

Comments of the Independent Regulatory Review Commission



State Board of Certified Real Estate Appraisers Regulation #16A-7029 (IRRC #3406)

Distance Education and PAREA

August 28, 2024

We submit for your consideration the following comments on the proposed rulemaking published in the June 29, 2024 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Certified Real Estate Appraisers (Board) to respond to all comments received from us or any other source.

1. Section 36.1. Definitions. – Clarity.

The proposed rulemaking includes a new definition for the term “mentor.” It reads as follows:

A State-certified residential or general real estate appraiser who meets the [Appraiser Qualifications Board] AQB Qualification Criteria for guiding, advising and counseling [Practical Applications of Real Estate Appraisal] PAREA program participants.

A commentator has asked if the state-certified residential or general real estate appraiser must be certified in Pennsylvania or if they could be credentialed in any jurisdiction. We agree that the definition of “mentor” is unclear and ask the Board to clarify it in the final-form regulation.

2. Section 36.11. Qualifications for certification as residential real estate appraiser. – Clarity.

Existing Subsection (e) details the experience an applicant must have to become certified as a residential real estate appraiser. The proposed rulemaking adds Subsection (f) to this section to reflect the fact that an applicant seeking to become a certified residential real estate appraiser can meet the experience requirement by successfully completing an AQB-approved certified residential PAREA program, provided conditions, as required by the AQB Qualification Criteria, are met. Since Subsection (e) already addresses experience requirements, we believe the clarity of the rulemaking would be improved if the new language of Subsection (f) was added to existing Subsection (e). We ask the Board to consider this suggestion as it prepares the final-form rulemaking. We note that similar language appears in Section 36.12, relating to qualifications for certification as a general real estate appraiser.

3. Section 36.31. Provider registration/appraisal courses. – Clarity.

Subsection (b) says that an “education provider must obtain Board approval for qualifying education....” In existing regulations, such as in Subsection 3612.a(b) and Section 36.45, the Board provides the criteria on which qualifying educational standards and qualifying education are based. In addition, in proposed Subsection 36.31(c), the Board provides for the requirements for qualifying education under Subsections 36.11(b), 36.12(b), and 36.12a(b) of existing regulations. Therefore, to assist education providers in meeting this requirement and to improve the clarity of this regulation, we suggest that the Board do the same for the term “qualifying education” in proposed Subsection 36.31(b).

4. Section 36.43. Distance education. – Clarity.

The Preamble describing this section references hybrid distance education, but such education is not mentioned specifically in this section. Other sections in this proposed regulation mention specifically hybrid distance education. What is the reason for not including this type of education in Section 36.43? The same question applies to Section 36.263 regarding the use of distance education for continuing education for certified Pennsylvania evaluators.