

WEST VIRGINIA
SECRETARY OF STATE
Ken Hechler
ADMINISTRATIVE LAW DIVISION



FILED

MAY 10 10 13 AM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #2

Do Not Mark In This Box

Notice Of A Comment Period On A Proposed Rule

Agency: West Virginia Real Estate Appraiser Licensing & Certification Board

Title Number: 190

Rule Type: Legislative ;

Cite Authority WV Code § 37-14-6; 37-14-36

Amendment To An Existing Rule:

Yes



No



If Yes, Series Number of Rule Being Amended: 3

Title of Rule Being Amended: Renewal of Licensure or Certification

If No, Series Number of New Rule Being Proposed: _____

Title of Rule Being Proposed: _____

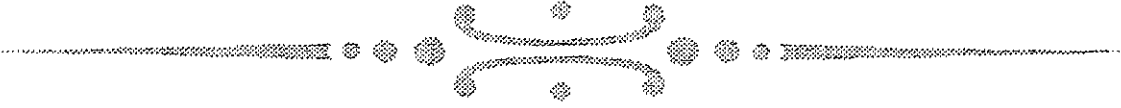
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON JULY 1, 1996 AT 4:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WEST VIRGINIA REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
2110 KANAWHA BOULEVARD, EAST SUITE 101
CHARLESTON, WV 253 11

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.

BY: Si Galperin, Executive Director
Si Galperin

Attach a **brief** summary of your proposal



**Summary
Series 3**

Reference Page

- (1) Increase continuing education requirement from 10 hours to 14 hours annually for all appraisers and apprentices effective January 1, 1998. From 1998 through 2001 only, a minimum of four (4) classroom hours in the Uniform Standards of Professional Appraisal Practice (USPAP) is included in the annual continuing education requirement. Beginning with the annual renewal in 2002, a 14 hour course on USPAP must have been taken at least once within the previous five (5) years in lieu of the four (4) hour class. The 14 hour class will continue to be required once in each five year period. Effective January 1, 2002 the minimum of four classroom hours of USPAP annually will no longer be required. **2 & 3**
- (2) Added Fair Housing to list of approved continuing education topics. **3**
- (3) Lower renewal fees to reflect fees currently being charged. **6**
- (4) Miscellaneous cleanup/technical changes.

TITLE 190

SERIES 3

Statement of circumstances which require this Rule

- (1) Changes in the education and experience criteria issued by the Appraisal Qualifications Board (AQB). This criteria is to be incorporated in the Board's rules in accordance with Chapter 37, Article 14, Section 30 of the West Virginia Code.
- (2) Recommendations of the Legislative Auditor included in their Audit Report of the Board for the period 3/10/90 - 3/31/95.
- (3) Miscellaneous technical changes and updates based on a comprehensive review of the Rules

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES
Series 3

Rule Title: Renewal of Licensure or Certification

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Real Estate Appraiser Licensing & Certification Board
Address: 2110 Kanawha Boulevard, East Suite 101
Charleston, WV 25311

1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR	
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	-	-	-	-	-
Personal Services	-	-	-	-	-
Current Expenses	-	-	-	-	-
Repairs & Alterations	-	-	-	-	-
Equipment	-	-	-	-	-
Other	-	-	-	-	-

2. Explanation of above estimates:

These changes should have no effect on the expenses of the Board.

3. Objective of these rules:

- a. To comply with Appraiser Qualifications Board (AQB) criteria effective January 1, 1998
- b. To comply with recommendations of the Legislative Auditor
- c. To make miscellaneous technical changes and updates.

4. Explanation of Overall Economic Impact of Proposed Rule.

- a. Economic Impact on State Government.
None
- b. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens.
None
- c. Economic Impact on Citizens/Public at Large.
None

Si Galperin

Date: 5/9/96

West Virginia Real Estate Appraiser Licensing & Certification Board
Si Galperin, Executive Director

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TITLE 190
LEGISLATIVE RULE
WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 3
RENEWAL OF LICENSURE OR CERTIFICATION

§190-3-1. General.

1.1. Scope. -- These legislative rules establish the procedures and qualifications for the renewal of a Licensed Residential Real Estate Appraiser license, a Certified Residential Real Estate Appraiser, and a Certified General Real Estate Appraiser certification by the West Virginia Real Estate Appraiser Licensing and Certification Board.

1.2. Authority. -- W. Va. Code § 37-14-6; § 37-14-36

1.3. Filing Date. --

1.4. Effective Date. --

§190-3-2. Definitions.

2.1. "Accredited colleges, universities, junior and community colleges" means those institutions of higher learning under the West Virginia Board of Directors or Board of Trustees, or listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers.

2.2. "Adult distributive or marketing education programs" means those programs offered at schools approved by the West Virginia Board of Directors or Board of Trustees, or any other local, state, or federal government agency, board or commission to teach adult education or marketing courses.

2.3. "Local, state or federal government agency, board or commission" means an entity established by any local, federal or state government to protect or promote the health, safety and welfare for the citizens of its domain.

2.4. "Proprietary School" means a privately owned school, under the authority of a local, state or federal government agency, board or commission, offering appraisal or appraisal related courses.

§190-3-3. Renewal Required.

3.1. Licenses and certifications issued under these rules expire one year from the last day of the month in which they are issued. Provided that, following the effective date of these rules, the licenses and certifications issued within the first year by the Board under the provisions of W. Va. Code § 37-14-1 et seq. (1991), and these rules, are valid until September 30, 1992. Thereafter, the board shall issue all licenses and certifications for the period of October to October of the following year. The Board shall prorate fees for licensure or certification after April 1, 1992. Before April 1, 1992 the applicant shall pay all application fees in full. Nothing in this section applies to those individuals who qualify for and maintain a transitional license as covered by Section 6.64 of 190 CSR 2.

§190-3-4. Qualifications for Renewal.

Continuing education requirements.

4.1. ~~As a condition of renewal, all licensed residential real estate appraisers, resident or non-resident, and all certified general real estate appraisers~~ licensees are required to complete continuing education courses satisfactorily within each licensing or certification term.

4.1.1 Effective January 1, 1998, and ending January 1, 2002, a minimum of four (4) hours of the required annual amount of continuing education hours must consist of training in the application of the Uniform Standards of Professional Appraisal Practice (USPAP) adopted by The Appraisal Foundation.

4.1.2 Effective January 1, 1998, as a condition of renewal, the required continuing education hours must include completion of a fourteen (14) hour USPAP course every five years. The first submission will be required in order to renew in the year 2002 by those persons who are licensees on January 1, 1998.

a. For example, licensees who hold a license or certification on January 1, 1998 must submit proof of having completed a fourteen (14) hour USPAP course between October, 1997 and September, 2002 in order to renew in September, 2002.

b. For example, licensees who are initially licensed or certified between January 2, 1998 and January 1, 1999 must submit proof of having completed a fourteen (14) hour USPAP course between January, 1998 and September, 2003 in order to renew in September, 2003.

4.1.3 The USPAP courses must be approved by the Board and the courses and instructors will be required to meet certain

criteria established by the Board prior to approval.

~~4.1.1. Continuing education requirements for both licensed real estate appraisers and certified general real estate appraisers.~~

~~4.1.4a. Licensed residential real estate appraisers or certified general real estate appraisers~~ All licensees must satisfactorily complete continuing education courses or seminars offered by accredited colleges, universities, junior and community colleges; adult distributive or marketing education programs; local, state or federal government agencies, boards or commissions; proprietary schools; or real estate appraisal or real estate related organizations of not less than ~~ten (10)~~ fourteen (14) classroom hours during each licensing or certification term.

4.1.5b. The Board shall award credit for continuing education for but not limited to the coverage of topics listed below:

1. Ad valorem taxation;
2. Arbitration;
3. Business courses related to practice or real estate appraisal;
4. Construction estimating;
5. Ethics and standards of professional practice;
6. Land use planning, zoning and taxation;
7. Management, leasing, brokerage timesharing;
8. Property development;
9. Real estate appraisal (valuations/evaluations)
10. Real estate law;
 - Fair Housing
11. Real estate litigation;
12. Real estate financing and investment;
13. Real estate appraisal related computer applications;
14. Real estate securities and syndication;

15. Real property exchange.

~~4.1.6c. Licensed real estate appraisers or certified general real estate appraisers~~ Licensees may also satisfy continuing education requirements by participation other than as a student in educational processes and programs approved by the Board as substantially equivalent to courses and seminars which have been approved by the Board for continuing education purposes, to include but not be limited to, teaching, program development, or authorship of textbooks.

~~4.1.7d.~~ The Board does not require an appraiser to complete ~~the ten (10)~~ the required amount of classroom hours of continuing education as a condition for initial license or certification renewal if the time between the effective date on the initial license or certification as an appraiser and the beginning of the initial renewal of license or certification is less than nine (9) months.

~~4.2. The Board may not award credit for continuing education for the classroom hour requirement when an individual seeks a different classification other than that currently held.~~

4.32. The Board shall not issue notice of a satisfactory course completion to any licensee or certified appraiser not attending a minimum of 90% of each of the classroom hours of proscribed course instruction. The applicant for renewal is responsible for seeing that his or her record of attendance and the grade received from an approved course is submitted to the Board with his or her application for renewal.

4.43. The institution, organization, licensed real estate school or Board approved entity offering these approved courses, shall fully inform each student of the standards and requirement at the commencement of the course. The entity shall also maintain and monitor the attendance and grades of students taking its respective offering by utilizing an appropriate system of record keeping. The entity shall submit to the Board the guidelines utilized by the entity in evaluating and grading the work of the applicant for renewal of license or certification.

4.54. Applicants for renewal of a license or certification shall continue to meet the standards for entry as set forth in 190 CSR 2.5 of these rules.

§190-3-5. Policies and Procedures of the Board for Approving Courses, Seminars and Educational Programs of Continuing Education.

5.1. The Board has the authority and duty to evaluate and approve courses, seminars and their equivalent, for the purpose of accepting hours for continuing education of applicants for the renewal of licensure or certification. The Board will evaluate the

attendance and grade of the student taking each respective course toward satisfaction of the continued education requirement.

5.2. The Board may only grant credit towards the classroom hour requirement only when the length of the educational offering is a minimum of two (2) hours.

5.3. In order for a course, seminar, or other educational program to be approved by the Board, the instructor of that course, seminar or program shall present to the Board a written plan of the class, including but not limited to, a syllabus of the subject areas covered by the course, the attendance requirements, and the method of evaluating the student's knowledge of the subject matter.

5.4. The Board shall determine whether the subject matter covered by the course, seminar or educational program includes ~~the topic listed in 190 CSR 2.6, 190 CSR 2.7 or 190 CSR 3,~~ those topics listed in sections 190 CSR 2.7.1.7 g, 190 CSR 2.8.1.7 g, 190 CSR 2.8.1.h, or 190 CSR 3.4.1.1.b ~~respectively~~, or any other appropriate topic relating to the area of real estate appraisal activity, determined by the Board to be worthy of hours toward continuing education.

5.5. The Board shall approve or disapprove courses, seminars, educational programs, or instructors, after a determination by the Board that said entity or subject matter does or does not meet the standards of the Board. The Board shall maintain a list of all approved courses, seminars or educational programs for the purpose of providing to the applicants for renewal of licensure or certification, notice of whether said course, seminar or educational program's hours qualify for the requirements of continuing education for the renewal of licensure or certification.

5.6. The Board shall determine whether or not an educational program meets the equivalency standard of an approved course or seminar, pursuant to W. Va. Code § 37-14-36, by looking at the topic of the program as it relates to the area of real estate appraisal, the amount of time which the program uses for instruction, and the method by which the applicant for licensure or certification is evaluated during or at the end of the program. The Applicant has the responsibility of providing to the Board information on the subject matter, instructor and time of the program, in order for the Board to make a case by case determination of the equivalency value of the program.

5.7. In making a determination concerning the approval of a course, seminar or educational program, the Board shall consider those courses, seminars or programs under the auspices of organizations or associations of professional real estate appraisers which are utilized by such organizations or associations for the purpose of awarding real estate designations or indicating compliance with the continuing education requirement of such organizations or associations.

§190-3-6. Procedures for renewal.

6.1. The board will mail a renewal application form to the applicant at the last known ~~home~~ address. This form shall outline the procedures for renewal. Failure to receive the renewal application form shall not relieve the applicant of the obligation to renew.

6.2. Prior to the expiration date shown on the license or certification, each licensee or certified appraiser desiring to renew his or her license or certification, shall return to the Board the completed renewal application form and the appropriate renewal and registry fees as outlined in section 6 of these rules, no earlier than one-hundred and twenty (120) days nor later than thirty (30) days prior to the expiration date of the license or certification. Each applicant shall submit, on forms provided by the Board, satisfactory evidence of the applicant's conformity with the continuing education requirements as described in section 3 of this rule.

6.3. If the Board determines that the applicant for renewal of a licensure or certification has failed to meet the requirements for renewal of licensure or certification through a mistake, misunderstanding, or circumstances beyond the applicant's control, the Board may extend the term of the applicant's licensure or certification for a period not to exceed six (6) months upon payment by the applicant of the prescribed fee. If a state licensure or certified real estate appraiser fails to renew his or her certification prior to the expiration date or within any period approved by the board, such person may obtain a renewal of his or her license or certification by satisfying all of the requirements for renewal and filing an application accompanied by a late renewal fee, within two (2) years of the date of his or her certification expiration. The Board may refuse to issue the license or certification if, during the two (2) year period, the applicant has continued to perform real estate appraiser activities in this state.

6.4. The Board may deny the issuance of a license as a licensed residential real estate appraiser, or a certificate as a state certified real estate appraiser, on any ground enumerated in these rules. Any applicant whose application for renewal of licensure or certification is denied may demand and shall be afforded a hearing pursuant to 190 CSR 4.

§190-3-7. Fees for Renewal.

7.1. Renewal fees are ~~established~~ as follows:

Certified general real estate appraiser...	\$525.00	\$325.00
Certified residential real estate appraiser...		\$175.00
Licensed residential real estate appraiser...	\$325.00	\$125.00

~~Registry fee... \$25.00~~

§190-3-8. Board Discretion to Deny Renewal.

8.1. The board may deny renewal of a license or certification within the Board's discretion, for the same reasons as it may refuse initial licensure or certification. The Board may also deny renewal of a license or certification consistent with the provisions of section 5 of these rules. The board shall approve or deny each application within ninety-days of receipt.