

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57A .0101

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In line 6, please change "A person who wishes to file an application for a real estate trainee registration or an appraiser license or certificate may obtain..." to "A person who wishes to be registered as a trainee or to obtain licensure as a licensed real estate appraiser or certification as a certified real estate appraiser may obtain..." in order to track the language of G.S. 93E-1-6(a). Please note that the language used in this Statute is more closely tracked in 21 NCAC 57A .0201.

Is the form referenced in line 7 available online? If so, please provide the website.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

21 NCAC 57A .0101 is amended as published in 28:17 NCR 2050 as follows:

21 NCAC 57A .0101 FORM

A person who wishes to file an application for a real estate trainee registration or an appraiser license or certificate may obtain the required form upon request to the Board. The form calls for information such as the applicant's name and address, the applicant's social security number, a passport size photograph of the applicant, places of residence and employment, education, and such other information as may be necessary to identify the applicant and determine his qualifications and fitness for ~~registration~~ registration, licensure, or certification.

*History Note: Authority G.S. 93E-1-6(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; September 1, 2008; April 1, 1999.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57A .0102

DEADLINE FOR RECEIPT: June 13, 2014

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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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In line (a), line 4, please change "Each application for registration, licensure, or certification..." to "Each application for registration as a trainee, licensure as a licensed real estate appraiser, or certification as a certified real estate appraiser..." in order to more closely track the language of the G.S. 93E-1-6(a). Please note that the language used in this Statute is more closely tracked in 21 NCAC 57A .0201.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

21 NCAC 57A .0102 is amended as published in 28:17 NCR 2051 as follows:

21 NCAC 57A . 0102 FILING AND FEES

(a) Each application for ~~registration~~ registration, licensure, or certification shall be accompanied by the required application fee. An additional fee may be charged to defray the cost of any competency examination administered by a private testing service. This additional fee shall be no more than the fee set by the private testing agency. The Board may reject and return to the applicant any application which is incomplete or not accompanied by the required fee or fees. Application fees accompanying complete applications are not refundable.

(b) The application fee shall be that prescribed in G.S. 93E-1-6(b).

(c) Payment of application fees shall be made by certified check, bank ~~check~~ check, or money order payable to the North Carolina Appraisal Board.

*History Note: Authority G. S. 93E-1-6; 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; September 1, 2008; January 1, 2008; August 1, 2002; April 1, 1999.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57A .0201

DEADLINE FOR RECEIPT: June 13, 2014

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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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please correct the name of the Rule on the Submission for Permanent Rule Form. The name listed on the Form should be the new name of "Qualifications for Trainee Registration and Appraiser Licensure and Certification."

In (c), line 14, please make lower-case "Associate's degree"

In (c), line 15, please add a comma in between "community college" and "or university"

In (c), lines 15-16, you are only requiring that applicants for licensure as a licensed residential real estate appraiser have at least 2,500 hours of appraisal experience acquired over a minimum period of two calendar years; however, G.S. 93E-1-6(1a)(c) (see below) also refers to a minimum requirement as imposed by the federal government and requires that the experience occur within the eight year period immediately preceding the date of the application. Is there a reason this was left out of the Rule? It seems that the standard could differ.

- (1a) Each applicant for licensure as a licensed real estate appraiser shall:
- a. Hold an associate's degree or higher from an accredited college, community college, or university;
 - b. Demonstrate to the Board that the applicant possesses the knowledge and competence necessary to perform appraisals of real property by having satisfactorily completed a course of instruction consisting of at least 150 hours of classroom instruction in subjects determined by the Board. All instructional courses must be completed on or after January 1, 2008;
 - c. Present evidence satisfactory to the Board of at least 2,500 hours, or the minimum requirement as imposed by the federal government, whichever is greater, of experience in real estate appraising within the eight-year period immediately preceding the date the application is made and over a period of at least two calendar years; and
 - d. Satisfy the additional qualifications criteria as may be imposed by the Board by rule, not inconsistent with any requirements imposed by the federal government, or shall possess education and experience which is found by the Board in its discretion to be equivalent to the above requirements.

In (c), is the sentence "Applicants must have been engaged in real estate appraising for at least two calendar years prior to the date application is made" necessary given the requirement that their experience be acquired over a minimum of two calendar years. It seems that this sentence on lines 16 through 17 is unnecessary.

Amber Cronk May
Commission Counsel
Date submitted to agency: May 30, 2014

In (d) and (e), please make lower-case "Bachelor's degree"

In (d), lines 28-29, you are only requiring that applicants for certification as a certified real estate appraiser have obtained at least 2,500 hours of appraisal experience over a minimum of two calendar years; however, G.S. 93E-1-6(2)(c) (see below) also refers to a minimum requirement as imposed by the Appraisal Foundation and requires that the experience occur within the eight year period immediately preceding the date of the application. Is there a reason this was left out of the Rule? It seems that the standard could differ.

- (2) Each applicant for certification as a certified residential real estate appraiser shall:
- a. Hold a bachelor's degree from an accredited college or university;
 - b. Demonstrate that the applicant possesses the knowledge and competence necessary to perform appraisals of real property as the Board may prescribe by having satisfactorily completed a course of instruction, approved by the Board, in real estate appraisal principles and practices consisting of at least 200 hours. All instructional courses shall have been completed on or after January 1, 2008;
 - c. Present evidence satisfactory to the Board of at least 2,500 hours or the minimum requirement as imposed by the Appraisal Foundation, whichever is greater, of experience in real estate appraising within the eight-year period immediately preceding the date application is made, and over a period of at least two calendar years; and
 - d. Satisfy the additional qualifications criteria as may be imposed by the Board by rule, not inconsistent with any requirements imposed by the Appraisal Foundation; or
 - e. Possess education and experience which is found by the Board in its discretion to be equivalent to the above requirements.

In (d), is the sentence "Applicants must have been engaged in real estate appraising for at least two calendar years prior to the date application is made" necessary given the requirement that their experience be acquired over a minimum of two calendar years. It seems that this sentence on lines 29 -30 is unnecessary.

In (e), page 2, lines 2-3, you are only requiring that applicants for certification as a certified general real estate appraiser have obtained at least 3,000 hours of appraisal experience over a minimum of two calendar years; however, G.S. 93E-1-6(3)(c) (see below) also refers to a minimum requirement as imposed by the Appraisal Foundation and requires that the experience occur within the eight year period immediately preceding the date of the application. Is there a reason this was left out of the Rule? It seems that the standard could differ.

- (3) Each applicant for certification as a certified general real estate appraiser shall:
- a. Hold a bachelor's degree or higher from an accredited college or university;
 - b. Demonstrate that the applicant possesses the knowledge and competence necessary to perform appraisals of all types of real property by having satisfactorily completed a course of instruction, approved by the Board, in general real estate appraisal practices consisting of at least 300 hours. All instructional courses shall have been completed on or after January 1, 2008;
 - c. Present evidence satisfactory to the Board of at least 3,000 hours or the minimum requirement as imposed by the Appraisal Foundation, whichever is greater, of experience in real estate appraising within the eight-year period immediately preceding the date application is made, and over a period of at least two and one-half calendar years, fifty percent (50%) of which must be in appraising nonresidential real estate; and
 - d. Satisfy the additional qualifications criteria as may be imposed by the Board by rule, not inconsistent with any requirements imposed by the Appraisal Foundation; or
 - e. Possess education or experience which is found by the Board in its discretion to be equivalent to the above requirements.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

In (e), is the sentence “Applicants must have been engaged in real estate appraising for at least two and a half calendar years prior to the date application is made” necessary given the requirement that their experience be acquired over a minimum of two and a half calendar years. It seems that this sentence on lines 4-5 is unnecessary.

In (f), does your regulated public know what you mean by a “complete appraisal log”?

If (f), line 11, are copies of all appraisal reports and work files necessary or just a sample?

If (f), lines 12-13, where can the Uniform Standards of Professional Appraisal Practice be found? Is there a website that you can reference?

In (g), line 16, what is meant by “immediately”?

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

21 NCAC 57A .0201 is amended with changes as published in 28:17 NCR 2051 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 satisfy the qualification requirements stated in G.S. 93E-1-6 and in this Section.

(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 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)~~ (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, ~~an Associate's degree,~~ or higher, from an accredited college, ~~junior college,~~ community college, or university. ~~In lieu of the Associate's degree requirements, applicants shall have successfully completed 21 semester credit hours in the following collegiate subject matter courses from an accredited college or university: English composition; principles of economics (macro or micro); finance; algebra; geometry or higher mathematics; statistics; introduction of computers, including word processing and spreadsheets; and business or real estate law.~~ Applicants shall have obtained at least 2,500 hours of appraisal experience acquired 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)(e)~~ (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. ~~In lieu of the Bachelor's degree requirements, applicants shall have successfully completed 30 semester credit hours in the following collegiate subject matter courses from an accredited college or university: English composition, micro economics, macro economics, finance, algebra, geometry or higher mathematics, statistics, introduction of computers, including word processing and spreadsheets, business~~

1 ~~or real estate law, and two elective courses in accounting, geography, business management or real~~
2 ~~estate.~~ Applicants shall have obtained at least 3,000 hours of appraisal experience acquired over a minimum period
3 of two and a half calendar years of which at least 50 percent must have been in appraising non-residential real estate.
4 Applicants must have been engaged in real estate appraising for at least two and one-half calendar years prior to the
5 date application is made. At least 50 percent of the non-residential appraisal experience must have been of special
6 use properties such as schools, churches, or hospitals in which the income approach is not applicable or of improved
7 properties in which the income approach was utilized in the appraisal process.

8 ~~(e)(f)~~ Applicants for licensure or certification who are currently registered trainees must submit a copy of their
9 complete appraisal log. Applicants for certification who are currently licensed or certified appraisers must submit an
10 appraisal log showing that they possess the requisite amount and length of experience as set forth in Paragraphs (c)
11 and (d) of this Rule. All applicants shall provide to the Board copies of appraisal reports and work files in support
12 of experience credit. In order for an appraisal to be given experience credit, it must comply with the Uniform
13 Standards of Professional Appraisal Practice (USPAP) and with any applicable state statutes or rules.

14 ~~(f)(g)~~ 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 immediately canceled by the Board. When a certified residential real estate
16 appraiser becomes certified as a general real estate appraiser, his or her previous certification shall be immediately
17 canceled by the Board.

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

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

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

31
32 *History Note:* Authority G.S. 93E-1-6(a); 93E-1-10;
33 Eff. July 1, 1994;
34 Amended Eff. July 1, 2014; January 1, 2013; July 1, 2010; September 1, 2008; January 1, 2008;
35 March 1, 2007; April 1, 2006, July 1, 2005; August 1, 2002; April 1, 1999.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57A .0204

DEADLINE FOR RECEIPT: June 13, 2014

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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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (f), page 2, line 2-3, delete or define "proper." Also, what is considered "proper proof"? Is this the responsibility of the course sponsor in the form of the required roster or is the applicant required to provide additional information?

In (i), line 31, add a comma in between "another state" and "and is active on the National Registry."

In (i), capitalize "section" on line 32.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57A .0204 is amended with changes as published in 28:17 NCR 2052 as follows:

21 NCAC 57A .0204 CONTINUING EDUCATION

(a) All registered trainees, real estate appraiser ~~licensees~~ licensees, and certificate holders shall, upon the renewal of their registration, ~~license~~ license, or certificate in every odd-numbered year, present evidence satisfactory to the Board of having obtained continuing education as required by this Section. Trainees and appraisers who initially registered with the Board after January 1 of an odd numbered year are not required to show continuing education credit for renewal of their registration in that odd numbered year.

(b) Each trainee, ~~licensee~~ licensee, and certificate holder who must complete continuing education pursuant to Paragraph (a) of this Rule must complete 28 hours of continuing education before June 1 of every odd numbered year. Except as provided in Paragraphs (g) and (h) of this Rule, such education must have been obtained by taking courses approved by the Board for continuing education purposes, at schools approved by the Board to offer such courses. Such education must relate to real estate appraisal and must contribute to the goal of improving the knowledge, skill and competence of trainees, and licensed and certified real estate appraisers. There is no exemption from the continuing education requirement for trainees or appraisers whose ~~registered, licensed or certified~~ status has been upgraded to the level of licensed residential, ~~certified-residential~~ residential, or certified general appraiser since the issuance or most recent renewal of their registration, ~~license~~ license, or certificate, and courses taken to satisfy the requirements of a higher level of certification shall not be applied toward the continuing education requirement. Trainees, ~~licensees~~ licensees, and certificate holders shall not take the same continuing education course more than once during the two year continuing education cycle.

(c) Each appraisal continuing education course must involve a minimum of three and one-half classroom hours of instruction on real estate appraisal or related topics such as the application of appraisal concepts and methodology to the appraisal of various types of property; specialized appraisal techniques; laws, rules or guidelines relating to appraisal; standards of practice and ethics; building construction; financial or investment analysis; land use planning or controls; feasibility analysis; statistics; accounting; or similar topics. The trainee, ~~licensee~~ licensee, or certificate holder must have attended at least 90 percent of the scheduled classroom hours for the course in order to receive credit for the course.

(d) Each trainee, ~~licensee~~ licensee, and certificate holder who is required to complete continuing education pursuant to Paragraph (a) of this Rule must, as part of the 28 hours of continuing education required in Paragraph (b) of this Rule, complete the seven hour National USPAP update course between October 1 of an odd-numbered year and June 1 of an even numbered year, as required by the Appraiser Qualifications Board of the Appraisal Foundation, or its equivalent. USPAP is updated every even numbered year, and each trainee, ~~licensee~~ licensee, and certificate holder shall take the most recent USPAP update course prior to June 1 of every even numbered year.

(e) A trainee, licensee, or certificate holder who elects to take approved continuing education courses in excess of the requirement shall not carry over into the subsequent years any continuing education credit.

(f) Course sponsors must provide a certificate of course completion to each trainee, ~~licensee~~ licensee, and certificate holder successfully completing a course. In addition, course sponsors must send directly to the Board a certified roster of all who successfully completed the course. This roster must be sent within 15 days of completion of the

1 course, but not later than June 15 of each year. In order to renew a registration, ~~license~~ license, or certificate in a
2 timely manner, the Board must receive proper proof of satisfaction of the continuing education requirement prior to
3 processing a registration, ~~license~~ license, or certificate renewal application. If proper proof of having satisfied the
4 continuing education requirement is not provided, the registration, ~~license~~ license, or certificate shall expire and the
5 trainee, ~~licensee~~ licensee, or certificate holder shall be subject to the provisions of Rules .0203(e) and .0206 of this
6 Section.

7 (g) A current or former trainee, ~~licensee~~ licensee, or certificate holder may request that the Board grant continuing
8 education credit for a course taken by the trainee, ~~licensee~~ licensee, or certificate holder that is not approved by the
9 Board, or for appraisal education activity equivalent to a Board-approved course, by making such request and
10 submitting a non-refundable fee of fifty dollars (\$50.00) as set out in G.S. 93E-1-8(d) for each course or type of
11 appraisal education activity to be evaluated. Continuing education credit for a non-approved course shall be granted
12 only if the trainee, ~~licensee~~ licensee, or certificate holder provides satisfactory proof of course completion and the
13 Board finds that the course satisfies the requirements for approval of appraisal continuing education courses with
14 regard to subject matter, course length, instructor qualifications, and student attendance. Appraisal education
15 activities for which credit may be awarded include teaching appraisal courses, authorship of appraisal textbooks, and
16 development of instructional materials on appraisal subjects. Up to 14 hours of continuing education credit may be
17 granted in each continuing education cycle for participation in appraisal education activities. Trainees or licensed or
18 certified appraisers who have taught an appraisal course or courses approved by the Board for continuing education
19 credit are deemed to have taken an equivalent course and are not subject to the fee prescribed in G.S. 93E-1-8 (d),
20 provided they submit verification satisfactory to the Board of having taught the course(s). A
21 trainee, ~~licensee~~ licensee, or certificate holder who teaches a Board-approved continuing education course may not
22 receive continuing education credit for the same course more than once every two years, regardless of how often
23 he or she teaches the course. Requests for equivalent approval for continuing education credit must be received
24 before June 15 of an odd-numbered year to be credited towards the continuing education requirement for that odd-
25 numbered year. Equivalent approval shall be granted only for courses that are 7 hours or longer, and shall only be
26 granted for a minimum of 7 hours.

27 (h) A trainee, ~~licensee~~ licensee, or certificate holder may receive continuing education credit by taking any of the
28 Board-approved precertification courses, other than Basic Appraisal Principles and Basic Appraisal Procedures, or
29 their approved equivalents. Trainee, ~~licensees~~ licensees, and certificate holders who wish to use a precertification
30 course for continuing education credit must comply with the provisions of 21 NCAC 57B .0604.

31 (i) A licensee or certificate holder who resides in another state, is currently credentialed in another state and is
32 active on the National Registry in another state may satisfy the requirements of this ~~section~~ section, other than the
33 seven hour National USPAP update course requirement in Subsection (d) of this Rule, by providing a current letter
34 of good standing from another state showing that the licensee or certificate holder has met all continuing education
35 requirements in the other state, ~~including the most recent edition of USPAP.~~ state. A licensee or certificate holder
36 who became licensed in North Carolina by licensure or certification with another state and now resides in North
37 Carolina may renew by letter of good standing for his or her first renewal as a resident of North Carolina only if the
38 appraiser moved to North Carolina on or after January 1 of an odd numbered year. If an appraiser was a resident of

1 this state before January 1 of an odd-numbered year, the appraiser must comply with the requirements of this section
2 regardless of how the license or certificate was obtained.

3 (j) A trainee, ~~licensee~~ licensee, or certificate holder who returns from active military duty on or after February 1 of
4 an odd-numbered year is allowed to renew his or her registration, ~~license~~ license, or certificate in that odd-numbered
5 year even if the required continuing education is not completed before June 1 of that year. All required continuing
6 education must be completed within 180 days of when the trainee, ~~licensee~~ licensee, or certificate holder returns
7 from active duty. Failure to complete the required continuing education within 180 days is grounds for revocation.
8 This Rule applies to an individual who is serving in the armed forces of the United States and to whom G.S. 105-
9 249.2 grants an extension of time to file a tax return.

10
11 *History Note:* Authority G.S. 93B-15; 93E-1-7(a); 93E-1-10;
12 Eff. July 1, 1994;
13 Amended Eff. July 1, 2014; January 1, 2013; July 1, 2011; July 1, 2010; January 1, 2008; March
14 1, 2007; March 1, 2006; July 1, 2005; July 1, 2003; August 1, 2002; April 1, 1999

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57A .0206

DEADLINE FOR RECEIPT: June 13, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), delete or define "proper in line 5. Also, what is considered "proper application"? Is there a specific form to be used?

In (a), add a comma in between "G.S. 93E-1-7" and "and provision of proof" on line 5.

In (a), what would be considered a "provision of proof of having obtained the continuing education that would have been required had the registration, license or certificate been continuously renewed"? The same question applies to (b). Could an example be added?

In (a), add a comma in between "license" and "or certificate" on line 7.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57A .0206 is amended as published in 28:17 NCR 2053 as follows:

21 NCAC 57A .0206 EXPIRED REGISTRATION, LICENSE OR CERTIFICATE

(a) Expired registrations, ~~licenses~~ licenses, and certificates may be reinstated within 12 months after expiration upon proper application, payment to the Board of the renewal and late filing fees as set out in G.S. 93E-1-7 and provision of proof of having obtained the continuing education that would have been required had the registration, license or certificate been continuously renewed.

(b) If a ~~registration~~ registration, license, or certificate has been expired for more than 12 months, but less than 24 months, an applicant may apply for reinstatement. In order to be considered for reinstatement, the applicant must pay the filing fee as set out in G.S. 93E-1-7 and include in the application proof that the applicant has obtained the continuing education that would have been required had the ~~registration~~ registration, license, or certificate been continuously renewed. In addition, the Board may consider whether the applicant for reinstatement has any prior or current disciplinary actions, and may examine the applicant's fitness for ~~registration~~ registration, licensure, or certification before granting the request for reinstatement. A completed application for reinstatement must be received by June 1 of the second 12 months or it shall not be accepted.

(c) An application for reinstatement shall not be granted if the ~~registration~~ registration, license, or certificate has been expired for more than 24 months.

(d) Reinstatement is effective the date it is issued by the Board. It is not retroactive.

(e) A trainee or appraiser whose ~~registration~~ registration, license, or certification has expired and who is returning from active military duty may renew his or her ~~registration~~ registration, license, or certificate when the trainee or appraiser returns from active duty without payment of a late filing fee as long as the trainee or ~~certificate holder~~ appraiser renews the ~~registration~~ registration, license, or certificate within 180 days of when the trainee or ~~certificate holder~~ appraiser returns from active duty.

~~(f) A license holder whose license has been expired for more than 12 months may not apply for reinstatement.~~

History Note Authority G.S. 93E-1-6(b); 93E-1-7; 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; January 1, 2011; September 1, 2008; March 1, 2007; July 1, 2005;
August 1, 2002; April 1, 1999.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57A .0210

DEADLINE FOR RECEIPT: June 13, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), is the application available on-line? If so, please provide the website. If not, please state how an application can be obtained.

In (b), how does the applicant satisfy the Appraisal Board of his or her qualifications and eligibility for temporary licensing or certification privileges?

In (c), is there a particular way that you want the request for extension? Is there a specific form?

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57A .0210 is amended as published in 28:17 NCR 2053 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 application with the Board.

(b) Upon filing a completed application accompanied by the fee prescribed in G.S. 93E-1-9(c) and otherwise satisfying the Appraisal Board as to his or her qualifications and eligibility for temporary licensing or certification privileges, 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 application, provided that 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~~ 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, 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 additional time to complete the appraisal assignment. Such request for extension must be received before the original temporary practice permit expires or it shall not be granted.

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

(e) A trainee may not apply for a temporary practice permit. ~~permit, and the provisions of Sections (a), (b), (c) and (d) above apply.~~ The supervising appraiser for the trainee must be a North Carolina licensed or certified appraiser. If not, the supervising appraiser must be licensed or certified as a real estate appraiser in another state and must also receive a temporary practice permit for the same assignment as the trainee. The term "trainee" shall include apprentices and others who are licensed and regulated by a state agency to perform real estate appraisals under the supervision of a certified appraiser. ~~If the supervisor is not certified in North Carolina, the supervisor is not required to comply with the provisions of 21 NCAC 57A .0407 in order to supervise a trainee who is appraising in this state pursuant to the temporary practice permit. The supervisor shall actively and personally supervise the trainee on the assignment, and must accompany the trainee on all inspections of property located in this state for the assignment.~~ If a trainee does enter the state to inspect a property located in this state, the trainee must be accompanied by the trainee's supervising appraiser. The trainee's supervisor must be a North Carolina licensed or certified real estate appraiser. If not, the supervising appraiser must be licensed or certified as a real estate appraiser in another state and must receive a temporary practice permit for the assignment.

(f) 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. If an applicant does begin work before the permit is issued, the temporary practice permit shall be denied.

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); Eff. July 1, 1994; Amended Eff. July 1, 2014; September 1, 2008; January 1, 2008; March 1, 2007; July 1, 2005; July 1, 2003; August 1, 2002; April 1, 1999.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57A .0301

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (b), where can the application referenced on line 10 be found? Is this available on the website?

In (b), add a comma in between "suspension" and "or revocation" on line 11.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

21 NCAC 57A .0301 is amended as published in 28:17 NCR 2054 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 .0201 shall be issued an examination approval form. The examination approval form is valid for ~~three~~ 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. Violation of examination procedures and instructions is grounds for denial, suspension or revocation of a certificate.

(c) 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.*

21 NCAC 57A .0302 is amended as published in 28:17 NCR 2054 as follows:

21 NCAC 57A .0302 SUBJECT MATTER AND PASSING SCORES

(a) The examination for licensure as a licensed residential real estate appraiser or for certification as a certified residential real estate appraiser shall test applicants on the following subject areas:

- (1) Influences on Real Estate Value;
- (2) Legal Considerations in Appraisal;
- (3) Types of Value;
- (4) Economic Principles;
- (5) Real Estate Markets and Analysis;
- (6) Valuation Process;
- (7) Property Description;
- (8) Highest and Best Use Analysis;
- (9) Appraisal Statistical Concepts;
- (10) Sales Comparison approach;
- (11) Site Value;
- (12) Cost Approach;
- (13) Income Approach (Gross Rent Multipliers, Estimation of Income and Expenses, Operating Expense ratios);
- (14) Valuation of Partial Interests; and
- (15) Appraisal Standards and Ethics.

(b) In addition to the subject areas listed in Paragraph (a) of this Rule, the examination for certification as a certified general real estate appraiser shall test applicants on the following subject areas:

- (1) Direct Capitalization;
- (2) Cash Flow Estimates;
- (3) Measures of Cash Flow; and
- (4) Discounted Cash Flow Analysis.

(c) The testing service shall inform applicants whether they have passed the examination, and shall inform them of their actual score only if they fail the examination.

*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.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57A .0303

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (b), please change "is" to "shall be" on line 10.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57A .0303 is amended as published in 28:17 NCR 2054 as follows:

21 NCAC 57A .0303 RE-EXAMINATION

(a) Applicants for an appraiser license or certificate who fail to pass or appear for any examination for which the applicant has been scheduled by the Board-approved private testing service, may schedule a subsequent examination and shall pay the prescribed examination testing fees to the Board-approved private testing service.

(b) Applicants may take the examination no more than ~~three~~ five times per application. If an applicant fails the examination, the applicant must wait a minimum of 30 days before retaking the examination. If the applicant does not pass the examination by the ~~third~~ fifth attempt at the examination or within one year of the date of issuance of the examination approval form, the application is cancelled.

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

Eff. July 1, 1994;

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57A .0407

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a)(2), line 7, please add "or her" after "him"

In (a)(2), line 8, there appears to be an extra space in between "may" and "have"

In (a)(2), how is the supervisor to notify you regarding the trainee? Is there a specific form or particular person or department to contact?

In (b), line 34, please change "must" to "shall"

In (c), is the form provided by the Board? If so, please indicate where this can be found.

In (e), where can the Supervisor Declaration Form be found? Is this available online? If so, please provide the website.

In (f), please add a comma in between "firm" and "or partnership"

In (g), please change "must" to "shall" on line 22.

In (g), on line 23, did you intend to allow more than one appraiser to serve as the trainee's supervisor if all appraisers have the same level of credential?

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57A .0407 is amended as published in 28:17 NCR 2053 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 trainees working under him at any one time. 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 to upgrade, a certified residential appraiser may add another trainee. A certified general appraiser may have three trainees working under his or her supervision. Prior to the date any trainee begins performing appraisals under his or her supervision, the supervisor must inform the Board of the name of the trainee. The supervisor must also inform the Board when a trainee is no longer working under his or her supervision;
- (3) 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;
- (4) 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 adequately conducted and properly reported, application of appraisal principles and methodologies has been properly applied, that the analysis is sound and adequately reported, and that any analysis, opinions, or conclusions are adequately developed and reported so that the appraisal report is not misleading;
- (5) complies with all provisions of Rule .0405 of this Section regarding appraisal reports;
- (6) reviews and signs the trainee's log of appraisals, which must be updated at least every 30 days. In addition, the supervisor must 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
- (7) has not received any disciplinary action regarding 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 means an active suspension, a downgrade of a credential, a ~~revocation~~ revocation, or any other action that affects a supervisor's ability to engage in appraisal practice.

(b) Active and personal supervision includes direction, guidance, and support from the supervisor. The supervising appraiser shall have input into and full knowledge of the appraisal report prior to its completion, and shall make any necessary and appropriate changes to the report before it is transmitted to the client. In addition, the supervisor must 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 trainee is competent to perform those inspections, and provided that the subject property is less than 50 miles

1 from the supervisor's primary business location. The supervisor must accompany the trainee on all inspections of
2 subject properties that are located more than 50 miles from the supervisor's primary business location.

3 (c) The trainee must maintain a log on a form that includes each appraisal performed by the trainee, the type of
4 property appraised, type of appraisal performed, complete street address of the subject property, the date the report
5 was signed, the experience hours claimed, the name of the supervisor for that appraisal, the supervisor's license or
6 certificate number, and whether the supervisor accompanied the trainee on the inspection of the subject. The log
7 must show all appraisals performed by the trainee and must be updated at least every 30 days.

8 (d) All trainees and any ~~An~~ appraiser who wishes to supervise a trainee must attend an education program ~~offered~~
9 ~~by the Appraisal Board~~ regarding the role of a supervisor ~~either before such supervision begins, or within 90 days~~
10 ~~after such supervision begins. If the supervisor does not take the class within 90 days after the supervision begins, a~~
11 ~~trainee may no longer work under the supervision of that supervisor until the class is taken. This course shall be~~
12 ~~taught only by instructors approved by the Board in accordance with 21 NCAC 57B .0614. A trainee shall not~~
13 ~~receive experience credit for any appraisals performed before the trainee has taken the course.~~

14 (e) Trainees must assure that the Appraisal Board has received ~~the supervisor has completed and sent~~ the Supervisor
15 Declaration Form ~~to the Appraisal Board~~ on or before the day the trainee begins assisting the supervising appraiser.
16 Trainees shall not receive appraisal experience credit for appraisals performed in violation of this Paragraph.

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

19 (g) If a trainee signs an appraisal report or provides significant professional assistance in the appraisal process and
20 thus is noted in the report as having provided such assistance, the appraiser signing the report must have notified the
21 Appraisal Board before the appraisal is signed that he or she is the supervisor for the trainee. If more than one
22 appraiser signs the report, the appraiser with the highest level of credential must be the declared supervisor for the
23 trainee. If all appraisers signing the report have the same level of credential, at least one of them must be declared as
24 the trainee's supervisor before the report is signed.

25
26 *History Note: Authority G.S. 93E-1.6.1; 93E-1-10;*
27 *Eff. July 1, 1994;*
28 *Amended Eff. July 1, 2014; January 1, 2013; July 1, 2010; September 1, 2008; January 1, 2008;*
29 *March 1, 2007; March 1, 2006; July 1, 2005; August 1, 2002; April 1, 1999.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57B .0102

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please correct the name of the Rule on the Submission for Permanent Rule Form. The name listed on the Form should be the new name of "Licensed Residential and Certified Residential Real Estate Appraiser Course Requirements."

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

21 NCAC 57B. 0102 is amended as published in 28:17 NCR 2056 as follows:

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

(a) Each applicant for ~~licensure as a licensed residential real estate appraiser~~ or for certification as a certified residential real estate appraiser shall complete a minimum of 200 hours of ~~precertification~~ qualifying education, consisting of the following:

- (1) A minimum of 30 hours in basic appraisal principles;
- (2) A minimum of 30 hours in basic appraisal procedures;
- (3) a minimum of 15 hours in residential market analysis and highest and best use;
- (4) A minimum of 15 hours in Residential Appraiser Site Valuation and Cost Approach;
- (5) A minimum of 30 Hours in Residential Sales Comparison and Income Approaches;
- (6) A minimum of 15 hours in Residential Report Writing and Case Studies;
- (7) A minimum of 15 hours in The Uniform Standards of Professional Appraisal Practice (USPAP);
- (8) A minimum of 15 hours in Statistics, Modeling and Finance;
- (9) A minimum of 15 hours in Advanced Residential Applications and Case Studies; and
- (10) A minimum of 20 hours of appraisal subject matter electives.

Credit for these courses must be earned from a Board-approved course sponsor or school.

(b) An applicant who is currently registered with the Board as a trainee shall satisfy the educational requirements to become a licensed or certified residential real estate appraiser by completing the following education:

- (1) A minimum of 15 hours in Residential Appraiser Site Valuation and Cost Approach;
- (2) A minimum of 30 Hours in Residential Sales Comparison and Income Approaches;
- (3) A minimum of 15 hours in Residential Report Writing and Case Studies;
- (4) A minimum of 15 hours in Statistics, Modeling and Finance;
- (5) A minimum of 15 hours in Advanced Residential Applications and Case Studies; and
- (6) A minimum of 20 hours of appraisal subject matter electives.

(c) An applicant who was licensed as a licensed residential appraiser before January 1, 2015 ~~is currently a licensed residential appraiser~~ shall satisfy the educational requirements to become a certified residential real estate appraiser by completing the following education:

- (1) A minimum of 15 hours in Statistics, Modeling and Finance;
- (2) A minimum of 15 hours in Advanced Residential Applications and Case Studies; and
- (3) A minimum of 20 hours of appraisal subject matter electives.

(d) An applicant who is not currently registered by the Board as a trainee or who is not currently licensed by the Board as a licensed residential real estate appraiser must have completed all required courses no earlier than January 1, 2008.

(e) An applicant who is currently registered by the Board as a trainee or who is currently licensed by the Board as a licensed residential real estate appraiser must have completed all courses required beyond those required for his current registration, ~~licensure~~ license, or certification no earlier than January 1, 2008.

(f) The Basic Appraisal Principles, Basic Appraisal Procedures, Residential Market Analysis, ~~USPAP~~ USPAP, and Residential Sales Comparison and Income Approach classes must have been obtained in a classroom setting. All other courses in this section may be taken on-line via the Internet.

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

1 21 NCAC 57B .0104 is repealed as published in 28:17 NCR 2056 as follows:

2

3 **21 NCAC 57B .0104 COURSE EXEMPTIONS FOR EQUIVALENT EDUCATION**

4

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

21 NCAC 57B .0201 is amended as published in 28:17 NCR 2056 as follows:

21 NCAC 57B .0201 PURPOSE AND APPLICABILITY

This Section establishes criteria for approval and operational requirements for all real estate appraisal ~~precertification~~ qualifying course sponsors and schools. These standards shall be satisfied in order for course sponsors and schools to obtain and maintain approval of their courses for appraiser ~~precertification~~ qualifying education credit. Schools and course sponsors shall obtain course approval from the Board prior to conducting ~~precertification~~ qualifying courses and prior to advertising or otherwise representing that a course is or may be approved for credit in North Carolina.

History Note: Authority G.S. 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; September 1, 2008.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57B .0202

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Is there a specific form to be used or particular person/department to contact for schools and other course sponsors that wish to make written application?

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57B .0202 is amended as published in 28:17 NCR 2057 as follows:

21 NCAC 57B .0202 APPLICATION FOR APPROVAL

Schools and other course sponsors seeking approval to conduct real estate appraisal ~~precertification~~ qualifying courses shall make written application to the Board.

History Note: *Authority G.S. 93E-1-8(a); 93E-1-10;*
 Eff. July 1, 1994;
 Amended Eff. July 1, 2014; September 1, 2008.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57B .0203

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*How does the school or course sponsor know what information is required by the Board?
Is this set out in another rule?*

Please change the period at the end of (1) to a semi-colon.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57B .0203 is amended as published in 28:17 NCR 2057 as follows:

21 NCAC 57B .0203 CRITERIA FOR APPROVAL

Approval to conduct real estate appraisal ~~precertification~~ qualifying courses shall be granted to a school or course sponsor when it is shown to the satisfaction of the Board that:

- (1) the school or course sponsor has submitted all information required by the Board.
- (2) the school or course sponsor complies with the standards described in this Section; and
- (3) the courses to be conducted comply with the standards described in Section .0300 of this Subchapter.

History Note: Authority G.S. 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; September 1, 2008.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57B .0207

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Is the language "[t]he director shall possess a good character and reputation" somewhere in statute? If not, please delete or define.

On line 8, please change "must" to "shall"

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57B .0207 is amended as published in 28:17 NCR 2057 as follows:

21 NCAC 57B .0207 ADMINISTRATION

One person shall be designated as the Director for each approved school or course sponsor and shall be responsible for administrative matters such as program development, scheduling of classes, advertising, maintenance of facilities and equipment, record ~~keeping~~ keeping, and general supervision of the instruction program. The director shall ensure that the policies and general operations of the school or course sponsor comply with the provisions of Sections .0200 and .0300 of this Subchapter. The Director shall possess a good character and reputation and must also meet the fitness standards for applicants for trainee registration or appraiser licensure or certification. The Director shall:

- (1) have a baccalaureate or higher degree in the field of education; or
- (2) have at least two years full time experience within the past 10 years as an instructor or school administrator; or
- (3) meet the minimum appraisal education and experience qualifications listed in 21 NCAC 57B .0306 to teach either the residential or general appraisal precertification courses; or
- (4) possess qualifications which are found by the Board to be substantially equivalent to Item (1), (2), or (3) of this Rule.

*History Note: Authority G.S. 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; September 1, 2008; August 1, 2002.*

21 NCAC 57B .208 is amended as published in 28:17 NCR 2057 as follows:

21 NCAC 57B .0208 ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

The Board may suspend, ~~revoke~~ revoke, or deny renewal of approval of a real estate school or course sponsor to conduct appraiser ~~precertification~~ qualifying courses upon finding that any court of competent jurisdiction has found the school or course sponsor official or instructor in the employ of the school or course sponsor to be in violation of any applicable federal or state law or regulation prohibiting discrimination on the basis of disability, requiring that courses related to certification for professional or trade purposes be offered in a place and manner accessible to persons with disabilities.

History Note: *Authority G.S. 93E-1-8(a); 93E-1-10;*
Eff. July 1, 1994;
Amended Eff. July 1, 2014; September 1, 2008; August 1, 2002

21 NCAC 57B .0209 is amended as published in 28:17 NCR 2057 as follows:

21 NCAC 57B .0209 CERTIFICATION OF COURSE COMPLETION

Approved schools or course sponsors must provide each passing student with a course completion certificate.

Certificates of course completion shall be on a document bearing the letterhead or insignia of the school or course sponsor and shall have the signature or signature stamp of the school or course sponsor director. A student who has taken a ~~precertification~~ qualifying course, other than the 15 hour National USPAP course, for continuing education credit and who does not pass the examination shall not be given a course completion certificate, but shall be given a certificate of attendance for the course, provided that the student complies with the provisions of 21 NCAC 57B .0303. Either certificate is valid to obtain continuing education credit, in accordance with 21 NCAC 57B .0604.

*History Note: Authority G.S. 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.*

21 NCAC 57A .0301 is amended as published in 28:17 NCR 2054 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 .0201 shall be issued an examination approval form. The examination approval form is valid for ~~three~~ 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. Violation of examination procedures and instructions is grounds for denial, suspension or revocation of a certificate.

(c) 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.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57B .0302

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Where can the Appraiser Qualification Board's Guide Note 1 in (a) and the material prepared by the Board in (c) be found?

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

21 NCAC 57B .0302 is amended as published in 28:17 NCR 2054 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.

(b) Courses may also include coverage of additional related subject areas; however, any such course must 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.

(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.

*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.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57B .0303

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), delete or define "reasonably" on line 4.

In (b), line 9, did you mean "may... allow a student one opportunity..." instead of shall? If may was intended, are there any guidelines set by the Board regarding this or is this left to the school and course sponsors to determine when they will allow additional testing?

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

21 NCAC 57B .0303 is amended as published in 28:17 NCR 2058 as follows:

21 NCAC 57B .0303 COURSE COMPLETION STANDARDS

(a) Academic standards for course completion shall reasonably assure that students receiving a passing grade possess knowledge and understanding of the subject areas prescribed for the course. A student's grade shall be based solely on his or her performance on examinations and on graded homework and class work assignments.

(b) Course completion requirements shall include a comprehensive final course examination which covers all prescribed subject areas and which accounts for at least 50 percent of a student's grade for the course. Take-home or open-book final course examinations are prohibited. Schools and course sponsors may, within 90 days of the course ending date, allow a student one opportunity to make up any missed course examination or to retake any failed course examination without repeating the course, ~~however~~ however, any make up examination shall be comparable to the initial examination with regard to the number of questions and overall difficulty, and at least 75 percent of the questions in the makeup examination shall be different from those used in the initial examination.

(c) The minimum attendance required for satisfactory course completion is 90 percent of all scheduled classroom hours for the course.

(d) The instructor may offer additional hours of instruction so that students can make up lost hours of instruction.

(e) Students who are taking a ~~precertification~~ qualifying course, other than the 15 hour National USPAP course, for continuing education credit may sit for the final course examination, but they are not required to pass the examination in order to receive continuing education credit. Students who take and pass the examination and who comply with the provisions of this Rule shall be given a course completion certificate. Students who do not take and pass the examination but who otherwise comply with the provisions of this Rule shall be given a certificate of attendance. Students who are taking the course as a result of a conditional dismissal, consent ~~order~~ order, or order of the Board after a hearing must take and pass the examination.

*History Note: Authority G.S. 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; July 1, 2010; September 1, 2008; July 1, 2005; August 1, 2002.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57B .0306

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a)(1), delete or define "currently" in "Instructors must also be currently certified as a residential..." Also, please change "must" to "shall"

In (f), page 2, line 18, please add a comma in between "inactive)" and "or a revocation."

In (h), where can the application be found? Is it available online? If so, please provide the website.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

21 NCAC 57B .0306 is amended as published in 28:17 NCR 2058 as follows:

21 NCAC 57B .0306 INSTRUCTOR REQUIREMENTS

(a) Except as indicated in Paragraph (b) of this Rule, all ~~precertification~~ qualifying courses or courses deemed equivalent by the Board shall be taught by instructors who possess the fitness for licensure required of applicants for trainee registration or real estate appraiser licensure or certification and either the minimum appraisal education and experience qualifications listed in this Rule or other qualifications that are found by the Board to be equivalent to those listed. These qualification requirements shall be met on a continuing basis. The minimum qualifications are as follows:

- (1) Residential appraiser courses: 200 classroom hours of real estate appraisal education equivalent to the residential appraiser education courses prescribed in Rules .0101 and .0102 of this Subchapter and two years' full-time experience as a certified residential or general real estate appraiser within the previous five years. At least one-half of such experience must be in residential property appraising. Instructors must also be currently certified as a residential or general real estate appraiser.
- (2) General appraiser courses: 300 classroom hours of real estate appraisal education equivalent to the general appraiser education courses prescribed in Rules .0101, .0102 and .0103 of this Subchapter and three years' full-time experience as a general real estate appraiser within the previous five years. At least one-half of such experience must be in income property appraising. Instructors must also be a certified general real estate appraiser and have been so certified for at least five years.
- (3) USPAP: certification by the Appraiser Qualifications Board of the Appraisal Foundation as an instructor for the National USPAP Course. The instructor must be a certified residential or a certified general appraiser. If a USPAP instructor fails to renew or loses his or her certification by the Appraiser Qualifications Board, the instructor must immediately stop teaching and notify the Appraisal Board of the loss of certification.
- (4) Statistics, modeling and finance: must have previously completed this class, or must have completed 3 semester hours of statistics in an accredited college or university.

(b) Guest lecturers who do not possess the qualifications stated in Paragraph (a) of this Rule may be utilized to teach collectively up to one-fourth of any course, provided that each guest lecturer possesses education and experience directly related to the particular subject area the lecturer is teaching.

(c) Instructors shall conduct themselves in a professional manner when performing their instructional duties and 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 effectively through speech, including the ability to speak clearly at an appropriate rate of speed and with appropriate grammar and vocabulary;
- (2) The ability to present instruction in an accurate, logical, orderly, and understandable manner, to utilize illustrative examples as appropriate, and to respond appropriately to questions from students;

- 1 (3) The ability to effectively utilize varied instructive techniques other than straight lecture, such as
2 class discussion or other techniques;
- 3 (4) The ability to effectively utilize instructional aids to enhance learning;
- 4 (5) The ability to maintain an effective learning environment and control of a class; and
- 5 (6) The ability to interact with adult students in a manner that encourages students to learn, that
6 demonstrates an understanding of students' backgrounds, that avoids offending the sensibilities of
7 students, and that avoids personal criticism of any other person, agency or organization.
- 8 (d) Upon request of the Board, an instructor or proposed instructor must submit to the Board a videotape or DVD in
9 a manner and format which depicts the instructor teaching portions of a ~~prelicensing~~ qualifying course specified by
10 the Board and which demonstrates that the instructor possesses the basic teaching skills described in Paragraph (c)
11 of this Rule.
- 12 (e) The inquiry into fitness shall include consideration of whether the instructor has ever had any disciplinary action
13 taken on his or her appraisal license or certificate or any other professional license or certificate in North Carolina or
14 any other state, or whether the instructor has ever been convicted of or pleaded guilty to any criminal act. This
15 inquiry may include consideration of whether disciplinary action or criminal charges are pending.
- 16 (f) Instructors shall not have received any disciplinary action regarding his or her appraisal license or certificate
17 from the State of North Carolina or any other state within the previous two years. For the purposes of this Section,
18 disciplinary action means a reprimand, suspension (whether active or inactive) or a revocation.
- 19 (g) Proposed ~~precertification~~ qualifying course instructors who do not meet the minimum appraisal education and
20 experience qualifications listed in Paragraph (a) of this Rule, and who seek to have their qualifications determined
21 by the Board to be equivalent to the qualifications listed in Paragraph (a) of this Rule, must supply the Board with
22 copies of sample appraisal reports or other evidence of experience.
- 23 (h) Persons desiring to become instructors for ~~precertification~~ qualifying courses must file an application for
24 approval with the Board. There is no fee for application for instructor approval. Once an instructor has been
25 approved to teach a specific ~~precertification~~ qualifying course, that person may teach the course at any school or for
26 any course sponsor approved by the Appraisal Board to offer ~~precertification~~ qualifying courses.
- 27 (i) Current Appraisal Board members shall not be eligible to teach ~~precertification~~ qualifying courses during their
28 term of office on the Board.

29
30 *History Note:* *Authority G.S. 93E-1-8(a); 93E-1-10;*
31 *Eff. July 1, 1994;*
32 *Amended Eff. July 1, 2014; July 1, 2010; September 1, 2008; March 1, 2007; March 1,*
33 *2006; July 1, 2005; July 1, 2003; August 1, 2002.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57B .0307

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), is there a specific form the schools and course sponsors are to use to make written application? If so, please provide this information, including where this form can be found.

In (f), please delete or define "certain." How does a course sponsor know what courses it may offer on-line?

In (f), please change "must" to "shall" on lines 18 and 20.

In (f), line 23, please delete or define "reliable"

Are the regulated schools or course sponsors familiar with the IDECC on line 27?

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57B .0307 is amended as published in 28:17 NCR 2059 as follows:

21 NCAC 57B .0307 CRITERIA FOR COURSE RECOGNITION

(a) Schools and course sponsors seeking to offer appraiser ~~precertification~~ qualifying courses shall make written application to the Board and pay applicable fees as required by G.S. 93E-1-8(b).

(b) Appraisal subject matter electives offered for ~~precertification~~ qualifying credit 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 ~~precertification~~ 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 ~~precertification~~ qualifying courses specified in 57B .0101, .0102 and .0103.

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

(e) The application shall state the name of the instructor for the course. All instructors shall be approved by the Board pursuant to 57B .0306(h). 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), the instructor shall be approved by the Board before the school or course sponsor may change instructors.

(f) Course sponsors may offer certain classes on-line via the Internet. The Board must be provided access to the course via the internet 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 ~~precertification~~ qualifying education course must meet all of the conditions imposed by the Rules in this Subchapter in advance, except where otherwise noted. The course must 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 course must have a reliable method for recording and verifying attendance. A participant may periodically log on and off of an on-line course provided the total time spent participating in the course is equal to or exceeds the credit hours assigned to the program. The course design and delivery mechanism for an on-line course offered on the Internet must have received approval from the International Distance Education Certification Center (IDECC). A course completion certificate must be forwarded to the student as stated in Rule .0303(e) of this Section.

*History Note: Authority G.S. 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; July 1, 2010; September 1, 2008; January 1, 2008; August 1, 2002.*

21 NCAC 57B .0401 is amended as published in 28:17 NCR 2059 as follows:

21 NCAC 57B .0401 APPLICABILITY

This Section applies to private real estate appraisal schools offering ~~precertification-qualifying~~ courses, appraisal trade organizations and to all other course sponsors other than North Carolina colleges, universities, ~~junior colleges,~~ ~~community~~ community, or technical colleges accredited by the Southern Association of Colleges and Schools, and agencies of the federal, State or local government.

History Note: *Authority G.S. 93E-1-8(a), (b); 93E-1-10;*
 Eff. July 1, 1994;
 Amended Eff. July 1, 2014; September 1, 2008; January 1, 2008; August 1, 2002.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57B .0604

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please correct the name of the Rule on the Submission for Permanent Rule Form. The name listed on the Form should be the new name of "Qualifying Courses."

Please correct the Rule citation. It is currently written as "21 57B .0604"

In (a), line 8, please change "must" to "shall"

In (b), please add a comma in between "licensure" and "or certification" on line 11.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

21 NCAC 57B .0604 is amended as published in 28:17 NCR 2061 as follows:

21 57B .0604 ~~PRECERTIFICATION~~ QUALIFYING COURSES

(a) Appraisal ~~precertification~~ qualifying courses conducted by North Carolina approved schools or by appraisal trade organizations which are approved as equivalent to the North Carolina ~~precertification~~ qualifying courses may be separately approved as appraisal continuing education courses. Trainees, ~~licensed~~ licensed, and certified appraisers may obtain continuing education credit for these courses only to the extent permitted by Rule .0204 of Subchapter 57A. Appraisal trade organizations must at all times assure compliance with Rules .0606, .0607, and .0608 of this Section in order to retain such approval for these courses.

(b) It is presumed that any person taking any of the ~~precertification~~ qualifying courses is doing so for ~~registration~~ registration, licensure or certification purposes. If the person wishes to obtain continuing education credit for the course, he or she shall request such credit in writing and shall send the original course completion certificate or course attendance certificate with the request.

History Note: *Authority G.S. 93E-1-8(c); 93E-1-10;*
 Eff. July 1, 1994;
 Amended Eff. July 1, 2014; September 1, 2008; March 1, 2007; July 1, 2005; August 1, 2002.

21 NCAC 57B .0605 is amended as published in 28:17 NCR 2061 as follows:

21 NCAC 57B .0605 CONTINUING EDUCATION CREDIT HOURS

The course approval issued to a course sponsor shall include the number of hours of continuing education credit that will be awarded for the course. The minimum number of continuing education credit hours awarded for a course shall be three and one-half hours, and the maximum number of continuing education credit hours awarded for a course, regardless of its length, shall be thirty hours. Continuing education credit hours shall not be carried forward into subsequent licensing periods. No continuing education credit shall be given for courses taken before the ~~most recent registration, license or certification the applicant has attained.~~ student was registered as a trainee or licensed or certified as an appraiser in this state or any other state.

*History Note: Authority G.S. 93E-1-8(c); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; January 1, 2013; August 1, 2002.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57B .0614

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), (c), (d), (e), and (f), is "trainee/supervisor course" the official name of the course?

In (b) does "criminal act" include speeding tickets or traffic infractions? See 21 NCAC 57A .0201(j).

In (e), please change "must" to "shall" on line 18. Also, is your regulated public aware of when these workshops are offered and what to do to attend?

In (f), for purposes of the July 1 – June30 approval, does it matter when a person first applies? What if a person applies in January? Is this process set out elsewhere?

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57B .0614 is adopted with changes as published in 28:17 NCR 2061 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/supervisor course shall be real estate appraisers who have been certified residential or certified general 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.

(c) All applicants for instructor of the trainee/supervisor course shall obtain a criminal records check that is satisfactory to the Board. This records check must 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. In order to be satisfactory to the Board, the records check must comply with the provisions of 21 NCAC 57A .0202(e).

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

(e) Applicants who wish to become instructors for the trainee/supervisor course must attend an educational workshop sponsored by the Board before they may be approved.

(f) Approval of trainee/supervisor course instructors shall run from July 1 to June 30 of the next year.

History Note: Authority G.S. 93E-1-6.1; 93E-1-8(c); 93E-1-10;
Eff. July 1, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57C .0101

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), please add a comma in between "appraiser" and "or management company"

Delete or define "reasonably" in (a), line 6, and (d), line 14.

In (g), where can the time period for retention pursuant to the Recordkeeping Rule of the Uniform Standards of Professional Appraisal Practice be found? Is this something that your regulated public is familiar?

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57C .0101 is amended as published in 28:17 NCR 2061 as follows:

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

(a) There is no specific form required for complaints. To be sufficient, a complaint 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 shall reasonably apprise the Board of the facts which form the basis of the complaint.

(b) When investigating a complaint, the scope of the investigation is not limited to the persons or transactions described or alleged in the complaint.

(c) Persons who make complaints are not parties to contested cases heard by the Board, but may be witnesses in the cases.

(d) There is no specific form required for answers, ~~motions~~ motions, or other pleadings relating to contested cases before the Board, except they shall be in writing. To be sufficient, the document must identify the case to which it refers and reasonably apprise the Board of the matters it alleges, answers, or requests. In lieu of submission in writing, motions, ~~requests~~ requests, and other pleadings may be made on the record during the course of the hearing before the Board.

(e) During the course of an investigation of a licensee, the Board, through its legal counsel or staff, may send a trainee, ~~appraiser~~ appraiser, or appraisal management company one or more Letters of Inquiry requesting the trainee, ~~appraiser~~ appraiser, or appraisal management company to respond. 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~~ appraiser, or appraisal management company shall respond within thirty calendar days. The response shall include copies of all documents requested in a Letter of Inquiry.

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

(g) 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 § 93E-1-12 (b)(1), (2), (4), and (5).

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57D .0101

DEADLINE FOR RECEIPT: June 13, 2014

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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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Is the form available online? If so, please provide the website.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel

Date submitted to agency: May 30, 2014

21 NCAC 57D .0101 is amended as published in 28:17 NCR 2062 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. The form calls for information such as:

- (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 percent or more of the appraisal management company;
- (8) any past revocation, ~~suspension~~ suspension, or denial of an appraisal license of any person or entity that owns ten percent or more of the appraisal management company;
- (9) if a general partnership, a description of the applicant entity, including a copy of its written partnership agreement or if no written agreement exists, a written description of the rights and duties of the several partners;
- (10) if a business entity other than a corporation, limited liability ~~company~~ company, or partnership, a description of the organization of the applicant entity, including a copy of its organizational documents; ~~and~~
- (11) 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~~ pleadings; and
- (12) 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; SL 2013-403
Eff. January 1, 2011.
Amended effective July 1, 2014*

21 NCAC 57D .0202 is amended as published in 28:17 NCR 2062 as follows:

21 NCAC 57D .0202 REGISTRATION RENEWAL

(a) All registrations expire on June 30, 2012 and every June 30 of each year thereafter unless renewed before that time. The renewal period shall be from May 1 through June 30 of each year.

(b) A holder of an appraisal management company registration desiring the renewal of such registration shall apply in writing upon the form provided by the Board and shall forward the renewal fee. The renewal fee shall be two thousand dollars (\$2000). ~~Forms are available upon request to the Board.~~ The renewal fee is not refundable under any circumstances.

(c) Any company who acts or holds itself out as a registered appraisal management company while its appraisal management company registration is expired is subject to disciplinary action and penalties as prescribed in G.S. 93E-2-8 and G.S. 93E-2-10.

*History Note: Authority G.S. 93E-2-3; 93E-2-6;
Eff. January 1, 2011.
Amended effective July 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57D .0303

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (b) and (e), where can the application be found? Is this available online? If so, please provide the website.

In (c), please change "must" to "shall"

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

21 NCAC 57D .0303 is amended as published in 28:17 NCR 2062 as follows:

21 NCAC 57D .0303 COMPLIANCE MANAGER

(a) A compliance manager shall be designated with the Board for each appraisal management company. The compliance manager shall be a certified real estate appraiser certified under Article I of this chapter or in another state.

(b) An appraisal management company shall file an application with the Board for approval of the designated compliance manager. This application shall provide the Board with information such as the compliance manager's name, mailing and physical address, and phone and email contact information, and shall be signed by the designated compliance manager.

(c) The designated compliance manager shall obtain a criminal records check pursuant to 93E-2-11. Applicants shall pay all required fees to perform the check. This records check must have been performed within 60 days of the date the completed application is received by the Board. The criminal records check results must be attached to the application for approval as a compliance manager.

(d) The designated compliance manager is responsible for:

- (1) the notification to the Board of any change of trade name or contact information of the appraisal management company and the registration of any assumed business name adopted by the appraisal management company for its use;
- (2) the retention and maintenance of records relating to appraisals conducted by or on behalf of the appraisal management company;
- (3) the maintenance of a record of all appraisers in North Carolina who perform appraisals for the appraisal management company, including a log of payments to appraisers; and
- (4) the conduct of advertising of appraisal management services by or in the name of the appraisal management company;

(e) If an appraisal management company intends to change its compliance manager, it must submit an application for approval of the new compliance manager at least 10 business days before the effective date of the change.

(f) If a compliance manager leaves the appraisal management company and the company is unable to give at least 10 days' notice of the change, the company shall have 15 business days from the date the compliance manager leaves to obtain a new compliance manager.

*History Note: Authority G.S. 93E-2-3; 93E-2-4(b); 93E-2-5;
Eff. January 1, 2011.
Amended effective July 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57D .0310

DEADLINE FOR RECEIPT: June 13, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (b), please delete "but not limited to" in "including but not limited to registered mail..."

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

21 NCAC 57D .0310 is amended with changes as published in 28:17 NCR 2063 as follows:

21 NCAC 57D .0310 PAYMENT OF FEES TO APPRAISERS

(a) Appraisal management companies shall pay fees to an [] appraiser within 30 days of the date the appraisal is first transmitted by the real estate [] appraiser to the company as follows:

(1) If payment is made by electronic means, the funds for the fee shall be deposited into the appraiser's account so that they are available to the appraiser on the 31st day following the date the appraisal is first transmitted to the company.

(2) If payment is made by check, the check shall be postmarked no later than the 30th day following the date the appraisal is first transmitted to the company.

(b) If an appraisal management company decides that it will not pay a fee to an appraiser for an appraisal, the appraisal management company shall notify the appraiser in writing of the reason for nonpayment. Such notice shall be sent to the appraiser within thirty days after the date the appraiser first transmits the appraisal to the appraisal management company. ~~company by any established method that provides proof of delivery, including but not limited to registered mail, return receipt requested. The notice shall be sent by registered mail, return receipt requested, to the appraiser's business address contained in the records of the Appraisal Board.~~ The notice shall state the address of the subject property of the appraisal, the name of the appraiser(s) signing the report, and the reason why the fee shall not be paid. The notice shall also notify the appraiser of any dispute resolution process that the appraisal management company may have in place.

*History Note: Authority G.S. 93E-2-3; 93E-2-4(d);
Eff. January 1, 2011.
Amended effective July 1, 2014*