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Exempt Action Final Regulation Agency Background Document

Agency name	Real Estate Appraiser Board
Virginia Administrative Code (VAC) citation(s)	18 VAC130-30
Regulation title(s)	Appraisal Management Company Regulations
Action title	Amendments to incorporate federally mandated changes
Final agency action date	February 12, 2019
Date this document prepared	April 23, 2019

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Section 1103 [12 U.S.C. 3332] of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA – Real Estate Appraisal Reform) authorizes the Appraisal Subcommittee (ASC) to monitor the requirements established by states for the registration and supervision of the operations and activities of an appraisal management company (AMC), as well as maintain a national registry of AMCs that either are registered with and subject to supervision of a state appraiser certifying and licensing agency, or are operating subsidiaries of a federally regulated financial institution. Section 1109 [12 U.S.C. 3338] of FIRREA requires each state to collect from an AMC that has either registered with a state appraiser certifying or licensing agency in accordance with this title, or operates as a subsidiary of a federally regulated financial institution, an annual registry fee of \$25 multiplied by the number of appraisers working for or contracting with such company during the previous year.

Board Regulation 18 VAC 130-30-70 is being amended to change the licensing term from two years to one year in order to comply with the ASC mandate to collect an annual registry fee based upon the number of appraisers working for or contracting with the AMC in the previous year.

Board Regulation 18 VAC 130-30-60 is being amended to allow the board to collect the \$25.00 national registry fee multiplied by the number of appraisers working for or contracting with the AMC in Virginia during the previous year as required by §1109 of FIRREA. The fees are being amended to reflect the licensing term decreasing from two years to one year.

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, board decision, etc.). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Title XI of FIRREA requires the ASC to maintain the AMC registry. Section 1109(a)(4)(b) requires the AMC registry fee to be collected by the state and transmitted to the ASC. The Board is promulgating this exempt regulatory action to conform the regulation to the law; there is no agency discretion pursuant to § 2.2-4006(A)(4)(a) of the Code of Virginia.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Real Estate Appraiser Board authorized this exempt action to amend the Appraisal Management Company Regulations on February 12, 2019.