

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57A .0211

DEADLINE FOR RECEIPT: May 12, 2016

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4 and 6 – These lines refer to an application and an affidavit, and the Board may require the use of a form for either or both of these documents. The APA requires the substantive contents of forms to be set forth in either rules or statute. Wherever you refer to forms, you should either state the substantive contents of the form in the rule or be able to show rules or statutes where the substantive content is stated. In addition, the rule should also state, with specificity, where the form may be obtained.

Line 12 – replace “may” with “shall”

Line 17 – replace “21 NCAC 57A .0202(e)” with “Rule .0202(e) of this Subchapter” if this is consistent with the way the Board cites the NCAC elsewhere in its rules.

Line 21 – does the first use of “certification” in this line refer to certification in a state other than North Carolina? If so, insert “in another state” between “certification” and “is”

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NCAC 57A .0211 is amended as published in 30:14 NCR 1520 as follows:

21 NCAC 57A .0211 APPLICANTS CERTIFIED IN ANOTHER STATE

(a) Applicants for certification who are not residents of North Carolina ~~must~~ shall file an application as stated in Rule .0101 of this Subchapter. In addition, nonresident applicants ~~must~~ shall also consent to service of process in this ~~state~~ State and file an affidavit of residency with the application. If the applicant is licensed by the appraiser licensing board of the applicant's resident state, the applicant ~~must~~ shall also file with the application a letter of good standing from the appraiser licensing board of the ~~resident state, which resident state that~~ that was issued ~~under seal~~ by that licensing board no later than 30 days prior to the date application is made in this ~~state~~ State.

(b) Applicants for certification who are residents of North Carolina and who are certified in another state may file an application as stated in Rule .0101 of this Subchapter. The applicant ~~must~~ shall file a letter of good standing from the other ~~state, which state that~~ that that was issued ~~under seal~~ by that licensing board no later than 30 days prior to the date application is made in this ~~state~~ State.

(c) Applicants for registration or certification shall obtain a criminal records check ~~from Carolina Investigative Research, Inc., an agency designated by the Appraisal Board to provide criminal record reports. that complies with the requirements of 21 NCAC 57A .0202(e).~~ This records check ~~must~~ shall have been performed within 60 days of the date the completed application for registration or certification is received by the Board. Applicants shall pay the ~~designated~~ reporting service for the cost of these reports.

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

*History Note: Authority G.S. 93E-1-9(a) and (b); 93E-1-10; Title XI, Section 1122(a); 12 U.S.C. 3351(a);
Eff. March 1, 2007;
Amended Eff. July 1, 2016; January 1, 2013; September 1, 2008; January 1, 2008.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57A .0501

DEADLINE FOR RECEIPT: May 12, 2016

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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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4 and 5 – delete the first comma that appears in each line.

Line 6 – later in these rules the Board refers to the “USPAP.” If this acronym is not defined elsewhere in the rules, this might be a good place to insert “(USPAP)” before “promulgated”

Line 10 – insert “including subsequent amendments and editions” at the end of this line,

Line 19 – delete Paragraph (b) entirely.

Line 20 – if you choose to define USPAP in line 6, replace “Uniform Standards” with “USPAP”

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NCAC 57A .0501 is amended as published in 30:14 NCR 1521 as follows:

21 NCAC 57A .0501 APPRAISAL STANDARDS

(a) Every registered trainee, and licensed and certified real estate appraiser shall, in performing the acts and services of a registered trainee, or licensed or certified real estate appraiser, comply with the following provisions of the "Uniform Standards of Professional Appraisal Practice" promulgated by the Appraisal Standards Board of the Appraisal Foundation: ~~Definitions, Preamble, Ethics Rule, Record Keeping Rule, Competency Rule, Scope of Work Rule, Jurisdictional Exception Rule, Statements on Appraisal Standards, and Standards Rules 1, 2 and 3, all of which are hereby incorporated by reference. This incorporation by reference includes subsequent amendments and editions of those provisions.~~ Foundation, all of which are incorporated by reference:

- (1) Definitions;
- (2) Preamble;
- (3) Ethics Rule;
- (4) Record Keeping Rule;
- (5) Competency Rule;
- (6) Scope of Work Rule;
- (7) Jurisdictional Exception Rule, and
- (8) Standards Rules 1, 2 and 3.

(b). This incorporation by reference includes subsequent amendments and editions of those provisions.

(c) A copy of the Uniform Standards may be obtained from the Appraisal Foundation at <https://www.appraisalfoundation.org>. The cost for a copy of the Standards ranges from \$65.00 to \$99.00, depending upon whether a hard copy or a digital version is purchased.

*History Note: Authority G.S. 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2016; January 1, 2013; January 1, 2008; July 1, 2005; August 1, 2002; April 1, 1999.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57A .0601

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 6 and 7 – replace “possess” with “have”

Line 8 – replace “outlined” with “defined”

Lines 8-11 – consider revising as follows:

All such experience shall have been obtained by performing or reviewing appraisals using appraisal methods and processes that are employed by real estate appraisers and that comply with the edition of the USPAP in effect at the time of the appraisal, in addition to meeting the applicable requirements set forth in this Section.

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NCAC 57A .0601 is adopted as published in 30:14 NCR 1521 as follows:

SECTION .0600 - EXPERIENCE CREDIT

21 NCAC 57A .0601 EXPERIENCE CREDIT TO UPGRADE

As required by 21 NCAC 57A .0201, applicants for licensure or residential certification shall possess 2,500 hours of appraisal experience and applicants for general certification shall possess 3,000 hours of appraisal experience as outlined in this Section. All experience shall have been obtained by performing or reviewing appraisals using appraisal methods and processes that are employed by real estate appraisers. In order to receive experience credit for an appraisal, the appraisal shall comply with the edition of the Uniform Standard of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57A .0602

DEADLINE FOR RECEIPT: May 12, 2016

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Are the terms used in Paragraphs (a) – (d) terms of art that are well-understood by the regulated community?

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NCAC 57A .0602 is adopted as published in 30:14 NCR 1521 as follows:

21 NCAC 57A .0602 ACCEPTABLE EXPERIENCE – RESIDENTIAL CATEGORY

Appraising the following types of properties qualifies as residential appraisal experience:

- (a) residential single-family;
- (b) residential multi-family of 2 – 4 units;
- (c) residential vacant lot (1 – 4 family property); and
- (d) farm properties consisting of less than 100 acres and a homestead.

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57A .0603

DEADLINE FOR RECEIPT: May 12, 2016

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Line 5 – insert “other than those listed in Rule .0602 of this Section” after “sites”

Lines 9-14 – delete “an” or “a” wherever it appears and make all nouns following “such as” plural.

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NCAC 57A .0603 is amended as published in 30:14 NCR 1520 as follows:

21 NCAC 57A .0603 ACCEPTABLE EXPERIENCE – GENERAL CATEGORY

Appraising the following types of properties qualifies as general appraisal experience:

(a) land such as farms of 100 acres or more in size, undeveloped tracts, residential multi-family sites, commercial sites, industrial sites, or land in transition;

(b) residential multi-family properties (5 or more units) such as apartments, condominiums, town-houses, or mobile home parks;

(c) commercial single-tenant properties such as an office building, retail store, restaurant, service station, bank, or day care center;

(d) commercial multi-tenant properties such as an office building, hotel, or shopping center;

(e) industrial properties such as a warehouse or manufacturing plant; and

(f) institutional properties such as an assisted living facility, nursing home, hospital, school, church, or government building.

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57A .0604

DEADLINE FOR RECEIPT: May 12, 2016

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6 – insert a comma after “appraisal” and delete the parenthesis

Line 7 – delete the parenthesis

Line 8 – replace “below” with “of this Rule”

Line 13 – insert a comma after “appraisal report” and delete the parenthesis

Line 14 – delete the parenthesis

Line 14 – delete “thereby assuming full responsibility for the appraisal report” – this appears to be stated more clearly in G.S. 93E-1-6.1. If you wish, you may refer to the statute in the rule.

Line 16 – delete “critically” unless this term is a term of art that is well-understood by the regulated community.

Line 18 – insert “preparing” before “review”

Line 22 – insert “preparing” before “demonstration”

Line 23 – insert “experience” before “credit”

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NCAC 57A .0604 is adopted as published in 30:14 NCR 1521 as follows:

21 NCAC 57A .0604 TYPES OF APPRAISAL EXPERIENCE

(a) An applicant may receive experience credit for standard appraisals, supervising appraiser's reviews, review appraisals, and condemnation appraisals.

(b) If the applicant performed at least 75% of the work associated with an appraisal (including a field inspection and preparation of the appraisal report), full credit shall be given for that appraisal. Except as provided in Paragraphs (d) and (e) below, no credit shall be awarded if the applicant performed less than 75% of the work on an appraisal.

(c) A "standard appraisal" means the process of developing an appraisal in accordance with Standard Rule 1 of USPAP and preparing a written appraisal report or file memorandum describing the appraisal and reporting the estimate of value.

(d) A "supervising appraiser's review" means the process of reviewing an appraisal report prepared by an affiliated appraiser and signing the appraisal report (including signing as "review appraiser" on a Uniform Residential Appraisal Report form), thereby assuming full responsibility for the appraisal report. It shall not include signing a report that a real estate appraiser trainee has prepared.

(e) A "review appraisal" means the process of critically reviewing an appraisal report prepared by another appraiser and preparing a separate written appraisal report or file memorandum setting forth the results of the review process. No more than 50% of an applicant's appraisal experience credit shall be from review appraisals.

(f) A "condemnation appraisal" means an appraisal of real property for eminent domain proceedings where a partial taking is involved and the appraiser must develop both a "before taking" and an "after taking" value.

(g) A "demonstration appraisal" means an appraisal performed without a client. No more than 25% of the applicant's experience shall be from demonstration appraisals. If a trainee performs a demonstration appraisal, the trainee's supervisor shall sign the appraisal in order for the trainee to receive credit for it.

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57A .0605

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6 – delete “all of”

Line 13 – delete the comma after “type”

Line 17 – insert “appraisal” before “experience”

Line 21 – what does “have” mean – retain? How long must these documents be retained by an applicant?

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NAC 57A .0605 is adopted as published in 30:14 NCR 1522 as follows:

21 NCAC 57A .0605 REPORTING APPRAISAL EXPERIENCE

a. Applicants shall use the Appraisal Board's Appraisal Experience Log to report appraisal experience. The log is available on the Board's website at <http://www.ncappraisalboard.org/forms-html/forms.htm>.

b. The Log shall contain all of the following:

- (1) the applicant's name and signature;
- (2) the supervisor's name and signature;
- (3) the supervisor's certificate number;
- (4) the date the supervisor signed the log;
- (5) the subject property address;
- (6) the date the appraisal report was signed;
- (7) the report type, such as an appraisal report, a restricted appraisal report, or the type of reporting form used;
- (8) the client's name;
- (9) the applicant's file number for the appraisal assignment, if any;
- (10) the number of hours requested for experience;
- (11) whether the supervisory appraiser accompanied the applicant on the inspection of the subject property; and
- (12) a description of the work performed by the applicant and his or her supervisor on each assignment.

c. Applicants shall have copies of all appraisals and their associated work files to support all appraisal experience reported on the log.

*History Note: Authority G.S. 93E-1-6.1; 93E-1-10;
Eff. July 1, 2016*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57B .0303

DEADLINE FOR RECEIPT: May 12, 2016

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 8 – delete “course”

Line 10 – delete “course” after “final

Line 10 – does the Board mean “may” or “shall”?

Lines 12 and 14 – spell “makeup” consistently, either as “makeup” or “make-up”

Line 16 – remove the extra space before the semicolon

Lines 17-18 – consider revising as follows:

(2) not allow a student to bring into the testing area personal items such as a backpack, purse, briefcase, or device that would enable the student to access the internet during the examination; and

Line 23 – replace “the student” with “a student”

Line 23 – insert “the” at the end of the line

Line 27 – does the Board mean “may” or “shall”?

Lines 34-35 – consider revising as follows (I don’t know how you can require a person to pass an exam):

The requirements set forth in a conditional dismissal, consent order, or order of the Board after a hearing shall not be modified by the provisions of this Paragraph.

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NCAC 57B .0303 is amended as published in 30:14 NCR 1522 as follows:

21 NCAC 57B .0303 COURSE COMPLETION STANDARDS

(a) Academic standards for course completion shall 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~~ examinations, ~~and on graded homework~~ homework, and class work assignments.

(b) Course completion requirements shall include a comprehensive final course examination ~~which covers all prescribed subject areas which~~ that accounts for at least 50 percent of a student's grade for the course. Take-home or open-book final course examinations ~~are~~ shall be 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, 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 final examination shall be proctored. The proctor shall:

(1) require photographic identification from the applicant, such as a driver's license or a passport ;

(2) not allow a student to bring a personal items such as a backpack, purse, or briefcase, or a device that would enable the student to access the internet during the examination into the testing area; and

(3) be the school or course sponsor director, an employee of the school or course sponsor, or the instructor for the course. If a director, employee, or instructor is not available to proctor the examination, the school or course sponsor shall employ an official to serve as a proctor. Officials that may serve as proctors include a public librarian, notary public, attorney, police officer, or teacher. Proctors shall not be a family member or friend of the student unless that person is the director, an employee, or an instructor of the school or course sponsor.

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

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

~~(e)~~ (f) Students who are taking a 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~~ shall not be required to pass the examination in order to receive continuing education credit. Students who take and pass the ~~examination~~ 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, or order of the Board after a hearing ~~must~~ shall take and pass the examination.

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

1 *Amended Eff. July 1, 2016; July 1, 2014; July 1, 2010; September 1, 2008; July 1, 2005;*
2 *August 1, 2002.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57B .0304

DEADLINE FOR RECEIPT: May 12, 2016

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Lines 7-8 – does the Board intend Paragraphs (d) and (e) (the numbering has changed)?

Lines 12-14 – consider revising as follows:

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

Line 16 – capitalize “Section”

Line 16 – if Paragraph (c) is revised as above, delete the last sentence in this line.

Line 17 – delete “number”

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NCAC 57B .0304 is amended as published in 30:14 NCR 1523 as follows:

21 NCAC 57B .0304 COURSE SCHEDULING

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

(b) Courses ~~may~~ shall be scheduled in a manner that provides for class meetings of up to eight classroom hours in any given day; ~~however credit for courses shall be limited to 30 classroom hours per seven day period.~~ day.

(c) A classroom hour consists of 50 minutes of classroom instruction and ten minutes of break time. For any class meeting that exceeds 50 minutes in duration, breaks at the rate of 10 minutes per hour ~~must~~ shall be scheduled and taken at reasonable times.

(d) Instruction ~~must~~ shall be given for the minimum hours specified in ~~57B Rules .0101, .0102, and .0103.~~ .0103 of this section. Instructors shall not accumulate unused break time to end the class early.

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

History Note: Authority G.S. 93E-1-8(a); 93E-1-10;
Eff. July 1, 1994;
Amended Eff. July 1, 2016; July 1, 2010; January 1, 2008; July 1, 2005; August 1, 2002.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57B .0614

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6 – insert “appraisers” after “general”

Lines 9-10 – is there no time limit on criminal acts that disqualify a person from being an instructor?

Line 13 – delete “that is satisfactory to the Board”

Line 15 – replace “In order to be satisfactory to the Board, the” with “The”

Line 17 – replace “instruct” with “teach”

Line 18 – replace “Approval” with “Such approval”

Line 22 – replace “class” with “workshop”

Lines 24-25 – consider revising Paragraph (f) as follows:

(f) Approval of trainee/supervisor trainee supervision course instructors granted on or after July 1 shall expire on June 30 of the following year.

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NCAC 57B .0614 is amended as published in 30:14 NCR 1520 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~~ trainee supervision course ~~required by 21 NCAC 57A .0407(e)~~ set forth in G.S. 93E-1-6.1 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. "Criminal act" ~~does~~ shall not include speeding tickets or traffic infractions.

(c) All applicants for instructor of the ~~trainee/supervisor~~ trainee supervision 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~~ shall comply with the provisions of 21 NCAC 57A .0202(e).

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

(e) Applicants who wish to become instructors for the ~~trainee/supervisor~~ trainee supervision course shall attend an educational workshop sponsored by the Board before they may be approved. Applicants may check the Board's website for information regarding the date and location of the class. The website may be accessed at www.ncappraisalboard.org.

(f) Approval of ~~trainee/supervisor~~ trainee supervision course instructors shall run from July 1 to June 30 of the next year. Applicants whose approval is granted after July 1 will expire on 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.
Amended Eff. July 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57D .0309

DEADLINE FOR RECEIPT: May 12, 2016

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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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – what is a “good faith belief” – is the term defined in Chapter 93E or elsewhere in your rules?

Line 5 – delete the comma and insert “has” before “engaged”

Line 6 – replace “The complaint” with “If the complaint relates to an appraisal, it”

Line 7 – replace “shall” with “may”

Line 11 – delete “any”

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NCAC 57D .0309 is amended as published in 30:14 NCR 1523 with changes as follows:

21 NCAC 57D .0309 COMPLAINTS AGAINST APPRAISERS

(a) If an appraisal management company has a good faith belief that a real estate appraiser licensed in this State has violated applicable law or the Uniform Standards of Professional Appraisal Practice, or engaged in unethical conduct, it shall file a complaint with the Board. The complaint shall be filed within 90 days of the date the appraisal is submitted to the appraisal management company. The complaint form shall be found on the Board's website at www.ncappraisalboard.org.

(b) The complaint shall state the name and contact information for the person at the appraisal management company who should be contacted during the investigation into the complaint. This person shall have knowledge of the basis for the complaint and shall be able to produce any records required by the investigation.

*History Note: Authority G.S. 93E-2-3; 93E-2-4 (c);
Eff. January 1, 2011.
Amended Eff. July 1, 2016*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57D .0403

DEADLINE FOR RECEIPT: May 12, 2016

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5 – replace “consists of all the following:” with “shall meet the requirements of 21 NCAC 57A .0202(e).”

Lines 6 – 10 – delete Subparagraphs (1) – (6) in their entirety.

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: April 28, 2016

21 NCAC 57D .0403 is adopted as published in 30:14 NCR 1524 with changes as follows:

21 NCAC 57D .0403 CRIMINAL BACKGROUND CHECKS

(a) A criminal background check for the purpose of this Rule consists of all of the following:

- (1) a state court felony and misdemeanor criminal records search for each state lived in for the last seven years;
- (2) a state probation and incarceration check for each state lived in for the last seven years;
- (3) a federal court felony and misdemeanor criminal records check;
- (4) a state sex offender search for each state lived in for the last seven years;
- (5) a federal sex offender search; and
- (6) an address trace on the applicant's Social Security number.

(b) If an appraisal management company requests a background check from an appraiser and that appraiser has had a criminal background check performed within the preceding twelve months, it shall be the responsibility of the appraiser to provide a complete copy of that background check to the appraisal management company.

(c) If an appraisal management company's client requires a background check that is more comprehensive than the one required under G.S. 93E-1-6(c1) and codified in 21 NCAC 57A .0202(e), nothing in this Rule prohibits the client from obtaining that background check as long as the appraiser is not required to pay for that background check.

(d) An appraisal management company may obtain more than one background check on an appraiser in a 12 month period as long as the appraiser is not required to pay for that additional background check.

(e) An appraiser who alters, amends, or otherwise changes the results of a criminal background check submitted to an appraisal management company or a lender or who knowingly submits a background check that has been altered shall be subject to discipline pursuant to G.S. 93E-1-12.

History Note: Authority G.S. 93E-2-3; 93E-2-4(h)
Eff. July 1, 2016