

Notice Number 2023-61

Rule Number Rab 400

1. Agency Name & Address:

**Real Estate Appraiser Board
c/o Office of Professional
Licensure & Certification
7 Eagle Square
Concord, NH 03301**

2. RSA Authority: RSA 310-B:24, VII & VIII

3. Federal Authority: n/a

4. Type of Action:

Adoption X

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: **Continued Status**

6. (a) Summary of what the rule says and of any proposed amendments:

Most of the rules in Chapter Rab 400 of the Real Estate Appraisers Board (Board) on continued status of licenses expired 2/2/23 and must be adopted again. The Board is proposing to:

- **Adopt Rab 401.01 to describe renewal requirements and is being amended from the expired rule to change the renewal date from the last day of the license holders birth month to the last day of the month 2 years from the date of issuance of the license and to change the issuance of a pocket card to the issuance of a license;**
- **Readopt with amendment Rab 401.02 describing the renewal application to amend the reporting a log of continued education hours earned to reporting a log of the continuing education earned;**
- **Adopt Rab 401.03 describing the denial of a renewal application and is being amended from the expired rule to change the number of days the Board has to notify the application of the denial from 60 days to 30 days;**
- **Adopt Rab 401.04 describing the renewal of an appraisal management company registration and is being amended from the expired rule to change the renewal date from December 31st each year to the last day of the month 2 years from the date the registration was issued and clarify that notification of the renewal date by the Board is done at least 30 days prior to expiration;**
- **Adopt Rab 401.05 describing the appraisal management company application as described in Rab 308.01(d) with not modification from the expired rule;**
- **Adopt Rab 402.01 describing the initiation of disciplinary action by the Board with no modifications from the expired rule;**
- **Adopt Rab 402.02 describing the disciplinary actions process with no modifications from the expired rule;**
- **Adopt Rab 402.03 describing the revocation of a license and is being amended from the expired rule to change the pronoun to non-gender specific;**
- **Adopt Rab 402.04 describing suspension of a license and is being amended from the expired rule to change the pronoun to non-gender specific;**

- **Adopt Rab 402.05 describing the procedures to assess administrative fines to licensees with no modifications from the expired rule;**
- **Adopt Rab 402.06 describing the procedures for assessing and collecting administrative fines and with no modifications from the expired rule;**
- **Adopt Rab 402.07 describing disciplinary continuing education with no modifications from the expired rule;**
- **Adopt Rab 403.01 describing the purpose of continuing education requirements and is being amended from the expired rule to change the pronoun to non-gender specific;**
- **Adopt Rab 403.02 describing the continuing education renewal requirements for an apprentice classification and appraiser license or certification and is being amended from the expired rule to update the AQB criteria from 2008 to the 2022 edition;**
- **Adopt Rab 403.03 describing when continuing education credits are granted and is being amended from the expired rule to:**
 - **Add to the list of course content instruction in “Fair housing and valuation bias”;**
 - **Add to participation in courses that include acting as a training supervisor or trainer for an apprentice or trainee apprentice;**
 - **Add teaching, program development, author of textbook, and serving on a licensing board to approved activities; and**
 - **Change “credit hours” to “class hours”;**
- **Adopt Rab 403.04 describing the record keeping of continuing hours and is being amended from the expired rule to clarify that it is class hours to be claimed;**
- **Adopt Rab 403.05 describing the extension of the deadline to earn continuing education with no modification from the expired rule;**
- **Adopt Rab 403.06 describing distance education and is being amended from the expired rule to remove the restriction on how many hours can be earned through distance education;**
- **Adopt Rab 403.07 describing the standards for Board approval of continuing education and is being amended from the expired rule to clarify the hours counted are the number of class hours;**
- **Adopt Rab 403.08 describing additional standards for approval of distance education courses and is being modified from the expired rule by making an editorial change;**
- **Adopt Rab 404.01 describing requirements for the apprentice, appraiser, and applicant to change their home and business address with no modifications from the expired rule;**
- **Adopt Rab 404.02 describing apprentice and appraiser requirements to comply with USPAP with no modifications from the expired rule;**
- **Adopt Rab 405.01 describing the procedure for surrendering a license and is being amended from the expired rule to change the pronoun to non-gender specific;**
- **Adopt Rab 405.02 describing the effect of a licensee’s voluntary surrender of a license with no modifications from the expired rule; and**

- **Adopt Rab 405.03 describing the surrender of a license when misconduct allegations are pending, and is being amended from the expired rule to change the pronoun to non-gender specific.**

6. (b) Brief description of the groups affected:

This proposal affects licensed Real Estate Appraisers.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute which the Rule Implements
Rab 401	RSA 310-B:5; RSA 310-B:10; RSA 310-B:12-b, III; RSA 310-B:12-e, II; RSA 310-B:12-n (c); RSA 310-B:13
Rab 402	RSA 310-B:18
Rab 403	RSA 310-B:14
Rab 404.01	RSA 310-B:15
Rab 404.02	RSA 310-B:18-a
Rab 405.01 – Rab 405.03	RSA 541-A:16, I(b)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina Kelley**

Title: **Program Specialist IV**

Address: **Office of Professional
Licensure and Certification
7 Eagle Square
Concord, NH 03301**

Phone #: **(603) 271-5247**

Fax#: **None**

E-mail: **OPLC-Rules@oplcnh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, May 1, 2023 at 4:00 p.m.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, April 21, 2023 at 9:30 a.m.**

Place: **Office of Professional Licensure and Certification
7 Eagle Square
Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 23:042, dated 2/16/2023

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in costs when comparing the proposed rules to the existing rules. Not applicable to rules that expired on February 2, 2023.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

There is no difference in cost when comparing the proposed rules to the existing or expired rules. The additional options for continuing education may be a benefit to state citizens who are Real Estate Appraisers.

There is no cost or benefit attributable to the proposed rules.

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

See #3 above.

C. To independently owned businesses:

None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.