ~~must shall~~ be
8 accompanied by the trainee's supervising appraiser. The trainee's supervisor ~~must shall~~ be a North Carolina ~~licensed~~
9 ~~or~~ certified real estate appraiser. If not, the supervising appraiser ~~must shall~~ be ~~licensed or~~ certified as a real estate
10 appraiser in another state and ~~must shall~~ receive a temporary practice permit for the assignment.

11 (f) ~~An applicant for a temporary practice permit shall not begin performing any appraisal work in this State until the~~
12 ~~temporary practice permit has been issued by the Board. If an applicant does begin work before the permit is issued,~~
13 ~~the temporary practice permit shall be denied.~~

14
15 *History Note: Authority G.S. 93E-1-9 (c) and (d); 93E-1-10; Title XI, Section 1122(a); 12 U.S.C. 3351(a);*
16 *Eff. July 1, 1994;*

17 *Amended Eff. July 1, 2014; September 1, 2008; January 1, 2008; March 1, 2007; July 1, 2005; July*
18 *1, 2003; August 1, 2002; April 1, 1999;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*
20 *2017;*

21 *Amended Eff. May 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0211

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

I assume that your authority for (b) is G.S. 93E-1-6(c1)? If so, please add this to your History note. Also, I note that 93E-1-6(c1) refers to a check by DPS. Rule .0202 does not. Please review and revise.

I assume that your authority for (c) is 93E-1-12(c)? If so, please add this to your History Note.

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

Amber May
Commission Counsel
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57A .0211 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57A .0211 APPLICANTS LICENSED OR CERTIFIED IN ANOTHER STATE

(a) Applicants for licensure or certification who are not licensed or certified in ~~residents of North Carolina but are~~ licensed or certified in another State shall file an application as stated in Rule .0101 of this Subchapter. The application may be found on the Board's website at www.ncappraisalboard.org. The application ~~requires~~ requires: the name, contact information, educational background of the applicant, an experience log when required for licensure or certification, answers to questions regarding character (regarding both disciplinary matters and criminal offenses), and a sworn statement that the information in the application is correct.

(1) the applicant's name and contact information;

(2) the applicant's education background;

(3) the applicant's prior disciplinary and criminal history; and

(4) a sworn statement that the information in the application is correct.

~~In addition, nonresident applicants~~ Applicants who do not reside in North Carolina, shall also consent to service of process in this State and file an affidavit of residency with the application. If the applicant is ~~licensed by the appraiser licensing board of the applicant's resident state, board,~~ not active on the Appraisal Subcommittee's National Registry, the applicant shall ~~also~~ file with the application a letter of good standing from the appraiser licensing board of ~~the resident~~ any state where the applicant is licensed or certified ~~that was issued by that licensing board~~ no later than 30 days prior to the date application is made in this State.

~~(b) Applicants for certification who are residents of North Carolina and who are certified in another state shall file an application as stated in Rule .0101 of this Subchapter. The application may be found on the Board's website at www.ncappraisalboard.org. The applicant shall file a letter of good standing from the other state that that was issued by that licensing board no later than 30 days prior to the date application is made in this State.~~

~~(c)~~ (b) Applicants for ~~registration~~ licensure or certification shall obtain a criminal records check that complies with the requirements of Rule .0202(c) of this Subchapter. ~~This records check shall have been performed within 60 days of the date the completed application for registration or certification is received by the Board. Applicants shall pay the reporting service for the cost of these reports.~~

~~(d)~~ (c) An appraiser whose license or certification is suspended in North Carolina shall not apply for licensure or certification in this State under this Rule while the license or certification is suspended. An appraiser whose license or certification was revoked in North Carolina shall not apply for licensure or certification in this State under this Rule for five years after the date of revocation.

History Note: Authority G.S. 93E-1-9 (a) and (b); 93E-1-10; 42 U.S.C. 3351(a);

Eff. March 1, 2007;

Amended Eff. July 1, 2016; January 1, 2013; September 1, 2008; January 1, 2008;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0301

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

In (a), do you all issue the examination approval upon approval of the application?

Given that you've incorporated the Criteria by reference (assuming you officially do so in .0201), do you need (b)? If so, I think you can delete "as adopted in G.S. 93-1-6." This is just a suggestion as I don't think it hurts anything being in there.

If you keep (b), delete or define "successfully"

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

Amber May
Commission Counsel
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57A .0301 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57A .0301 TIME AND PLACE

(a) Applicants who have completed the education and experience requirements for licensure or certification as set forth in ~~21 NCAC 57A .0204~~ G.S. 93E-1-6 shall be issued an examination approval ~~form.~~ form by the Board. The examination approval form is valid for five attempts at the examination or for one year from date of issuance, whichever comes first.

~~(b) Examinations for appraiser licenses or certificates shall be scheduled at such times and places as determined by the Executive Director and the Board approved private testing service. Applicants for the examination shall be scheduled for examination based on their successful completion of appraiser educational qualification requirements stated in G.S. 93E-1-6 and filing an application with the Board. The application may be found on the Board's website at www.ncappraisalboard.org. Violation of examination procedures and instructions is grounds for denial, suspension, or revocation of a certificate.~~

~~(c)~~ (b) As set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, as adopted in G.S. 93-1-6, Examination examination results are valid for 24 months from the date the examination is successfully completed.

History Note: Authority G.S. 93E-1-6(c); 93E-1-10;

Eff. July 1, 1994;

Amended Eff. July 1, 2014; January 1, 2013; September 1, 2008; January 1, 2008; April 1, 2006; July 1, 2005; August 1, 2002; April 1, 1999;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

Amended Eff. May 1, 2020.

21 NCAC 57A .0302 is repealed as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57A .0302 SUBJECT MATTER AND PASSING SCORES

History Note: Authority G.S. 93E-1-6(c); 93E-1-10;

Eff. July 1, 1994;

Amended Eff. July 1, 2014; January 1, 2013; September 1, 2008; March 1, 2007; April 1, 1999;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

Repealed effective May 1, 2020.

21 NCAC 57A .0306 is repealed as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57A .0306 EXAMINATION REVIEW

History Note: Authority G.S. 93E-1-6(c); 93E-1-10;

Eff. July 1, 1994;

Amended Eff. April 1, 1999;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

Repealed effective May 1, 2020.

21 NCAC 57A .0404 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57A .0404 CHANGE OF NAME OR ADDRESS

All trainees, ~~licensees~~ licensees, and certificate holders shall notify the Board in writing of each change of business address, residence address, or ~~trade~~ name change within 10 days of ~~said~~ the change. ~~The address shall be sufficiently descriptive to enable the Board to correspond with and physically locate the trainee, licensee or certificate holder. The trainee, licensee, or certificate holder shall submit the Request for Reissuance of Appraiser Wall Certificate and Pocket Card Due to Name Change form. The form shall be accompanied by the fee prescribed in G.S. 93E-1-7(d). The form may be found on the Board's website at www.ncappraisalboard.org, and shall include the following information:~~

- (1) licensee's previous name;
- (2) licensee's new name;
- (3) the date the name was legally changed;
- (4) signature, date, and license number; and
- (5) the legal documentation showing the name change.

History Note: Authority G.S. 93E-1-10;

Eff. July 1, 1994;

Amended Eff. August 1, 2002; April 1, 1999;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

Amended Eff. May 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0407

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

Please begin (a)(3) with a lower case letter.

In (a)(4) and (b), are you using "active and personal" to track G.S. 93E-1-6.1? Please just confirm.

In (g), what is considered to be "significant professional assistance"?

In your History Note, please correct G.S. 93E-1-6-1 to 93E-1-6.1

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

Amber May
Commission Counsel
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57A .0407 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57A .0407 SUPERVISION OF TRAINEES

(a) A certified real estate appraiser may engage a registered trainee to assist in the performance of real estate appraisals, provided that the appraiser:

- (1) has been certified for at least three years;
- (2) has ~~no more than three~~ the number of trainees working under him or her at any one time as follows:
 - (A) a certified residential appraiser may have two trainees working under his or her supervision at any one time. Once at least one of those trainees has completed 50 percent of the required appraisal experience ~~required by 21 NCAC 57A .0201(e), (d), or (e), as set forth in G.S. 93E-1-6,~~ a certified residential appraiser may add another trainee; and
 - (B) a certified general appraiser may have three trainees working under his or her supervision.
- (3) Prior to the date any trainee begins performing appraisals under his or her supervision, the supervisor shall inform the Board of the name of the trainee by filing a Supervisor Declaration Form with the Board. The form may be found on the Board's website at www.ncappraisalboard.org. The supervisor shall also inform the Board when a trainee is no longer working under his or her supervision by using the Supervisor Declaration Form. The form shall include the following information:
 - (A) the name and registration number of trainee;
 - (B) the name and certification number of supervisor;
 - (C) the date the trainee completed the supervisor/trainee course;
 - (D) the date the supervisor completed the supervisor/trainee course;
 - (E) whether the supervisor has had any disciplinary action within the past three years or pending complaints against his or her ~~license;~~ certification; and
 - (F) the signature of both the supervisor and trainee (only required for association).
- (4) actively and personally supervises the trainee on all appraisal reports and appraisal related activities until the trainee is no longer under his or her supervision;
- (5) reviews all appraisal reports and supporting data used in connection with appraisals in which the services of a trainee is utilized, and assures that research of general and specific data has been conducted and reported, application of appraisal principles and methodologies has been applied, ~~that the analysis is sound and reported,~~ and that any analysis, opinions, or conclusions are developed and reported so that the appraisal report is not misleading;
- (6) complies with all provisions of Rule .0405 of this Section regarding appraisal reports;
- (7) reviews and signs the trainee's log of appraisals prepared in accordance with Paragraph (c) of this Rule. The supervisor shall make available to the trainee a copy of every appraisal report where the trainee performs more than 75 percent of the work on the appraisal; and
- (8) has not received any disciplinary action against his or her appraisal ~~license or~~ certificate from the State of North Carolina or any other state within the previous three years. For the purposes of this

~~Section, disciplinary action~~ Subparagraph, "disciplinary action" means an active suspension, a downgrade of a credential, a revocation, or any other action that restricts a supervisor's ability to engage in appraisal practice.

(b) ~~Active and personal supervision~~ "Active and personal supervision" includes direction, guidance, and support from the supervisor. The supervising appraiser shall have input into and knowledge of the appraisal report prior to its completion, and shall make any changes to the report before it is transmitted to the client. In addition, the supervisor shall accompany the trainee on the inspections of the subject property on the first 50 appraisal assignments or the first 1500 hours of experience, whichever comes first, for which the trainee will perform more than 75 percent of the work. After that point, the trainee may perform the inspections without the presence of the supervisor provided that the supervisor is satisfied that the trainee is competent to perform those inspections, and that the subject property is less than 50 miles from the supervisor's primary business location. The supervisor shall accompany the trainee on all inspections of subject properties that are located more than 50 miles from the supervisor's primary business location.

(c) ~~The trainee shall maintain a log on a form that includes each appraisal performed by the trainee, the type of property appraised, type of appraisal performed, complete street address of the subject property, the date the report was signed, the experience hours claimed, the name of the supervisor for that appraisal, and whether the supervisor accompanied the trainee on the inspection of the subject property.~~ An appraisal experience log shall be maintained jointly by the supervisor and the trainee. Both the supervisor and the trainee are responsible for maintaining the experience log and ensuring that it is accurate, current, and includes the following:

- (1) the type of property appraised;
- (2) the type of appraisal performed;
- (3) the date the report was signed;
- (4) the complete street address of appraised property;
- (5) a description of the work performed by the trainee;
- (6) the scope of review and supervision of the supervisor, including whether the supervisor accompanied the trainee on the inspection of the subject property;
- (7) the number of actual work hours by the trainee on the assignment; and
- (8) the signature and state certification number of the supervisor.

The log shall be updated at least every 30 days. A separate log shall be maintained for each supervising appraiser. A log form is available on the Board's website at www.ncappraisalboard.org.

(d) An appraiser shall attend an education program regarding the role of a supervisor before any supervision of a trainee. This course shall be taught only by instructors approved by the Board in accordance with 21 NCAC 57B .0614.

(e) Trainees shall ensure that the Appraisal Board has received the Supervisor Declaration Form on or before the day the trainee begins assisting the supervising appraiser by contacting the Board by telephone or email at ncab@ncab.org. The form may be found on the Board's website at www.ncappraisalboard.org. Trainees shall not receive appraisal experience credit for appraisals performed in violation of this Paragraph.

1 (f) Supervising appraisers shall not be employed by a trainee or by a company, firm, or partnership in which the
2 trainee has a controlling interest.

3 (g) If a trainee signs an appraisal report or provides significant professional assistance in the appraisal process and is
4 noted in the report as having provided assistance, the appraiser signing the report shall have notified the Appraisal
5 Board before the appraisal is signed that he or she is the supervisor for the trainee. If more than one appraiser signs
6 the report, the appraiser with the highest level of credential shall be the declared supervisor for the trainee. If all
7 appraisers signing the report have the same level of credential, at least one of them shall be declared as the trainee's
8 supervisor before the report is signed.

9 (h) Only one trainee may receive credit for providing real property appraisal assistance on an appraisal report.

10
11 *History Note:* Authority ~~G.S. 93E-1-6-1~~; G.S. 93E-1-6-1; 93E-1-10; 93E-1-12;

12 *Eff. July 1, 1994;*

13 *Amended Eff. January 1, 2015; July 1, 2014; January 1, 2013; July 1, 2010; September 1, 2008;*

14 *January 1, 2008; March 1, 2007; March 1, 2006; July 1, 2005; August 1, 2002; April 1, 1999;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*
16 *2017;*

17 *Amended Eff. May 1, 2020; July 1, 2019.*

21 NCAC 57A .0410 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57A .0410 APPRAISAL MANAGEMENT COMPANIES

An appraiser who performs an appraisal for an appraisal management company (AMC) shall ~~assure~~ verify that the company is ~~properly~~ registered with the North Carolina Appraisal Board pursuant to ~~G.S. 93B-2-4~~ G.S. 93E-2-4, unless the AMC is exempt from registration pursuant to G.S. 93E -2-2, before accepting the assignment.

History Note: Authority G.S. 93E-2-1; 93E-2-3; 93E-2-4(a);

Eff. January 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

Amended Eff. May 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0601

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

On line 4, is it necessary to say "As set forth in G.S. 93E-1-6"? This language makes it look like the Rule is repeating Statute, which I don't think it is.

On lines 7-8, please change this sentence to be in active voice and say who is to do what. Perhaps something like "An applicant shall obtain the required experience by performing..." Alternatively, please change "shall have obtained" to "shall obtain"

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

Amber May
Commission Counsel
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57A .0601 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57A .0601 EXPERIENCE CREDIT TO UPGRADE

~~As required by Rule .0201 of this Subchapter, applicants~~ As set forth in G.S. 93E-1-6, applicants for licensure or residential certification shall ~~possess 2,500 hours of appraisal experience and applicants for general certification shall possess 3,000 hours of appraisal experience as defined in this Section.~~ meet the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. All experience shall have been obtained by performing or reviewing appraisals using appraisal methods and processes that are employed by real estate appraisers and shall comply with the edition of the USPAP in effect at the time of the appraisal, in addition to meeting the applicable requirements set forth in this Section.

*History Note: Authority G.S. 93E-1-10;
 Eff. July 1, 2016;
 Amended Eff. May 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57B .0101

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

In (a), do you need "as set forth in G.S. 93E-1-6."

In (b), please confirm that the approval criteria is set forth elsewhere in rule or statute? If so, I think this language is fine as written.

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

Amber May
Commission Counsel
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57B .0101 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57B .0101 REGISTERED TRAINEE COURSE REQUIREMENTS

(a) Each applicant for registration as a trainee shall meet the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board as set forth in G.S. 93E-1-6. complete a minimum of 90 hours of precertification education, consisting of the following;

- (1) ~~Thirty hours in Basic Appraisal Principles;~~
- (2) ~~Thirty hours in Basic Appraisal Procedures;~~
- (3) ~~Fifteen hours in Residential Market Analysis and Highest and Best Use or 30 hours in General Appraiser Market Analysis and Highest and Best Use; and~~
- (4) ~~A minimum of Fifteen hours in The Uniform Standards of Professional Appraisal Practice (USPAP).~~

(b) ~~Credit for these courses shall be earned from a Board approved course sponsor or school and all course content shall be approved by the Appraisal Board in accordance with the rules in this Subchapter. The Board shall approve all course sponsors, schools, and course content that qualify for credit.~~ These courses shall be completed within the five-year period immediately preceding the date when application for registration is made to the Board by the applicant.

(c) Basic Appraisal Principles shall be a prerequisite to taking Basic Appraisal Procedures, and Basic Appraisal Procedures shall be a prerequisite to taking ~~either Residential or General Market Analysis and Highest and Best Use.~~ The the 15 hour USPAP course may be taken any time after the successful completion of Basic Appraisal Procedures. course.

(d) These ~~four~~ courses shall be obtained in a classroom setting. No credit shall be given for these courses taken by any other method, such as correspondence school courses or ~~on-line~~ online courses.

(e) Before the application may be granted by the Board, the applicant shall complete the supervisor course developed by the North Carolina Appraisal Board as set forth in 21 NCAC 57A .0407(d).

History Note: Authority G.S. 93E-1-6(a); 93E-1-8(a); 93E-1-10;

Eff. July 1, 1994;

Amended Eff. January 1, 2015; January 1, 2013; July 1, 2010; September 1, 2008; January 1, 2008; July 1, 2005; July 1, 2003; August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

Amended Eff. May 1, 2020.

21 NCAC 57B .0102 - .0103 are repealed as published in 34:13 NCR 1253-1264 as follows:

**21 NCAC 57B .0102 LICENSED RESIDENTIAL AND CERTIFIED RESIDENTIAL REAL ESTATE
APPRAISER COURSE REQUIREMENTS**

**21 NCAC 57B .0103 CERTIFIED GENERAL REAL ESTATE APPRAISER COURSE
REQUIREMENTS**

*History Note: Authority G.S. 93E-1-6(b); G.S. 93E-1-6(c); 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; January 1, 2013; July 1, 2010; September 1, 2008; January 1, 2008;
March 1, 2007; July 1, 2003; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,
2017;
Amended Eff. March 21, 2019;
Repealed Eff. May 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57B .0302

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

In (a), what courses?

In (b), can you provide some examples of "additional related subject areas"

In (b), I don't understand "as set forth in G.S. 93-1-6." I don't see that this sets minimum required classroom hours. Am I missing it? If so, please provide the Paragraph. If not, what are the minimum required classroom hours?

In (c), I assume that the "student material prepared by the Board" and the "student handout" are the same thing? If so, please be consistent. Also, the way that I read this, this is just an outline of the registration process and the process to upgrade, but the actual processes for both are set forth in rule and/or statute. If that's the case, I think this is fine, but please confirm that you are not relying on the handouts to set the process, just the notification.

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

Amber May
Commission Counsel

Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57B .0302 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57B .0302 COURSE CONTENT

(a) All courses shall consist of instruction in the subject areas outlined in the Appraiser Qualification Board's Guide Note 1. Guide Note 1 may be accessed at the Appraisal Foundation website at www.appraisalfoundation.org.

(b) Courses may also include coverage of additional related subject areas; however, any such course ~~must~~ shall provide additional class time above the minimum required classroom hours ~~specified in 57B .0101, .0102, and .0103 and the minimum requirement of 15 hours for USPAP for the coverage of such additional subject areas.~~ as set forth in G.S. 93E-1-6.

(c) On or before the first class meeting day of the Basic Appraisal Principles course, the instructor shall give to each student material prepared by the Board regarding the trainee registration process and the process to upgrade to a licensed or certified appraiser. The student handout may be accessed on the Board's website at www.ncappraisalboard.org.

*History Note: Authority G.S. 93E-1-6; 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;*

Amended Eff. July 1, 2014; September 1, 2008; January 1, 2008; July 1, 2005; August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

Amended Eff. May 1, 2020; September 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57B .0304

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

In (c), either delete “and taken at reasonable times” or provide some meaning to “reasonable times”

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

Amber May
Commission Counsel
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57B .0304 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57B .0304 COURSE SCHEDULING

(a) All courses shall have fixed beginning and ending dates, and schools and course sponsors shall not utilize a scheduling system that allows students to enroll late for a course and then complete their course work in a subsequently scheduled course. Late enrollment shall be permitted only if the enrolling student satisfies the attendance requirements set forth in Paragraphs (d) and (e) of Rule .0303 of this Section.

(b) Courses shall be scheduled in a manner that provides for class meetings of up to eight classroom hours in any given day.

(c) A classroom hour consists of 50 minutes of classroom instruction. Classroom breaks at the rate of 10 minutes per classroom hour shall be scheduled and taken at reasonable times; however, instructors shall not use accumulated, unused break time to end the class early.

(d) Instruction shall be given for the minimum hours ~~specified in Rules .0101, .0102, and .0103 of this Section.~~ as set forth in G.S. 93E-1-6.

(e) All courses, except those taught ~~on-line~~ online via the Internet, shall have a minimum of five students enrolled in order for the course to be held.

History Note: Authority G.S. 93E-1-8(a); 93E-1-10;

Eff. July 1, 1994;

Amended Eff. July 1, 2016; July 1, 2010; January 1, 2008; July 1, 2005; August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

Amended Eff. May 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57B .0306

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

In (a)(1)(A), what is considered to be "full time"? Is this set forth elsewhere? This is a question elsewhere in this Rule, but only needs to be addressed once.

Do you still need (a)(4) given the repeals of 57B .0102 and .0103? Those appear to be the only Rules that referred to these courses.

In (b), how is the Board to determine this and how is the request for this determination to be made?

I know this is asked about every time you bring this Rule through, but what is meant by "at a rate of speed and with an appropriate grammar and vocabulary"?

What is meant by (c)(6)? How is this determined?

In (d), under what circumstances will the Board made this request?

In (e), what is your authority to consider criminal charges? I don't think that removing "pending" changes the meaning.

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

Amber May
Commission Counsel

Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57B .0306 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57B .0306 INSTRUCTOR REQUIREMENTS

(a) Except for guest lecturers as set forth in Paragraph (b) of this Rule, all ~~qualifying courses or courses deemed equivalent by the Board~~ that qualify for credit pursuant to this Section shall be taught by instructors who are found by the Board to be equivalent to those listed below. The ~~meet the following~~ minimum qualifications are as follows: qualifications:

(1) for residential appraiser courses, the instructor shall:

(A) ~~have completed 200 classroom hours of real estate appraisal education as set forth in Rules .0101 and .0102 of this Subchapter;~~

(B)(A) have two years' full-time experience as a certified residential or general real estate appraiser within the previous five years, with at least one-half of the experience in residential property appraising; and

(C)(B) be a current certified as a residential or general real estate appraiser.

(2) for general appraiser courses, the instructor shall:

(A) ~~have 300 classroom hours of real estate appraisal education as set forth in Rules .0101, .0102, and .0103 of this Subchapter;~~

(B)(A) have three years' full-time experience as a general real estate appraiser within the previous five years, with at least one-half of the experience in income property appraising; and

(C)(B) currently be and has been a certified general real estate appraiser for at least five years.

(3) for USPAP courses, the instructor shall:

(A) currently be a certified residential or a certified general appraiser; and

(B) be certified by the Appraiser Qualifications Board of the Appraisal Foundation as an instructor for the National USPAP Course. If a USPAP instructor fails to renew or loses his or her certification by the Appraiser Qualifications Board, the instructor shall stop teaching and notify the Appraisal Board of the loss of certification.

(4) for statistics, modeling and finance courses, the instructor shall:

(A) have previously completed this class; or

(B) have completed 3 semester hours of statistics from a regionally accredited college or university.

(b) Guest lecturers who do not possess the qualifications set forth in Paragraph (a) of this Rule may teach collectively up to one-fourth of any course, ~~provided~~ if the Board determines that each guest lecturer possesses education and experience in the subject area about which the lecturer is teaching.

(c) Instructors shall conduct their classes in a manner that demonstrates knowledge of the subject matter being taught and mastery of the following ~~basic~~ teaching skills:

(1) The ability to communicate through speech, including the ability to speak at a rate of speed and with appropriate grammar and vocabulary;

- (2) The ability to utilize illustrative examples, and to respond to questions from students;
 - (3) The ability to utilize varied instructive techniques other than straight lecture, such as class ~~discussion~~ or other techniques; discussion;
 - (4) The ability to utilize instructional aids to enhance learning;
 - (5) The ability to maintain a learning environment and control of a class; and
 - (6) The ability to interact with adult students in a manner that does not offend or criticize them.
- (d) Upon request of the Board, an instructor or proposed instructor shall submit to the Board a recording that depicts the instructor teaching portions of a qualifying course.
- (e) The inquiry into determining whether to approve an instructor shall include consideration of whether the instructor has ever had any disciplinary action taken or has a disciplinary action pending against his or her appraisal license or certificate or any other professional license or certificate in North Carolina or any other state, or whether the instructor has ever been convicted of or pled guilty to any criminal act or has criminal ~~charges pending; charges.~~ An instructor shall not have received any disciplinary action against his or her appraisal license or certificate from the State of North Carolina or any other state within the previous two years. For the purposes of this Section, disciplinary action means a reprimand, suspension (whether active or inactive), or a revocation.
- ~~(e)(f)~~ Proposed qualifying course instructors who do not meet the minimum appraisal education and experience qualifications listed in Paragraph (a) of this Rule, and who seek to have their qualifications determined by the Board to be equivalent to the qualifications listed in Paragraph (a) of this Rule, shall supply the Board with copies of sample appraisal reports or other evidence of experience.
- ~~(h)(g)~~ Persons desiring to become instructors for qualifying courses shall file an instructor application for qualifying education and be approved by the Board. There is no fee for application for instructor approval. Once an instructor has been approved to teach a specific qualifying course, that person may teach the course at any school or for any course sponsor approved by the Appraisal Board to offer qualifying courses. The instructor application form shall include the following information:
- (1) the instructor's name, address, phone ~~number number,~~ and email address;
 - (2) a list of course provider(s) the instructor will be teaching for;
 - (3) the programs the instructor is seeking approval for;
 - (4) the instructor's ~~Licensing/Certification History;~~ licensing/certification history;
 - (5) whether the instructor has ever been denied a trainee registration, or appraiser ~~license~~ license, or certificate in NC or any other state;
 - (6) whether the instructor has any disciplinary action taken against a trainee registration, appraiser license or certificate in NC or any other state;
 - (7) whether the instructor has ~~any current charges pending against any professional license in NC; has~~ had any disciplinary action within the past three years or pending complaints or charges pending against ~~his or her license;~~ any professional license in this State;
 - (8) the instructor's college education, appraisal education, appraisal experience, and description of work experience; and

1 (9) ~~the~~ signature of applicant.

2 ~~(i)~~(h) Current Appraisal Board members shall not be eligible to teach qualifying courses during their term of office
3 on the Board.

4
5 *History Note: Authority G.S. 93E-1-8(a); 93E-1-10;*

6 *Eff. July 1, 1994;*

7 *Amended Eff. July 1, 2014; July 1, 2010; September 1, 2008; March 1, 2007; March 1, 2006; July*
8 *1, 2005; July 1, 2003; August 1, 2002;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*
10 *2017;*

11 *Amended Eff. May 1, 2020; July 1, 2019.*

21 NCAC 57B .0307 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57B .0307 CRITERIA FOR COURSE RECOGNITION

(a) Schools and course sponsors seeking to offer appraiser qualifying courses shall make written application to the Board and pay applicable fees as required by G.S. 93E-1-8(b). The application may be accessed at the Board's website at ~~www.nappraisalboard.org.~~ www.ncappraisalboard.org. This application shall include:

- (1) the name of school, mailing address, and phone number;
- (2) the name and email address of the school owner and contact person;
- (3) the name of the school's Director pursuant to Rule .0207 of this Subchapter;
- (4) whether the school owner(s), Director, or any proposed instructor have had any criminal convictions or had any disciplinary action taken against a professional license;
- (5) whether the classroom facilities meet the minimum requirements in Rule .0204 of this Subchapter;
- (6) the courses they are seeking approval for;
- (7) the proposed instructors for the courses; and
- (8) the applicant's signature.

(b) Appraisal subject matter electives offered for ~~qualifying~~ credit pursuant to the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board shall meet all other requirements of this Chapter. The content of these electives shall be ~~directly~~ related to the appraisal of real property to be approved for credit. Appraisal subject matter elective courses shall contain a minimum of 15 hours.

~~(c) Various combinations of courses may be recognized as equivalent to the appraiser qualifying courses specified in 57B .0101, .0102 and .0103.~~

~~(d)(c)~~ The 15 hour USPAP course shall be the 15-hour National USPAP Course as approved by the Appraiser Qualifications Board of the Appraisal Foundation, or its equivalent. Foundation.

~~(e)(d)~~ The application shall state the name of the instructor for ~~the~~ each course. All instructors shall be approved by the Board pursuant to ~~57B .0306(h).~~ Rule .0306 of this Section. After the course is approved, if a school or course sponsor wishes to change instructors, the school shall notify the Board of the name of the new instructor at least seven calendar days before the proposed change would take effect. If the proposed instructor is not currently approved in accordance with ~~57B .0306(h).~~ Rule .0306 of this Section, the instructor shall be approved by the Board before the school or course sponsor may ~~change instructors.~~ allow the instructor to start instructing.

~~(f)(e)~~ Course sponsors may offer all qualifying classes other than ~~Residential Sales Comparison and Income Approach class and the General Appraiser Income Approach class on line via the Internet.~~ Basic Appraisal Principles, Basic Appraisal ~~Procedures~~ Procedures, and the 15 hour USPAP course online. The Board shall be provided access to the course ~~via the internet~~ online at a date and time satisfactory to the Board and shall not be charged any fee for such access. To be approved for credit, an ~~on-line~~ online qualifying education course shall meet all of the conditions imposed by the Rules in this ~~Subchapter in advance, except where otherwise noted.~~ Subchapter. The course shall be interactive, permitting the participant to communicate, via telephone, electronic mail, or a website bulletin board, with the presenter and other participants. The sponsor of an ~~on-line~~ online course shall have a method for recording and

1 verifying attendance. A participant may periodically log on and off of an ~~on-line~~ online course provided the total time
2 spent participating in the course is equal to or exceeds the credit hours assigned to the program. The course design
3 and delivery mechanism for an ~~on-line~~ online course ~~offered on the Internet~~ shall have received approval from the
4 International Distance Education Certification Center (IDECC). Information about the IDECC may be found on their
5 website at www.idecc.org. A course completion certificate shall be forwarded to the student as stated in Rule ~~.0303(e)~~
6 .0607 of this Subchapter.

7
8 *History Note:* Authority G.S. 93E-1-8(a); 93E-1-10;
9 Eff. July 1, 1994;
10 Amended Eff. July 1, 2014; July 1, 2010; September 1, 2008; January 1, 2008; August 1, 2002;
11 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,
12 2017;
13 Amended Eff. May 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57B .0606

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

How do Items (1) and (5) go together?

In Item (2), what is meant by "false or misleading"? How is this determined? Perhaps say what it shall include, rather than what it can't?

In (4)(a), how is this sufficiency determined?

How is (4)(c) determined and by whom?

In (4)(e), delete "under any circumstances" It's redundant.

In Item (8), how will it be determined whether the request will be made? Is it upon complaint? Randomly? Will it be everytime?

In Item (9), what is this electronic link? Is this like a portal?

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

Amber May
Commission Counsel

Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57B .0606 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57B .0606 COURSE OPERATIONAL REQUIREMENTS

Course sponsors shall maintain compliance with Rule .0603 of this Section and shall also comply with the following requirements:

- (1) Courses shall ~~be last~~ a maximum of eight classroom hours in any ~~given~~ day. A classroom hour shall consist of 50 minutes of classroom instruction and ten minutes of break time. ~~For any class that exceeds 50 minutes in duration, breaks at the rate of ten minutes per hour shall be scheduled.~~
- (2) Course sponsors shall not utilize advertising of any type that is false or ~~misleading. Advertisements misleading and~~ shall specify the number of continuing education credit hours awarded by the Board for the course.
- (3) Course sponsors shall, upon request, provide any prospective student a description of the course content regarding the instruction to be provided in the course.
- (4) Courses shall be conducted in a facility that meets the following requirements:
 - (a) is of sufficient size to accommodate all enrolled students;
 - (b) contains a student desk or worktable space for each student;
 - (c) is free of noise or visual distractions that disrupt class sessions; and
 - (d) complies with all applicable local, state and federal laws and regulations regarding safety, ~~health health,~~ and sanitation. ~~Classes shall not be held in a personal residence under any circumstances.~~
 - (e) Classes shall not be held in a personal residence under any circumstances.
- (5) The course sponsor shall require students to attend at least 90 percent of the scheduled classroom hours in order to complete the course, even if the number of continuing education credit hours awarded by the Board for the course is less than the number of scheduled classroom hours. Attendance shall be monitored during all class sessions to ensure compliance with the attendance requirement. Instruction shall be given for the number of hours for which credit is given. Instructors shall not accumulate unused break time to end the class early.
- (6) Instructors shall require student attentiveness during class sessions. Students shall not be permitted to engage in activities that are not related to the instruction being provided.
- (7) Course sponsors for which an application fee is required by Rules .0602(b) and .0611(b) of this Section shall administer course cancellation and fee refund policies. In the event a scheduled course is canceled, efforts shall be made to notify preregistered students of the cancellation and all prepaid fees received from such preregistered students shall be refunded within 30 days of the date of cancellation or, with the student's permission, applied toward the fees for another course.
- (8) Upon request of the Board, the course sponsor shall submit to the Board a recording that depicts the instructor teaching portions of any continuing education course.

- 1 (9) Course sponsors shall provide the Board in writing or via an electronic link with the dates and
2 locations of all classes the sponsor is offering in ~~the State of~~ North Carolina at least ~~30~~ 10 calendar
3 days before the class is offered, unless circumstances beyond the control of the course sponsor
4 require that the course be rescheduled, such as a weather emergency. If the dates or location of the
5 classes change after such information is provided to the Board, the course sponsor shall notify the
6 Board of such changes within five days of the rescheduled ~~date~~, date in writing or via an electronic
7 link.
- 8 (10) Course sponsors shall provide each student with contact information for the Appraisal Board.
- 9 (11) If an instructor has any disciplinary action taken on his or her appraisal license or any other
10 professional license in North Carolina or any other state, or if the instructor has been convicted of
11 or pled guilty to any misdemeanor or felony, the school or course sponsor shall report that fact to
12 the Board within 15 business days.
- 13 (12) All courses, except those taught ~~on line via the Internet~~, online, shall have a minimum number of
14 five students enrolled in the ~~course~~, course in order for the course to take place.
- 15

16 *History Note:* Authority G.S. 93E-1-8(c); 93E-1-10;
17 Eff. July 1, 1994;
18 Amended Eff. January 1, 2013; July 1, 2010; January 1, 2008; March 1, 2007; July 1, 2005; August
19 1, 2002;
20 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,
21 2017;
22 Amended Eff. May 1, 2020; July 1, 2019.

21 NCAC 57B .0613 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57B .0613 PAYMENT OF FEE REQUIRED BY G.S. ~~90E-1-7(B1)~~ 93E-1-7(B1)

Schools and course sponsors who are required by G.S. 93E-1-7(b1) to pay a fee to the Board for each licensee completing an approved continuing education course conducted by the school or course sponsor shall remit the fee to the Board ~~within 30 days after the date the course is completed.~~ upon uploading the course roster online.

History Note: Authority G.S. ~~93E-1-8(c)(4)~~; 93E-1-7; 93E-1-10;

Eff. September 1, 2008;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

Amended Eff. May 1, 2020; July 1, 2018.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57B .0614

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

In (b), did you intend to delete "speeding tickets" as you have elsewhere in these Rules?

In (d), what are the approval standards the Board will use for those to want to teach the trainee supervision course? I note that here, you've said "trainee supervision course", but in (e), you've said "NC Supervisor/trainee course." Are these the same? If so, please be consistent.

In (e), what is a minimum of four hours? I don't understand the placement of this language.

In (e), are the approval standards for this other course set forth elsewhere in rule or statute? What is to be included in the NC Supervisor/Trainee course?

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

Amber May
Commission Counsel

Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57B .0614 is amended as published in 34:13 NCR 1253-1264 as follows:

**21 NCAC 57B .0614 INSTRUCTORS FOR THE TRAINEE/SUPERVISOR COURSE REQUIRED BY
G.S. 93E-1-6.1**

(a) Instructors for the trainee supervision course set forth in G.S. 93E-1-6.1 shall be real estate appraisers who have been certified residential or certified general appraisers for at least three years.

(b) Instructors shall not have received any disciplinary action regarding their appraisal certificate from the State of North Carolina or any other state within the previous three years. In addition, instructors shall not have been convicted of or pleaded guilty to any criminal act. "Criminal act" shall not include speeding tickets or traffic infractions.

(c) All applicants for instructor of the trainee supervision course shall obtain a criminal records check. This records check ~~must~~ shall have been performed within 60 days of the date the completed application for approval as an instructor is received by the Board. Applicants shall pay the vendor directly for the cost of these reports. The records check shall comply with the provisions of 21 NCAC 57A .0202(e).

(d) Persons who wish to teach the trainee supervision course shall be approved by the Board before they may teach this course. ~~Such approval~~ Approval of a trainee supervision course instructor authorizes the instructor to teach the course for any approved course sponsor.

(e) Applicants who wish to become instructors for the trainee supervision course shall attend an educational workshop sponsored by the Board or complete the NC Supervisor/Trainee course with another approved sponsor, which is a minimum of four hours, before they may be approved. Applicants may check the Board's website for information regarding the date and location of the workshop. The website may be accessed at ~~www.ncappraisalboard.org.~~ www.ncappraisalboard.org.

(f) Approval of trainee supervision course instructors ~~granted on or after July 1 shall expire on June 30 of the following year.~~ expires on the next December 31 following the date of approval. Applications for renewal of Board approval, shall be filed with the Board annually on or before December 1.

History Note: Authority G.S. 93E-1-6.1; 93E-1-8(c); 93E-1-10;

Eff. July 1, 2014;

Amended Eff. July 1, 2016;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

Amended Eff. May 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57C .0101

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

In (a), please consider breaking this information up into a list and say something like "Complaints shall be in writing and contain the following information: 1) name of the trainee, appraiser, or appraisal management company; 2) name of complainant; 3) physical address and contact information of the complainant; and 4) the facts that form the basis of the complaint." Please note that I have also changed some wording to match the "following information."

In (b), you've said that the three panel committee will review the decision, but (c) says that Board staff can make the determination. Which is it?

In (d) and (g), what is a "formal complaint"? What is the difference between a "formal complaint" and a "complaint"? Please delete or define "formal"

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

Amber May
Commission Counsel
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57C .0101 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57C .0101 FORM OF COMPLAINTS AND OTHER PLEADINGS

(a) Complaints shall be in writing, identify the trainee, appraiser, or appraisal management company, identify the Complainant by name, provide a physical address and contact information for the Complainant, and state the facts that form the basis of the complaint.

(b) When a complaint is received by the Board it shall be considered an allegation. The Board staff shall review the allegation to determine whether it shall be investigated, including examination of the appraisal report, if applicable, which shall be requested from the appraiser, and if based on this information there appears to be no violations of USPAP or any of the Board rules or statutes, then the allegations shall not be further investigated and will be dismissed. A three-panel committee of the Board shall review this decision.

(c) If the Board staff or the three-panel committee determine that further investigation is required, then a formal complaint shall be opened, and the Board staff shall request a response and the entire workfile from the appraiser and shall proceed to investigate the matter.

~~(b)(d)~~ When the Board staff investigates a formal complaint, the scope of the investigation shall not be limited to the persons or transactions described or alleged in the complaint.

~~(e)(e)~~ Complainants are not parties to contested cases heard by the Board, but may be witnesses in the cases.

~~(d)(f)~~ There is no specific form required for answers, motions, or other pleadings submitted prior to the hearing relating to contested cases before the Board, except they shall be in writing. The document shall identify the file number and state the matters it alleges, answers, or requests. Motions may be made on the record during the course of the hearing before the Board.

~~(e)(g)~~ During the course of an investigation of a formal complaint, ~~licensee~~, the Board, through its legal counsel or staff, may send a trainee, appraiser, or appraisal management company one or more letters of inquiry requesting a response from the trainee, appraiser, or appraisal management company. The initial letter of inquiry, or attachments thereto, shall set forth the subject matter being investigated. Upon receipt of a letter of inquiry, the trainee, appraiser, or appraisal management company shall respond within 30 calendar days. The response shall include copies of all documents requested in a letter of inquiry.

~~(f)(h)~~ Hearings in contested cases before the Board shall be governed by the provisions of Article 3A of Chapter 150B of the General Statutes.

~~(g)(i)~~ A complaint shall not be accepted if the applicable time period for retention of the work file for that appraisal assignment pursuant to the Recordkeeping Rule of the Uniform Standards of Professional Appraisal Practice has expired. This Section does not apply to complaints involving the actions outlined in G.S. 93E-1-12(b)(1),(2),(4), and (5).

*History Note: Authority G.S. 93E-1-10; 93E-1-12; 93E-2-3; 93E-2-8;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; January 1, 2011; July 1, 2003; August 1, 2002.*

- 1 *Readopted Eff. July 1, 2018.*
- 2 *Amended Eff. May 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57D .0101

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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 that the following technical changes be made:

I don't understand "pursuant to G.S. 93E-2-4(b)" on lines 6-7. Some of these requirements repeat 93E-2-4(b), but some are different. I don't doubt your authority to request this information as I think you have it pursuant to 93E-2-4(a), but I don't understand what's going on here. Are you requesting the information set forth in 93E-2-4(b) and the information here? If so, please make that more clear, say "in addition to the information required by G.S. 93E-2-4(b), the appraisal management company shall submit the following:" Then delete the information already required by the statute.

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

Amber May
Commission Counsel
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 57D .0101 is amended as published in 34:13 NCR 1253-1264 as follows:

21 NCAC 57D .0101 FORM

An appraisal management company that wishes to file an application for an appraisal management company certificate of registration may obtain the required form upon request to the Board or on the Board's website at www.ncappraisalboard.org. The form ~~calls for~~ requires ~~information such as:~~ the following pursuant to G.S. 93E-2-4(b):

- (1) the legal name of the applicant;
- (2) the name under which the applicant will do business in North Carolina;
- (3) the type of business entity;
- (4) the address of its principal office;
- (5) the applicant's NC Secretary of State Identification Number if required to be registered with the Office of the NC Secretary of State;
- (6) a completed application for approval of the compliance manager;
- (7) any past criminal conviction of and any pending criminal charge against any person or entity that owns ~~ten~~ 10 percent or more of the appraisal management company;
- (8) any past revocation, suspension, cancellation, or denial of an appraisal license of any person or entity that owns any part, directly or indirectly, ~~owns ten percent or more~~ of the appraisal management company;
- (9) any disciplinary action taken against the applicant, including the effective date of the disciplinary action and whether the applicant has complied;
- (10) other States where the applicant is registered to operate, if applicable;
- (11) applicant's employer identification number (EIN);
- ~~(9)(12)~~ if a general partnership, a description of the applicant entity, including a copy of its written partnership agreement ~~or~~ or, if no written agreement exists, a written description of the rights and duties of the several partners;
- ~~(10)(13)~~ if a business entity other than a corporation, limited liability company, or partnership, a description of the organization of the applicant entity, including a copy of its organizational documents;
- ~~(11)(14)~~ if a foreign business entity, a certificate of authority to transact business in North Carolina and an executed consent to service of process and pleadings; and
- ~~(12)(15)~~ a certification that the applicant has obtained a surety bond as required by G.S. 93E-2-4(g).

~~Incomplete applications shall not be acted upon by the Board.~~

*History Note: Authority G.S. 93E-2-4; ~~S.L. 2013-403~~;
Eff. January 1, 2011;
Amended Eff. July 1, 2014;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*
2 *2017;*
3 *Amended Eff. May 1, 2020.*