



Virginia
Regulatory
Town Hall

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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Real Estate Appraiser Board
Virginia Administrative Code (VAC) citation	18 VAC 130-20
Regulation title	Real Estate Appraiser Board Regulations
Action title	General Review 2012
Date this document prepared	March 23, 2012

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of the planned regulatory action is to make clarifying changes, ensure consistency with state law, and to make any other changes that may be considered necessary.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Section 54.1-2013 of the Code of Virginia states the Real Estate Appraiser Board (Board) "may do all things necessary and convenient for carrying into effect the provisions of this chapter and all things required or expected of a state appraiser certifying and licensing agency under Title 11 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 et seq.). The Board shall promulgate necessary regulations."

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

The regulations need to be amended to ensure the regulations conform to the current statutes and standards of practice in the industry to protect the public health, safety and welfare. Other changes which may be necessary may also be considered.

Substance

Please detail any changes that will be proposed. Be sure to define all acronyms. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

18 VAC 130-20-10 - Definitions - Amend the definitions of "Certified Residential Appraiser" and "Licensed Residential Appraiser" to amplify the definition of "transaction value" to include "market value." This should help prevent licensees from appraising property outside the limit of their license class.

18 VAC 130-20-20 - Requirement for Registration of Business Entity Providing Appraisal Services - Amend this section to ensure all business entities providing appraisal services in Virginia are registered with the Board and to require a Board licensee to serve as the contact person for a registered business entity providing appraisal services.

18 VAC 130-20-30 – General Qualification for Licensure – Amend this section to ensure Certified General Appraiser applicants demonstrate adequate experience in the use of the income approach and to ensure appraiser license applicants have recent experience in performing appraisal reports.

18 VAC 130-20-60 - Qualifications for Licensure as an Appraiser Trainee - Amend this section to include provisions that the applicant must be 18 years old and allow for a licensing hearing before the Board.

18 VAC 130-20-180 – Standards of Professional Practice - Amend this section by changing the term "evaluation" to "valuation."

18 VAC 130-20-190 – Standards of Conduct for Certified Appraiser Education Instructors - Amend this section to more efficiently take disciplinary action against a Certified Appraisal Instructor who also holds an appraiser license which has been the subject of disciplinary action.

Other changes which may be necessary may also be considered.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

Failure to adopt these changes will result in the regulations not being as clear as possible, not meeting the current industry standards, and not protecting the public health, safety and welfare.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

Please also indicate, to the extent known, if standing or ad hoc advisory panels (also known as regulatory advisory panels) will be involved in the development of the proposed regulation. Indicate whether 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The agency is seeking comments on this regulatory action, including but not limited to 1) ideas to be considered in the development of this proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, fax, or e-mail to Christine Martine, Virginia Real Estate Appraiser Board, 9960 Mayland Drive, Suite 400, Richmond, VA, 23233, 804-367-8552, Fax 866-350-7849, reappraisers@dpor.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>). Both oral and written comments may be submitted at that time.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed changes are not expected to have an impact on families.