

**CHAPTER 36. STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS**

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GENERAL PROVISIONS**§ 36.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*AQB—The Appraiser Qualifications Board of The Appraisal Foundation—*The independent board of The Appraisal Foundation that establishes the minimum education, experience, examination and continuing education requirements for real property appraisers under Title XI of FIRREA (12 U.S.C.A. §§ 3331—3356). The term includes any successor organization as designated by the United States Congress or the ASC.

*AQB Qualification Criteria—*The AQB publication, *The Real Property Appraiser Qualification Criteria*, establishing the minimum education, experience, examination and continuing education requirements for real property appraisers to obtain a state license or certification. The publication may be accessed at The Appraisal Foundation web site at www.appraisalfoundation.org.

*ASC—*The Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

*Act—*The Real Estate Appraisers Certification Act (63 P.S. §§ 457.1—457.19).

*Ad valorem tax appraisal—*Valuation for tax purposes involving the appraisal of real estate, its analysis, opinions and conclusions regarding taxation.

*Applicant—*A natural person.

*Appraisal—*A written analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real property, for or in expectation of compensation.

*Appraisal review—*An analysis of a completed appraisal report to determine if it conforms to specific requirements and guidelines and to ensure that the report is consistent and mathematically correct.

Board—The State Board of Certified Real Estate Appraisers within the Bureau of Professional and Occupational Affairs in the Department of State of the Commonwealth.

Certified broker/appraiser—A person who holds a certificate issued under authority of section 6(a)(3) of the act (63 P.S. § 457.6(a)(3)) and who is authorized to perform appraisals of all types of real property in non-Federally-related transactions.

Certified general real estate appraiser—A person who holds a certificate issued under authority of section 6(a)(2) and (e) of the act and § 36.12 (relating to qualifications for certification as general real estate appraiser) and who is authorized to perform appraisals of all types of real property in all transactions, whether Federally-related or non-Federally-related.

Certified real estate appraiser—A certified broker/appraiser, certified residential real estate appraiser or certified general real estate appraiser.

Certified residential real estate appraiser—A person who holds a certificate issued under authority of section 6(a)(1) and (d) of the act and § 36.11 (relating to qualifications for certification as residential real estate appraiser) and who is authorized to perform appraisals of residential properties of one-to-four dwelling units in all transactions, whether Federally-related or non-Federally-related.

Distance education—Except as otherwise required by AQB Qualification Criteria, an educational process based on the geographical separation of the learner and instructor, which provides interaction between the learner and instructor and includes testing. Examples include CD-ROM or DVD-ROM, on-line learning, correspondence courses, video conferencing, and video and remote television courses.

FIRREA—The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Pub.L. No. 101-73, 103 Stat. 183).

Feasibility analysis—A study of the cost-benefit relationship of an economic endeavor.

Federally-related transaction—A real estate-related financial transaction which a Federal financial institution regulatory agency or the Resolution Trust Corporation engages in, contracts for or regulates, and which requires the services of an appraiser.

Highest and best use analysis—A study which represents the reasonable and probable use that results in the highest present value of the land or improved property after considering all legally permissible, physically possible and economically feasible uses.

IDECC—International Distance Education Certification Center.

In good standing—

(i) When referring to an individual certified or licensed by the Board to perform appraisals, an individual who is authorized under the act to perform appraisals or to act as a licensed appraiser trainee.

(ii) The term includes an individual who has an active, unrestricted certificate or license, or a certificate or license that is on probation or subject to a restriction ordered by the Board.

(iii) The term does not include an individual who holds a certificate or license that is inactive, expired, suspended or revoked.

Licensed appraiser trainee—A person who holds a license issued under section 6(a.1) of the act and § 36.12a (relating to qualifications for licensure as appraiser trainee) and who is authorized to assist a certified residential real estate appraiser or certified general real estate appraiser in the performance of an appraisal.

Real estate counseling—Providing, for a fee, disinterested and unbiased advice, professional guidance and judgment in the broad field of real estate, involving all segments of the business, including marketing, leasing, managing, planning, financing, appraising, providing testimony and other similar services. Real estate counseling is a specialty area in which the counselor clearly identifies the real estate problem to be solved, determines the most satisfactory solutions and, where appropriate, follows through on the implementation.

Real estate-related financial transaction—A transaction involving the following:

(i) Sale, lease, purchase, investment in or exchange of real property, including interests in property or the financing thereof.

(ii) Refinancing of real property or interests in real property.

(iii) Use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

Review appraiser—A person who performs an appraisal review.

USPAP—The Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of The Appraisal Foundation.

Authority

The provisions of this § 36.1 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)); amended under sections 5(1) and (2), 6, 9(a) and 10(b) and (b.2) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(1) and (2), 457.6, 457.9(a) and 457.10(b) and (b.2)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P.S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.1 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; amended December 3, 1993, effective December 4, 1993, 23 Pa.B. 5713; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6667. Immediately preceding text appears at serial pages (389188) to (389190).

Cross References

This section cited in 49 Pa. Code § 36.401 (relating to definitions).

§ 36.2. Application process.

(a) *Application form.* An individual who applies for licensure as a licensed appraiser trainee or for certification as a certified residential real estate appraiser or a certified general real estate appraiser shall do all of the following:

- (1) Submit an application to the Board on a form provided by the Board.
- (2) Submit an official criminal history record information check from the State Police or other state agency for every state in which the candidate has lived or worked during the past 5 years. A report must be dated within 90 days of the date of application.
- (3) Pay the required application fee in the amount prescribed in § 36.6 (relating to fees).
- (4) Satisfy the requirements for licensure or certification in this subchapter.
- (5) Satisfy the requirements in the AQB Qualification Criteria.

(b) *Application fee.* The payment of a fee for processing an application is nonrefundable and must satisfy the following conditions:

- (1) The application fee must be in the amount in § 36.6.
- (2) Payment of the application fee must be in the form of a personal check or money order payable to “Commonwealth of Pennsylvania” or an electronic payment in a form or method approved by the Commissioner of Professional and Occupational Affairs.

(c) *Approved applications.* Residential real estate appraiser and general real estate appraiser certification applications approved by the Board are subject to all of the following conditions:

- (1) Approval by the Board of an initial application for certification as a residential real estate appraiser or a general real estate appraiser constitutes approval to take the examination approved by the AQB with all of the following limitations:
 - (i) Approval of the application will be valid for 1 year from the date of approval.
 - (ii) Approval of the application will be subject to subsection (e).
 - (iii) If an applicant does not pass the certification examination approved by the AQB within 1 year of the date of approval, the application will be deemed to be withdrawn.
 - (iv) If an applicant wishes to take the certification examination approved by the AQB more than 1 year after the date of approval of an application, the applicant shall file a new application that complies with subsections (a) and (b).
- (2) Approval by the Board of an application for licensure as an appraiser trainee, certification as a residential real estate appraiser or certification as a

general real estate appraiser under section 7 of the act (63 P.S. § 457.7), regarding reciprocity, constitutes approval to issue a license or certificate to the applicant.

(d) *Disapproved applications.* Subject to subsection (e), an applicant for licensure as an appraiser trainee, certification as a residential real estate appraiser or certification as a general real estate appraiser whose application has been disapproved by the Board will be notified in writing of the reasons for the disapproval, and will have 1 year from the date of disapproval to correct the deficiencies or to file a request for reconsideration.

(1) A request for reconsideration must give the reason for the applicant's request, must be accompanied by documentary materials not previously submitted which the applicant wishes the Board to consider and may include a request for an informal interview with the Board.

(2) If a request for reconsideration is denied or, subject to subsection (e), an applicant is unable to correct the deficiencies which resulted in the disapproval of the application within 1 year from the date of disapproval, a new application, along with the required fee, shall be submitted to the Board.

(e) *Compliance with new requirements.*

(1) *Residential real estate appraiser and general real estate appraiser applicants.* Except as otherwise provided in §§ 36.11 and 36.12 (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser) or as required by the AQB Qualification Criteria, an applicant for certification as a residential real estate appraiser or general real estate appraiser shall comply with any increased education or experience requirements that take effect between the applicant's filing of an initial application and the applicant's passing the certification examination.

(2) *Appraiser trainee applicants.* Except as otherwise provided in § 36.12a (relating to qualifications for licensure as appraiser trainee), or as required by the AQB Qualification Criteria, an applicant for licensure as an appraiser trainee shall comply with any increased education requirement that takes effect between the applicant's filing of an application that is disapproved and the applicant's filing of a new application.

(f) *Notification of AQB Qualification Criteria changes.*

(1) Whenever the AQB adopts changes to the AQB Qualification Criteria, the Board will:

- (i) Post a notice on the Board's web site.
- (ii) Notify licensees by means of e-mail.
- (iii) Announce the AQB Qualification Criteria changes at the next scheduled Board meeting.

(2) The Board may in its discretion publish notice of AQB Qualification Criteria changes in the *Pennsylvania Bulletin*.

Authority

The provisions of this § 36.2 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)); amended under sections 5(1) and (2), 6, 9(a) and 10(b) and (b.2) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(1) and (2), 457.6, 457.9(a) and 457.10(b) and (b.2)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P.S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.2 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; amended December 16, 1994, effective December 17, 1994, 24 Pa.B. 6298; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6667. Immediately preceding text appears at serial pages (389190) and (379861).

§ 36.3. Examinations.

(a) The examination required for certification as a residential real estate appraiser or a general real estate appraiser is the AQB-approved National examination, or its equivalent, for the certification for which an applicant is applying. The certification examinations are administered by a professional testing organization under contract with the Board at times and places established by the professional testing organization. An examination is not required for licensure as an appraiser trainee.

(b) Interested persons may obtain information about the certification examinations from the professional testing organization. Contact information for the professional testing organization appears on the Board’s web site.

Authority

The provisions of this § 36.3 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)); amended under sections 5(1) and (2), 6, 9(a) and 10(b) and (b.2) of the Real Estate Appraisers Certification Act (REACA) (63 P.S. §§ 457.5(1) and (2), 457.6, 457.9(a) and 457.10(b) and (b.2)); and sections 3, 4(d) and 12 of the Assessors Certification Act (ACA) (63 P.S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.3 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6667. Immediately preceding text appears at serial page (379861).

§ 36.6. Fees.

The following is the schedule of fees charged by the Board:

Certification of scores	\$25
Verification of certification or registration	\$15
<i>Certified Real Estate Appraisers</i>	
Application (nonreciprocity)	\$235
Application (reciprocity)	\$40
Temporary practice registration	\$30

Initial certification (if certified on or after 7/1 of odd-numbered years or on or before 6/30 of even-numbered years)	\$90
Initial certification (if certified between 7/1 of even-numbered years and 6/30 of odd-numbered years)	\$45
Biennial renewal	\$225
<i>Certified Broker/Appraisers</i>	
Application (for application period of 9/3/96 to 9/3/98)	\$40
Initial certification (if certified between 7/1/97 and 6/30/98)	\$90
Initial certification (if certified between 9/3/96 and 6/30/97 or if certified on or after 7/1/98, if the application for initial certification was submitted by 9/3/98)	\$45
Biennial renewal	\$225
<i>Certified Pennsylvania Evaluators</i>	
Application	\$55
Initial certification (if certified on or after 7/1 of odd-numbered years or on or before 6/30 of even-numbered years)	\$90
Initial certification (if certified between 7/1 of even-numbered years and 6/30 of odd-numbered years)	\$45
Biennial renewal	\$225
<i>Continuing Education Providers</i>	
Application for continuing education provider approval	\$85
<i>Licensed Appraiser Trainee</i>	
Application	\$75
Biennial renewal	\$150

Authority

The provisions of this § 36.6 issued under section 812(b) and (c) of The Administrative Code of 1929 (71 P.S. § 279.3a); and sections 5(2) and (6) and 9(a) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2) and (6) and 457.9(a)); amended under section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a); sections 3 and 9 of the Assessors Certification Act (63 P.S. §§ 458.3 and 458.9); and sections 5(6) and 9 of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(6) and 457.9).

Source

The provisions of this § 36.6 adopted March 22, 1991, effective March 23, 1991, 21 Pa.B. 1168; amended April 17, 1992, effective April 18, 1992, 22 Pa.B. 1919; amended April 30, 1993, effective May 1, 1993, 23 Pa.B. 2119; amended August 27, 1993, effective August 28, 1993, 23 Pa.B. 4070;

amended December 16, 1994, effective December 17, 1994, 24 Pa.B. 6298; amended May 5, 1995, effective May 6, 1995, 25 Pa.B. 1774; amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5104; amended October 25, 1996, effective January 2, 1997, 26 Pa.B. 5103; amended March 26, 1999, effective March 27, 1999, 29 Pa.B. 1610; amended January 17, 2003, effective January 18, 2003, 33 Pa.B. 359; amended May 23, 2003, effective May 24, 2003, 33 Pa.B. 2476; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956; amended January 22, 2016, effective January 23, 2016, 46 Pa.B. 447. Immediately preceding text appears at serial pages (351302) and (363995).

Cross References

This section cited in 49 Pa. Code § 36.2 (relating to application process); 49 Pa. Code § 36.91 (relating to reactivation of lapsed certification); 49 Pa. Code § 36.203 (relating to application process); 49 Pa. Code § 36.221 (relating to qualifications for certification as a Pennsylvania evaluator); and 49 Pa. Code § 36.271 (relating to reactivation of lapsed certification).

QUALIFICATIONS FOR CERTIFICATION OR LICENSURE

§ 36.11. Qualifications for certification as residential real estate appraiser.

(a) *General qualifications.* An applicant for certification as a residential real estate appraiser shall:

- (1) Be of good moral character.
- (2) Satisfy the education and experience requirements prescribed by this section prior to the date of examination.
- (3) Pass an AQB-approved examination for certification as a residential real estate appraiser.
- (4) Satisfy the requirements in the AQB Qualification Criteria for certification as a residential real estate appraiser.

(b) *Appraisal classroom hours.* An applicant for certification as a residential real estate appraiser shall submit evidence to the Board of having completed the classroom hours required by the AQB Qualification Criteria as of the date of the application.

(1) *Length of classroom hour and courses; course examination requirement.*

(i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.

(ii) Credit toward the classroom hour requirement will be granted only if the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(2) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from types of providers set forth in the AQB Qualification Criteria subject to the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools, and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(3) *Distance education.* Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets all of the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The length and content of the course meet the requirements of paragraph (1) and subsection (c), respectively.

(c) *Content of appraisal education.*

(1) The content of an applicant's appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria and as specified in the Required Core Curriculum in the AQB Qualification Criteria.

(2) All courses must consist of instruction in the subject areas in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(d) *Postsecondary education.* An applicant for certification as a residential real estate appraiser shall satisfy the postsecondary education requirements in the AQB Qualification Criteria.

(e) *Experience.* An applicant's experience must comply with all of the following:

(1) An applicant for certification as a residential real estate appraiser shall satisfy the experience requirements in the AQB Qualification Criteria.

(2) At least 75% of the total experience requirement shall be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties, in accordance with § 36.13 (relating to experience options for preparation of appraisal reports; experience logs).

(3) Effective January 1, 2008, experience must be acquired after January 30, 1989, and must comply with USPAP. Experience acquired after August 2, 1993, will not be accepted unless the applicant completed 45 classroom hours of appraisal education, including 15 hours on USPAP prior to acquiring the

experience. Effective January 1, 2020, experience credit may be obtained only by individuals who possess a license as an appraiser trainee.

(4) Acceptable categories of appraisal experience include all of the following:

- (i) Fee and staff appraisals.
- (ii) Ad valorem tax appraisals, if the applicant can demonstrate that the applicant used techniques to value properties similar to those used by appraisers and that the applicant effectively used the appraisal process.
- (iii) Review appraisals.
- (iv) Appraisal analysis (synonymous with an appraisal).
- (v) Real estate counseling, if the counselor can satisfactorily demonstrate that:
 - (A) The client clearly asked for counseling services.
 - (B) The client was informed that the counselor's time would be devoted to counseling services, which are separate from other real estate functions such as appraising, sales management and mortgage lending.
 - (C) A file memorandum was prepared on each assignment indicating the nature of the assignment, recommendations and disposition.
 - (D) Compensation for the counseling services was separate from other real estate services rendered.
- (vi) Highest and best use analysis.
- (vii) Feasibility analysis/study.
- (viii) Real estate related experience such as that of an officer of a lending institution, if the experience consists of the actual performance or professional review of real estate appraisals.
- (ix) Evaluations under FIRREA in accordance with requirements of Federal financial institution regulatory agencies.
- (x) Case studies or practicum courses that are approved by the AQB Course Approval Program.

Authority

The provisions of this § 36.11 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)); amended under the Real Estate Appraisers Certification Act (63 P.S. §§ 457.1—457.19); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P.S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.11 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; amended December 3, 1993, effective December 4, 1993, 23 Pa.B. 5713; amended March 18, 1994, effective upon publication and apply retroactively to January 1, 1994, 24 Pa.B. 1486; amended December 23, 1994, effective December 24, 1994, 24 Pa.B. 6421; amended August 4, 2000, effective August 5, 2000, 30 Pa.B. 3934; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956; amended October 12, 2012, effective October 13, 2012, 42 Pa.B. 6541; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6667. Immediately preceding text appears at serial pages (379863) to (379864), (328741) to (328744), (351305) to (351306) and (363997).

Cross References

This section cited in 49 Pa. Code § 36.1 (relating to definitions); 49 Pa. Code § 36.2 (relating to application process); and 49 Pa. Code § 36.13 (relating to experience options for preparation of appraisal reports; experience logs).

§ 36.12. Qualifications for certification as general real estate appraiser.

(a) *General qualifications.* An applicant for certification as a general real estate appraiser shall:

- (1) Be of good moral character.
- (2) Satisfy the education and experience requirements prescribed by this section as of the date of the examination.
- (3) Pass an AQB-approved examination for certification as a general real estate appraiser.
- (4) Satisfy all the requirements in the AQB Qualification Criteria for certification as a general real estate appraiser.

(b) *Appraisal classroom hours.* An applicant for certification as a general real estate appraiser shall submit evidence to the Board of having completed the classroom hours required by the AQB Qualification Criteria as of the date of application.

(1) *Length of classroom hour and courses; course examination requirement.*

(i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.

(ii) Credit toward the classroom hour requirement will be granted only if the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(2) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from the types of providers set forth in the AQB Qualification Criteria subject to all of the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools, and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(3) *Distance education.* Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board, and meets all of the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The length and content of the course meet the requirements of paragraph (1) and subsection (c), respectively.

(c) *Content of appraisal education.*

(1) The content of an applicant's appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria and as specified in the Required Core Curriculum in the AQB Qualification Criteria.

(2) All courses must consist of instruction in the subject areas outlined in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(d) *Postsecondary education.* An applicant for certification as a general real estate appraiser shall satisfy the postsecondary education requirements in the AQB Qualification Criteria.

(e) *Experience.* An applicant's experience must comply with all of the following:

(1) An applicant for certification as a general real estate appraiser shall satisfy the experience requirements in the AQB Qualification Criteria.

(2) At least 50% of the total experience requirement must be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties, in accordance with § 36.13 (relating to experience options for preparation of appraisal reports; experience logs).

(3) Effective January 1, 2008, experience must be acquired after January 30, 1989, and must comply with USPAP. Experience acquired after August 2, 1993, will not be accepted unless the applicant completed 45 classroom hours of appraisal education, including 15 hours on USPAP prior to acquiring the experience. Effective January 1, 2020, experience credit can be obtained only by individuals who possess a license as an appraiser trainee or a certification as a residential real estate appraiser.

(4) Acceptable categories of appraisal experience include:

(i) Fee and staff appraisals.

(ii) Ad valorem tax appraisals, if the applicant can demonstrate that the applicant used techniques to value properties similar to those used by appraisers and that the applicant effectively used the appraisal process.

(iii) Review appraisals.

(iv) Appraisal analysis (synonymous with an appraisal).

(v) Real estate counseling, if the counselor can satisfactorily demonstrate that:

(A) The client clearly asked for counseling services.

(B) The client was informed that the counselor's time would be devoted to counseling services, which are separate from other real estate functions such as appraising, sales management and mortgage lending.

(C) A file memorandum was prepared on each assignment, indicating the nature of the assignment, recommendations and disposition.

(D) Compensation for the counseling services was separate from other real estate services rendered.

(vi) Highest and best use analysis.

(vii) Feasibility analysis/study.

(viii) Real estate experience such as that of an officer of a lending institution, if the experience consists of the actual performance or professional review of real estate appraisals.

(ix) Evaluations under FIRREA in accordance with requirements of Federal financial institution regulatory agencies.

(x) Case studies or practicum courses that are approved by the AQB Course Approval Program.

Authority

The provisions of this § 36.12 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)); amended under the Real Estate Appraisers Certification Act (63 P.S. §§ 457.1—457.19); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P.S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.12 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; corrected August 7, 1992, effective July 25, 1992, 22 Pa.B. 4098; amended December 3, 1993, effective December 4, 1993, 23 Pa.B. 5713; amended December 23, 1994, effective December 24, 1994, 24 Pa.B. 6421; amended August 4, 2000, effective August 5, 2000, 30 Pa.B. 3934; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956; amended October 12, 2012, effective October 13, 2012, 42 Pa.B. 6541; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6667. Immediately preceding text appears at serial pages (363997) to (363998), (328749) to (328752), (351309) to (351310) and (363999).

Cross References

This section cited in 49 Pa. Code §§ 36.1 (relating to definitions); 49 Pa. Code § 36.2 (relating to application process); and 49 Pa. Code § 36.13 (relating to experience options for preparation of appraisal reports; experience logs).

§ 36.12a. Qualifications for licensure as appraiser trainee.

(a) *General qualifications.* An applicant for licensure as an appraiser trainee shall:

(1) Be of good moral character.

(2) Satisfy the education requirements prescribed by this section.

(3) Complete a course that, at a minimum, complies with the specifications for course content established by the AQB Qualification Criteria, which is spe-

cifically oriented to the requirements and responsibilities of supervisory appraisers and licensed appraiser trainees.

(4) Satisfy the requirements in the AQB Qualification Criteria for licensure as an appraiser trainee.

(b) *Appraisal classroom hours.* An applicant for licensure as an appraiser trainee shall comply with the qualifying educational standards required by the AQB Qualification Criteria.

(1) *Content of appraisal education.*

(i) The content of an applicant's appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria.

(ii) All courses must consist of instruction in the subject areas outlined in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(2) *Length of classroom hour and courses; course examination requirement.* The length of classroom hours and course requirements must comply with all of the following:

(i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.

(ii) Credit toward the classroom hour requirement will be granted only when the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(3) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from the types of providers set forth in the AQB Qualification Criteria subject to all of the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools, and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(4) *Distance education.* Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets all of the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

- (ii) The applicant successfully completes a written examination procured by an official approved by the college, university or other course provider.
- (iii) The content and classroom hours of the course meet the requirements of paragraphs (1) and (2).
- (c) *Noneligibility for licensure.* A certified real estate appraiser is not eligible to be licensed as an appraiser trainee.
- (d) *Limitation on license renewal.* An appraiser trainee license may not be biennially renewed more than four times unless the Board, for good cause shown and on a case-by-case basis, should determine that one or more additional renewals is warranted.

Authority

The provisions of this § 36.12a issued under sections 5(2) and 9 of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2) and (457.9(a))); amended under sections 5(1) and (2), 6, 9(a) and 10(b.2) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(1) and (2), 457.6, 457.9(a) and 10(b.2)); and section 3 of the Assessors Certification Act (63 P.S. § 458.3).

Source

The provisions of this § 36.12a adopted July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6667. Immediately preceding text appears at serial pages (363999) to (364000) and (351313).

Cross References

This section cited in 49 Pa. Code § 36.1 (relating to definitions).

§ 36.13. Experience options for preparation of appraisal reports; experience logs.

- (a) An applicant for certification as a residential real estate appraiser or a general real estate appraiser under §§ 36.11 and 36.12 (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser) shall have acquired experience in the preparation of appraisal reports in one or more of the following:
 - (1) Prior to September 3, 1998:
 - (i) As a licensed real estate broker under the Real Estate Licensing and Registration Act (63 P. S. §§ 455.101—455.902) and Chapter 35 (relating to State Real Estate Commission).
 - (ii) As an elected officer, director or employee of a banking institution, savings institution, savings bank, credit union or trust company operating under applicable Federal or State laws, when acting on behalf of the institution in connection with a loan transaction.
 - (iii) As a certified broker/appraiser.
 - (iv) As an assistant to a certified residential real estate appraiser or certified general real estate appraiser, provided the assistant satisfies the requirements of subsection (b).
 - (v) As a certified residential real estate appraiser assisting a certified general real estate appraiser in an appraisal of nonresidential property or an

appraisal of residential property of more than four dwelling units, provided the residential appraiser satisfies the requirements of subsection (d).

(2) On or after September 3, 1998:

(i) As a certified broker/appraiser.

(ii) As an assistant to a certified residential real estate appraiser or certified general real estate appraiser, provided the experience is acquired before October 1, 2010, and the assistant satisfies the requirements of subsection (b).

(iii) As a licensed appraiser trainee assisting a certified residential real estate appraiser or certified general real estate appraiser, provided the trainee satisfies the requirements of subsection (c).

(iv) As a certified residential real estate appraiser assisting a general real estate appraiser in an appraisal of nonresidential property or an appraisal of residential property of more than four dwelling units, provided the residential appraiser satisfies the requirements of subsection (d).

(b) For experience acquired before October 1, 2010, an assistant to a certified general real estate appraiser or certified residential real estate appraiser shall comply with all of the following requirements when preparing an appraisal report:

(1) The assistant shall perform an inspection of the interior and exterior of the property.

(2) The assistant may not arrive at an independent determination of value.

(3) The assistant shall comply with USPAP.

(4) The assistant shall complete and co-sign a Board-approved appraisal assistant checklist that relates to the assistant's work on the appraisal report.

(5) Unless the appraisal assistant checklist is made part of the appraisal report, the assistant shall co-sign the appraisal report as "assistant to the certified real estate appraiser" or be referenced in the certification section of the appraisal report, or in an addendum to the appraisal report, as having provided significant real property appraisal assistance.

(c) A licensed appraiser trainee shall comply with all of the following requirements when preparing an appraisal report for a certified general real estate appraiser or certified residential real estate appraiser:

(1) The trainee may not be supervised by more than one residential or general appraiser on each appraisal assignment.

(2) The trainee shall perform an inspection of the interior and exterior of the property.

(3) The trainee may not arrive at an independent determination of value.

(4) The trainee shall comply with USPAP.

(5) The trainee shall complete and co-sign a Board-approved appraiser trainee checklist that relates to the trainee's work on the appraisal report and that is made part of the appraisal report submitted to the client.

(d) A certified residential real estate appraiser shall comply with all of the following requirements when preparing an appraisal report for a certified general real estate appraiser:

- (1) The residential appraiser shall perform an inspection of the interior and exterior of the property.
- (2) The residential appraiser may not arrive at an independent determination of value.
- (3) The residential appraiser shall comply with USPAP.
- (4) The residential appraiser shall co-sign the appraisal report as set forth in § 36.52 (relating to use of certificate number and title) and ensure that the nature of his significant real property appraisal assistance is specified in the report.
- (5) Jointly maintain an appraisal experience log with the general real estate appraiser on forms provided by the Board.

(e) The licensed appraiser trainee shall jointly maintain an appraisal experience log with the supervisory appraiser on forms provided by the Board. An appraisal experience log must comply with the requirements in the AQB Qualification Criteria.

Authority

The provisions of this § 36.13 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)); amended under the Real Estate Appraisers Certification Act (63 P.S. §§ 457.1—457.19); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P.S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.13 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; amended July 31, 1992, effective August 1, 1992, 22 Pa.B. 3987; amended April 30, 1993, effective April 31, 1993 and apply retroactively to August 1, 1992, 23 Pa.B. 2118; amended December 3, 1993, effective December 4, 1993, 23 Pa.B. 5634; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6667. Immediately preceding text appears at serial pages (351313) to (351315).

Cross References

This section cited in 49 Pa. Code § 36.11 (relating to qualifications for certification as residential real estate appraiser); 49 Pa. Code § 36.12 (relating to qualifications for certification as general real estate appraiser); and 49 Pa. Code § 43b.15 (relating to schedule of civil penalties—certified real estate appraisers—statement of policy).

§ 36.21. [Reserved].

Source

The provisions of this § 36.21 adopted April 5, 1991, effective April 6, 1991, 21 Pa.B. 1442; reserved July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864. Immediately preceding text appears at serial page (167704).

§ 36.22. [Reserved].**Source**

The provisions of this § 36.22 adopted April 5, 1991, effective April 6, 1991, 21 Pa.B. 1442; amended July 12, 1991, effective July 13, 1991, 21 Pa.B. 3148; reserved July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864. Immediately preceding text appears at serial pages (167704) and (161679) to (161685).

§ 36.23. [Reserved].**Source**

The provisions of this § 36.23 adopted April 5, 1991, effective April 6, 1991, 21 Pa.B. 1442; reserved July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864. Immediately preceding text appears at serial pages (161685) to (161686).

§ 36.24. [Reserved].**Source**

The provisions of this § 36.24 adopted April 5, 1991, effective April 6, 1991, 21 Pa.B. 1442; reserved July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864. Immediately preceding text appears at serial pages (161687) to (161688).

§ 36.25. [Reserved].**Source**

The provisions of this § 36.25 adopted April 5, 1991, effective April 6, 1991, 21 Pa.B. 1442; reserved July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864. Immediately preceding text appears at serial pages (161688) to (161689).

APPROVAL PROCESS—PROVIDERS**§ 36.31. Provider registration/appraisal courses.**

Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers other than accredited colleges or universities and community or junior colleges, seeking to offer appraisal courses for classroom hour credit or continuing education credit shall complete and file with the Board an application for Board approval as a provider for appraisal courses. Application forms and a list of Board approved providers of appraisal courses may be obtained from the Administrative Office of the Board, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-4866.

Authority

The provisions of this § 36.31 amended under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)).

Source

The provisions of this § 36.31 adopted October 11, 1991, effective October 12, 1991, 21 Pa.B. 4844; amended July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864. Immediately preceding text appears at serial pages (161689) to (161690).

Cross References

This section cited in 49 Pa. Code § 36.11 (relating to qualifications for certification as residential real estate appraiser); 49 Pa. Code § 36.12 (relating to qualifications for certification as general real estate appraiser); 49 Pa. Code § 12a (relating to qualifications for licensure as appraiser trainee); 49 Pa. Code § 36.42 (relating to subject matter and sources of continuing education); and 49 Pa. Code § 36.241 (relating to provider registration/appraisal or assessment courses).

§ 36.32. Standards for providers.

- (a) Approved providers shall:
- (1) Establish a mechanism measuring the quality of the course/continuing education program being offered.
 - (2) Establish criteria for selecting and evaluating faculty.
 - (3) Establish criteria for the evaluation of each course/continuing education program upon completion.
 - (4) Submit a course outline and summary of faculty qualifications for each appraisal course proposed to be offered.
- (b) The provider shall provide adequate facilities and appropriate instructional materials to carry out the courses/continuing education programs.
- (c) The provider shall insure that the instructors have suitable qualifications and are of good reputation and character.

Authority

The provisions of this § 36.32 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)).

Source

The provisions of this § 36.32 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864.

Cross References

This section cited in 49 Pa. Code § 36.33 (relating to withdrawal of approval of providers); and 49 Pa. Code § 36.241 (relating to provider registration/appraisal or assessment courses).

§ 36.33. Withdrawal of approval of providers.

The Board may, following notice and hearing under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), withdraw the approval of an approved provider that it finds guilty of one or more of the following:

- (1) Having acquired the Board's approval by misrepresentation.
- (2) Failing to maintain compliance with § 36.32 (relating to standards for providers).
- (3) Otherwise failing to comply with the requirements of this chapter.

Authority

The provisions of this § 36.33 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)).

Source

The provisions of this § 36.33 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864.

CONTINUING EDUCATION**§ 36.41. Continuing education requirement.**

(a) Continuing education for certified real estate appraisers and licensed appraiser trainees is necessary to ensure that they maintain and increase their skill, knowledge and competency in real estate appraising. Except as provided in subsection (b), certified real estate appraisers and licensed appraiser trainees shall satisfy the continuing education requirements in the AQB Qualification Criteria, which must include at least 2 hours on the act, this chapter and the policies of the Board during each biennial renewal period as a condition of renewal of certification for the next biennial renewal period.

(b) A certified general real estate appraiser, residential real estate appraiser or licensed appraiser trainee whose initial certification or license becomes effective between January 1 and June 30 of a biennial renewal year will not be required to furnish proof of continuing education as a condition of renewal of certification in that biennial renewal year.

Authority

The provisions of this § 36.41 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)); amended under sections 5(1) and (2), 6 and 10(b) and (b.2) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(1) and (2), 457.6 and 457.10(b) and (b.2)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P.S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.41 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; amended March 12, 1999, effective March 13, 1999, 29 Pa.B. 1393; amended June 20, 2003, effective June 21, 2003, 33 Pa.B. 2869; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6667. Immediately preceding text appears at serial pages (351674) and (351317).

Cross References

This section cited in 49 Pa. Code § 36.42 (relating to subject matter and sources of continuing education); and 49 Pa. Code § 36.91 (relating to reactivation of lapsed certification).

§ 36.42. Subject matter and sources of continuing education.

(a) Continuing education subject matter and sources must comply with the requirements in the AQB Qualification Criteria.

(b) Subjects acceptable for continuing education include the subjects set forth by the AQB Qualification Criteria.

(c) Credit for the classroom hour requirement may be obtained from colleges or universities and community or junior colleges. Subject to Board approval under § 36.31 (relating to provider registration/appraisal courses), credit for the classroom hour requirement may also be obtained from real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers.

(d) Educational offerings which cover real estate appraisal related topics other than those in subsection (b) may be acceptable for continuing education credit if the applicant can demonstrate to the Board that the topic or program

contributed to the applicant's professional competence and is consistent with the purpose of continuing education as stated in § 36.41 (relating to continuing education requirement).

Authority

The provisions of this § 36.42 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)); amended under sections 5(1) and (2), 6, 9(a) and 10(b.2) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(1) and (2), 457.6, 457.9(a) and 457.10(b.2)); and section 3 of the Assessors Certification Act (63 P.S. § 458.3).

Source

The provisions of this § 36.42 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; amended March 12, 1999, effective March 13, 1999, 29 Pa.B. 1393; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6667. Immediately preceding text appears at serial pages (351317) to (351318).

Cross References

This section cited in 49 Pa. Code § 36.43 (relating to distance education).

§ 36.43. Distance education.

Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable for continuing education credit if it is approved by the Board and meets all of the following conditions:

- (1) The course is presented by one of the following:
 - (i) A course provider that presents the course to an organized group in an instructional setting with a person qualified and available to answer questions, provide information and monitor attendance.
 - (ii) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.
 - (iii) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.
- (2) With regard to a course presented under paragraph (1)(ii) or (iii), the certified real estate appraiser or the licensed appraiser trainee either successfully completes a written examination proctored by an official approved by the college, university or other course provider or successfully completes the course mechanisms required for course accreditation that evidence the learner's mastery and fluency of the course content.
- (3) The content and length of the course meet the requirements of § 36.42 (relating to subject matter and sources of continuing education).

Authority

The provisions of this § 36.43 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)); amended under sections 5(1) and (2), 6 and 10(b) and (b.2) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(1) and (2), 457.6 and 457.10(b) and (b.2)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P.S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.43 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6667. Immediately preceding text appears at serial pages (351318) to (351319).

§ 36.44. Reporting of continuing education credit hours.

Applicants applying for certificate renewal shall provide, at the time of biennial renewal, and on forms approved by the Board, a signed statement certifying that continuing education requirements have been met and providing information to document their certification.

Authority

The provisions of this § 36.44 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)).

Source

The provisions of this § 36.44 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864.

STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE**§ 36.51. Compliance with USPAP.**

A certified real estate appraiser or licensed appraiser trainee shall perform an appraisal assignment in accordance with USPAP. A certified real estate appraiser or licensed appraiser trainee who violates one or more provisions of USPAP shall be subject to disciplinary action under the act. A copy of the current edition of USPAP can be obtained by writing, telephoning or e-mailing the Appraisal Foundation at 1029 Vermont Avenue, N.W., Suite 900, Washington D.C. 20005-3517, (202) 347-7722, or info@appraisalfoundation.org, respectively.

Authority

The provisions of this § 36.51 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)); amended under sections 5(2), 6(f), 9(a) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(f), 457.9(a) and 457.10(b)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P.S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.51 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; amended December 3, 1994, effective December 4, 1994, 24 Pa.B. 5713; amended December 17, 1993, effective December 18, 1993, 23 Pa.B. 5914; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956. Immediately preceding text appears at serial pages (342159) to (342160).

Cross References

This section cited in 49 Pa. Code § 43b.15 (relating to schedule of civil penalties—certified real estate appraisers—statement of policy).

§ 36.52. Use of certificate number and title.

A certified real estate appraiser shall place his name, signature and certificate number adjacent to or immediately below the title “Pennsylvania certified general real estate appraiser,” “Pennsylvania certified residential real estate

appraiser” or “Pennsylvania certified broker/appraiser,” as appropriate, on each written appraisal report and each written appraisal agreement. A substantially similar title may be substituted. Professional designations may be included adjacent to the signature, if applicable. The following will serve as an example:

/s/_____

John Doe, (Professional designation, if applicable)
Pennsylvania Certified Residential Real Estate Appraiser
Certification number RL-999999-L

Authority

The provisions of this § 36.52 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(h) and 457.10(b)); amended under sections 5(2), 6(f), 9(a) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(f), 457.9(a) and 457.10(b)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P.S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.52 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956. Immediately preceding text appears at serial page (342160).

Cross References

This section cited in 49 Pa. Code § 36.13 (relating to experience options for preparation of appraisal reports; experience logs); 49 Pa. Code § 36.54 (relating to duties of supervisory appraiser); and 49 Pa. Code § 43b.15 (relating to schedule of civil penalties—certified real estate appraisers—statement of policy).

§ 36.53. Temporary practice.

(a) The Board will recognize on a temporary basis the certification or license of an appraiser issued by another state if the following exist:

- (1) The property to be appraised is part of a Federally-related transaction.
- (2) The appraiser’s business is of a temporary nature.
- (3) The appraiser registers with the Board and pays the required fees.

(b) Temporary means no more than three specific appraiser assignments during a period not to exceed 12 consecutive calendar months.

(c) Application forms for temporary practice may be obtained from the Administrative Office of the Board, Post Office Box 2649, Harrisburg, Pennsylvania, 17105-2649, (717) 783-4866.

Authority

The provisions of this § 36.53 issued under sections 5(2), 6(h) and 10(b) of the Real Estate Appraisers Certification Act (63 P. S. §§ 457.5(2), 457.6(h) and 457.10(b)).

Source

The provisions of this § 36.53 adopted July 24, 1992, effective July 25, 1992, 22 Pa.B. 3864; amended December 3, 1993, effective December 4, 1993, 23 Pa.B. 5713. Immediately preceding text appears at serial page (173226).

§ 36.54. Duties of supervisory appraiser.

(a) A certified residential real estate appraiser or certified general real estate appraiser who utilizes an appraisal assistant before October 1, 2010, shall:

(1) Provide written notification to the Board of the name and address of the assistant when the assistant begins work for the appraiser.

(2) Directly supervise and control the assistant's work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.

(3) Accompany the assistant during the physical inspection of the property until the assistant has logged 300 hours of appraisal experience or until the supervising appraiser determines the assistant is competent under USPAP to perform the physical inspection unaccompanied, whichever is the longer period.

(4) Co-sign the appraisal report as a certified real estate appraiser under § 36.52 (relating to use of certificate number and title) and, unless the appraisal assistant checklist referenced in paragraph (5) is made part of the appraisal report submitted to the client, either have the assistant sign the appraisal report as assistant to the certified real estate appraiser or identify the assistant in the certification section of the appraisal report, or in addendum to the appraisal report, as having provided significant real property appraisal assistance.

(5) Co-sign a Board-approved appraisal assistant checklist that has been completed by the assistant and relates to the assistant's work on the appraisal report.

(6) Provide a current or former assistant who is applying for appraiser certification with copies of designated appraisal reports and appraisal assistant checklists requested by the Board to verify the assistant's experience.

(b) A certified residential real estate appraiser or certified general real estate appraiser who utilizes a licensed appraiser trainee shall:

(1) Have at least 5 years of experience as a residential real estate or general real estate appraiser.

(2) Comply with the supervisory appraiser requirements in the AQB Qualification Criteria.

(3) Provide written notification to the Board of the name and address of the licensed appraiser trainee before the trainee begins work for the appraiser.

(4) Be a certified residential real estate appraiser or certified general real estate appraiser in this Commonwealth for at least 3 years immediately preceding the supervisory appraiser's notification to the Board.

- (5) Be a certified residential real estate appraiser or certified general real estate appraiser in good standing in this Commonwealth.
- (i) The supervisory appraiser shall be in good standing in this Commonwealth for a period of at least 3 years immediately preceding the supervisory appraiser's notification to the Board.
- (ii) The supervisory appraiser shall be in good standing while serving as a supervisor.
- (6) Have not received from the Board or any jurisdiction any disciplinary action that affects or affected the supervisor's legal eligibility to engage in appraisal practice within 3 years immediately preceding the supervisory appraiser's notification to the Board.
- (7) Prior to supervising a licensed appraiser trainee, complete a course, that, at a minimum, complies with the specifications for course content established by the AQB Qualification Criteria, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and licensed appraiser trainees.
- (8) Supervise no more than three licensed appraiser trainees at one time.
- (9) Directly supervise and control the licensed appraiser trainee's work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.
- (10) Accompany the licensed appraiser trainee during the physical inspection of the property until the licensed appraiser trainee has logged 300 hours of appraisal experience or until the supervising appraiser determines the licensed appraiser trainee is competent under USPAP to perform the physical inspection unaccompanied, whichever is the longer period.
- (11) Co-sign a Board-approved appraiser trainee checklist that has been completed by the licensed appraiser trainee, relates to the licensed appraiser trainee's work on the appraisal report and is made part of the appraisal report submitted to the client.
- (12) Jointly maintain an appraisal experience log with the licensed appraiser trainee. An appraisal experience log must comply with the requirements in the AQB Qualification Criteria.
- (13) Provide a current or former licensed appraiser trainee who is applying for appraiser certification with copies of designated appraisal reports requested by the Board to verify the licensed appraiser trainee's experience.
- (c) A certified general real estate appraiser who utilizes a certified residential real estate appraiser as an assistant for an appraisal of nonresidential property or an appraisal of residential property of more than four dwelling units shall:
- (1) Directly supervise and control the residential appraiser's work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.

(2) Accompany the residential appraiser during the physical inspection of the property until the general appraiser determines the residential appraiser is competent under USPAP to perform the physical inspection unaccompanied.

(3) Co-sign the appraisal report as set forth in § 36.52 and specify in the appraisal report the nature of the significant real property appraisal assistance rendered by the residential appraiser.

(4) Provide the residential appraiser, at the time of application for general appraiser certification, with copies of designated appraisal reports requested by the Board to verify the residential appraiser's experience.

(5) Jointly maintain an appraisal experience log with the general real estate appraiser on forms provided by the Board.

(6) Comply with the requirements in the AQB Qualification Criteria.

Authority

The provisions of this § 36.54 issued under sections 5(2), 6(f) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(f) and 457.10(b)); and section 3, 4(d) and 12 of the Assessors Certification Act (63 P.S. §§ 458.3, 458.4(d) and 458.12); amended under the Real Estate Appraisers Certification Act (63 P.S. §§ 457.1—457.19).

Source

The provisions of this § 36.54 adopted July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6667. Immediately preceding text appears at serial pages (351321) to (351322).

MISCELLANEOUS PROVISIONS

§ 36.91. Reactivation of lapsed certification.

A certified real estate appraiser whose certification has lapsed for failure to biennially renew certification may apply to the Board for reactivation of certification by paying the renewal fee required under § 36.6 (relating to fees) and providing documentation of having completed the continuing education hours that would have been required under § 36.41 (relating to continuing education requirement) if the certified real estate appraiser had maintained current certification, except that only the most recent versions of the 7-hour National USPAP Update Course and the 2-hour course on the act, this chapter and Board policies must be completed. A certified real estate appraiser who performed an appraisal, or held himself out as an appraiser, during a period when his certification was lapsed shall be subject to disciplinary action by the Board under section 3 of the act (63 P. S. § 457.3) in addition to being required to pay late renewal fees under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225).

Authority

The provisions of this § 36.91 amended under sections 5(2), 6(f) and 10(b) of the Real Estate Appraisers Certification Act (63 P.S. §§ 457.5(2), 457.6(f) and 457.10(b)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P.S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.91 adopted November 26, 1993, effective November 27, 1993, 23 Pa.B. 5637; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367. Immediately preceding text appears at serial pages (201933) to (201934).

Cross References

This section cited in 49 Pa. Code § 43b.15 (relating to schedule of civil penalties—certified real estate appraisers—statement of policy).

Subchapter B. [Reserved]**§ 36.101. [Reserved].****Source**

The provisions of this § 36.101 adopted July 31, 1992, effective August 1, 1992, 22 Pa.B. 4012; reserved May 20, 1994, effective immediately and apply retroactively to March 17, 1994, 24 Pa.B. 2616. Immediately preceding text appears at serial page (173227).

§ 36.102. [Reserved].**Source**

The provisions of this § 36.102 adopted July 31, 1992, effective August 1, 1992, 22 Pa.B. 4012; reserved May 20, 1994, effective immediately and apply retroactively to March 17, 1994, 24 Pa.B. 2616. Immediately preceding text appears at serial page (173228).

§§ 36.121—36.125. [Reserved].**Source**

The provisions of these §§ 36.121—36.125 adopted July 31, 1992, effective August 1, 1992, 22 Pa.B. 4012; reserved May 20, 1994, effective immediately and apply retroactively to March 17, 1994, 24 Pa.B. 2616. Immediately preceding text appears at serial pages (173228) to (173230).

[Next page is 36-33.]

§§ 36.141—36.143. [Reserved].**Source**

The provisions of these §§ 36.141—36.143 adopted July 31, 1992, effective August 1, 1992, 22 Pa.B. 4012; reserved May 20, 1994, effective immediately and apply retroactively to March 27, 1994, 24 Pa.B. 2616. Immediately preceding text appears at serial pages (173231) to (173232).

§§ 36.161—36.164. [Reserved].**Source**

The provisions of these §§ 36.161—36.164 adopted July 31, 1992, effective August 1, 1992, 22 Pa.B. 4012; reserved May 20, 1994, effective immediately and apply retroactively to March 17, 1994, 24 Pa.B. 2616. Immediately preceding text appears at serial page (173232).

**Subchapter C. CERTIFIED PENNSYLVANIA
EVALUATORS****GENERAL PROVISIONS**

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QUALIFICATIONS FOR CERTIFICATION

- 36.221. Qualifications for certification as a Pennsylvania evaluator.
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36.223. Providers of appraisal/assessment courses.
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APPROVAL PROCESS—PROVIDERS

- 36.241. Provider registration/appraisal or assessment courses.
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CONTINUING EDUCATION

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36.264. Reporting of continuing education credit hours.
36.265. Use of certificate number and title.

REACTIVATION OF CERTIFICATION

36.271. Reactivation of lapsed certification.

STANDARDS OF PROFESSIONAL CONDUCT

36.281. Standards of Professional Conduct.

Authority

The provisions of this Subchapter C issued under sections 4(d) and 12 of the Assessors Certification Act (63 P. S. §§ 458.4(d) and 458.12), unless otherwise noted.

Source

The provisions of this Subchapter C adopted May 20, 1994, effective immediately and apply retroactively to March 17, 1994, 24 Pa.B. 2616, unless otherwise noted.

GENERAL PROVISIONS**§ 36.201. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Assessors Certification Act (63 P. S. §§ 458.1—458.16).

Ad valorem taxation purposes—The establishment of the value of real property as determined by a government employe or revaluation company personnel on contract with a governmental entity for real estate tax assessment.

Appraisal assessing profession—The body of individuals who are deemed to be qualified to perform ad valorem tax appraisals.

Assessor—A person responsible for the valuation of real property for ad valorem taxation purposes.

Business with which a certified Pennsylvania evaluator is associated—A business in which the certified Pennsylvania evaluator or a member of the certified Pennsylvania evaluator's immediate family is a director, officer, owner or employe, or has a financial interest.

Certified Pennsylvania evaluator—An individual who has completed a minimum of 90 hours of basic courses of study covering the appraisal assessing profession and has successfully completed a comprehensive examination covering all phases of the appraisal process and the assessment function established by the assessment statutes of the Commonwealth.

Conflict of interest—A situation in which a certified Pennsylvania evaluator uses the certified Pennsylvania evaluator's employment or confidential information received through the course of the employment for the private pecuniary benefit of the certified Pennsylvania evaluator, a member of the certified Pennsylvania evaluator's immediate family, or a business with which the certified Pennsylvania evaluator or a member of the certified Pennsylvania evaluator's immediate family is associated.

Financial interest—A financial interest in a legal entity engaged in business for profit which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.

Immediate family—A parent, spouse, child, brother, sister, grandparent or grandchild and, when living in the family household (or under a common roof), all other individuals related by blood or marriage.

Real estate appraisal—A written analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real property, for or in expectation of compensation.

Real estate tax assessment—A valuation placed on real property for governmental purposes by a government employe or revaluation company personnel on contract with a government.

Authority

The provisions of this § 36.201 amended under sections 3 and 7(a)(6) of the Assessors Certification Act (63 P. S. §§ 458.3 and 458.7(a)(6)).

Source

The provisions of this § 36.201 amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5105; amended April 24, 1998, effective April 25, 1998, 28 Pa.B. 1941. Immediately preceding text appears at serial pages (221120) to (221121).

§ 36.202. Certification requirements.

An assessor employed on or before March 16, 1992, who does not hold the title of “certified Pennsylvania evaluator,” and an assessor employed after March 16, 1992, shall obtain certification as a Pennsylvania evaluator within 3 years from the effective date of employment as an assessor.

§ 36.203. Application process.

(a) *Application forms.* Application forms for certification as a Pennsylvania evaluator may be obtained from the Administrative Office of the Board, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-4866.

(b) *Application fee.* The application form shall be accompanied by the fee for certification as a Pennsylvania evaluator as set forth in § 36.6 (relating to fees). The application fee is nonrefundable. Payment shall be in the form of a personal check or money order payable to the “Commonwealth of Pennsylvania.”

(c) *Approved applications.* An approved application will be valid for 1 year from the date of approval. If an applicant does not pass the certification examination within this 1-year period, the applicant’s application will be considered to have been withdrawn. If the applicant wishes to take the examination after 1 year from the date of approval, a new application, along with the required fee, shall be reviewed on the basis of statutes and regulations in effect at the time the new application is received by the Board.

(d) *Disapproved applications.* An applicant whose application has been disapproved by the Board will be notified in writing of the reasons for the disapproval and will have 1 year from the date of disapproval to correct the deficiencies or to file a request for reconsideration. A request for reconsideration shall give the reason for the applicant’s request, shall be accompanied by documentary

materials not previously submitted which the applicant wishes the Board to consider and may include a request for an informal interview with the Board. If a request for reconsideration is denied or an applicant is unable to correct the deficiencies which resulted in disapproval of the application within 1 year from the date of disapproval, a new application, along with the required fee, shall be submitted to the Board. An applicant's new application will be reviewed on the basis of statutes and regulations in effect at the time that the new application is received by the Board.

Authority

The provisions of this § 36.203 amended under section 3 of the Assessors Certification Act (63 P. S. § 458.3).

Source

The provisions of this § 36.203 amended October 25, 1996, effective October 26, 1996, 26 Pa.B. 5104. Immediately preceding text appears at serial page (201937).

§ 36.204. Scope of practice.

Assessors and revaluation company personnel who receive certification as a Pennsylvania evaluator may perform appraisals of real property only in limited circumstances, that is, for tax assessment/governmental purposes.

Authority

The provisions of this § 36.204 issued under section 3 of the Assessors Certification Act (63 P. S. § 458.3).

Source

The provisions of this § 36.204 adopted October 25, 1996, effective October 26, 1996, 26 Pa.B. 5105.

QUALIFICATIONS FOR CERTIFICATION

§ 36.221. Qualifications for certification as a Pennsylvania evaluator.

(a) To be considered for certification as a Pennsylvania evaluator, an assessor shall meet the following requirements. The assessor shall:

- (1) Have a high school diploma or its equivalent, or 2 years of assessing experience.
- (2) Be 18 years of age or older.
- (3) Be a resident of this Commonwealth for at least 6 months.
- (4) Have successfully completed a minimum of 90 classroom hours of courses of study in subjects covering the appraisal assessing profession, including coverage of the topics in § 36.222 (relating to required courses of study).
- (5) Have successfully completed a comprehensive examination covering all phases of the appraisal process and the assessment function.

(b) An applicant for certification as a Pennsylvania evaluator who has demonstrated compliance with the requirements of subsection (a) and § 36.222 will be granted a certificate by the Board. The fee for certification is set forth in § 36.6 (relating to fees).

(c) Each certificate holder will be issued a wall certificate indicating initial certification and a registration packet, including a biennial renewal certificate and

a wallet-size certification card, both of which show the expiration date of the certificate. Certificates expire on June 30 of each odd-numbered year, regardless of the date of issuance.

(d) Certificates are renewable for a 2-year period, beginning July 1 of each odd-numbered year. The fee for biennial renewal of certification is set forth in § 36.6.

§ 36.222. Required courses of study.

(a) *Courses of study.* The applicant for certification as a Pennsylvania evaluator shall submit evidence to the Board of having completed 90 classroom hours of courses in subjects covering the appraisal assessing profession, which include coverage of the following topics:

- (1) Influence in real estate value.
- (2) Legal considerations influencing value.
- (3) Types of values.
- (4) Economic principles.
- (5) Real estate markets and analysis.
- (6) Valuation process.
- (7) Property description.
- (8) Highest and best use analysis.
- (9) Appraisal statistical concepts.
- (10) Sales comparison approach.
- (11) Site value.
- (12) Cost approach.
- (13) Income approach, including direct and yield capitalization techniques.
- (14) Valuation of partial interests.
- (15) Uniform Standards of Professional Appraisal Practice.
- (16) Narrative report writing.
- (17) Assessment law and practice.
- (18) Mass appraisal systems.
- (19) Mapping.

(b) *Length of classroom hour requirement.* Credit toward the classroom hour requirement will only be granted if the length of the educational offering is at least 15 hours of instruction, and the applicant successfully completes an examination pertinent to that educational offering. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(c) *Teaching credit.* Credit toward the classroom hour requirement will be awarded to teachers of appraisal or assessment related courses for actual classroom time. Credit will not be given for course repetition.

Cross References

This section cited in 49 Pa. Code § 36.221 (relating to qualifications for certification as a Pennsylvania evaluator); and 49 Pa. Code § 36.224 (relating to distance education courses).

§ 36.223. Providers of appraisal/assessment courses.

Credit for the classroom hour requirement may be obtained from accredited colleges, universities, community or junior colleges. Subject to Board approval under § 36.241 (relating to provider registration/appraisal or assessment courses),

credit for the classroom hour requirement may also be obtained from real estate appraisal or assessment related organizations, State or Federal agencies or commissions, proprietary schools and other providers.

§ 36.224. Distance education courses.

A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets the following conditions:

(1) The course is presented by one of the following:

(i) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(ii) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(2) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(3) The content and length of the course meet the requirements of § 36.222 (relating to required courses of study).

Authority

The provisions of this § 36.224 amended under sections 5(2), 6(f) and 10(b) of the Real Estate Appraisers Certification Act (63 P. S. §§ 457.5(2), 457.6(f) and 457.10(b)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P. S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.224 amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367. Immediately preceding text appears at serial pages (243754) and (253891).

§ 36.225. [Reserved].

Source

The provisions of this § 36.225 reserved July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367. Immediately preceding text appears at serial page (253891).

APPROVAL PROCESS—PROVIDERS

§ 36.241. Provider registration/appraisal or assessment courses.

Real estate appraisal or assessment related organizations, State or Federal agencies or commissions, proprietary schools and other providers other than accredited colleges or universities and community or junior colleges, seeking to offer appraisal or assessment related courses for classroom hour credit or continuing education credit shall complete and file with the Board an application for Board approval as a provider of appraisal or assessment related courses. Providers of courses previously approved under §§ 36.31 and 36.32 (relating to provider registration/appraisal courses; and standards for providers) need not reapply for approval under this section. Application forms and a list of Board approved pro-

viders of appraisal and assessment courses can be obtained from the Administrative Office of the Board, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-4866.

Cross References

This section cited in 49 Pa. Code § 36.223 (relating to providers of appraisal/assessment courses); and 49 Pa. Code § 36.262 (relating to continuing education subject matter).

§ 36.242. Standards for provider approval.

- (a) Applicants for provider approval shall:
- (1) Establish a mechanism measuring the quality of the course/continuing education program being offered.
 - (2) Establish criteria for selecting and evaluating faculty which seek to insure that instructors have suitable qualifications and are of good reputation and character.
 - (3) Establish criteria for the evaluation of each course/continuing education program upon completion.
 - (4) Submit a course outline and summary of faculty qualifications for each appraisal or assessment course proposed to be offered.
- (b) The provider shall provide adequate facilities and appropriate instructional materials to carry out the courses/continuing education programs.

Cross References

This section cited in 49 Pa. Code § 36.243 (relating to withdrawal of appraisal of providers).

§ 36.243. Withdrawal of approval of providers.

The Board may, following notice and hearing under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), withdraw the approval of an approved provider that it finds guilty of one or more of the following:

- (1) Having acquired the Board's approval by misrepresentation.
- (2) Failing to maintain compliance with § 36.242 (relating to standards for provider approval).
- (3) Otherwise failing to comply with this chapter.

CONTINUING EDUCATION

§ 36.261. Continuing education requirement.

(a) Except as provided in subsection (b), a certified Pennsylvania evaluator shall complete 28 classroom hours of continuing education—including at least 4 hours on USPAP and at least 2 hours on the act, this chapter and the policies of the Board—during each biennial renewal period as a condition of renewal of certification for the next biennial renewal period. Effective with renewal of certification for the 2007—2009 biennial renewal period, the USPAP requirement shall be the 7-hour National USPAP Update Course or an equivalent 7-hour course approved by the Board.

(b) A certified Pennsylvania evaluator whose initial certification becomes effective between January 1 and June 30 of a biennial renewal year will not be

required to furnish proof of continuing education as a condition of biennial renewal of certification in that biennial renewal year.

Authority

The provisions of this § 36.261 amended sections 5(2), 6(f) and 10(b) of the Real Estate Appraisers Certification Act (63 P. S. §§ 457.5(2), 457.6(f) and 457.10(b)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P. S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.261 amended March 12, 1999, effective March 13, 1999, 29 Pa.B. 1393; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367. Immediately preceding text appears at serial page (253892).

Cross References

This section cited in 49 Pa. Code § 36.271 (relating to reactivation of lapsed certification).

§ 36.262. Continuing education subject matter.

(a) Continuing education subject matter shall relate to assessment and appraisal practices. The following subjects are acceptable for continuing education:

- (1) Ad valorem taxation.
- (2) Arbitration.
- (3) Business courses related to the practice of real estate appraisal.
- (4) Development cost-estimating.
- (5) Ethics and standards of professional practice.
- (6) Land use planning, zoning and taxation.
- (7) Management, leasing, brokerage and time sharing.
- (8) Property development.
- (9) Real estate appraisal.
- (10) Real estate financing and investment.
- (11) Real estate law.
- (12) Real estate litigation.
- (13) Real estate appraisal related computer applications.
- (14) Real estate securities and syndication.
- (15) Real property exchange.
- (16) Mass appraisal model building.
- (17) Mass appraisal model calibration.
- (18) Assessment administration.
- (19) Mapping.

(b) Credit for the classroom hour requirement will be granted only if the length of the educational offering is at least 2 hours. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(c) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges. Subject to Board approval under § 36.241 (relating to provider registration/appraisal or assessment courses) credit for the classroom hour requirement may also be obtained from real estate appraisal or assessment related organizations, State or Federal agencies or commissions, proprietary schools and other providers.

(d) Educational offerings which cover real estate appraisal or assessment related topics other than those listed in subsection (a) will be acceptable for continuing education credit if the applicant can demonstrate to the Board that the topic or program contributed to the applicant's professional competence.

(e) Continuing education credit may also be granted—up to 50% of the biennial requirement—for participation, other than as a student, in appraisal or assessment educational processes and programs. Examples of activities for which credit may be granted include teaching, program development, authorship of textbooks or similar activities which the applicant can demonstrate to the Board are equivalent to obtaining continuing education.

Authority

The provisions of this § 36.262 amended under sections 5(2) and 9(a) of the Real Estate Appraisers Certification Act (63 P. S. §§ 457.5(2)); and section 3 of the Assessors Certification Act (63 P. S. § 458.3).

Source

The provisions of this § 36.262 amended March 12, 1999, effective March 13, 1999, 29 Pa.B. 1393; amended July 16, 2010, effective July 17, 2010, 40 Pa.B. 3956. Immediately preceding text appears at serial pages (328772) and (342163).

Cross References

This section cited in 49 Pa. Code § 36.263 (relating to distance education).

§ 36.263. Distance education.

A distance education course is acceptable for continuing education credit if it is approved by the Board and meets the following conditions:

(1) The course is presented by one of the following:

(i) A course provider that presents the course to an organized group in an instructional setting with a person qualified and available to answer questions, provide information and monitor attendance.

(ii) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(iii) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(2) With regard to a course presented under paragraph (1)(ii) or (iii), the certified Pennsylvania evaluator either successfully completes a written examination proctored by an official approved by the college, university or other course provider or successfully completes the course mechanisms required for course accreditation that evidence the learner's mastery and fluency of the course content.

(3) The content and length of the course meets the requirements of § 36.262 (relating to continuing education subject matter).

Authority

The provisions of this § 36.263 amended under sections 5(2), 6(f) and 10(b) of the Real Estate Appraisers Certification Act (63 P. S. §§ 457.5(2), 457.6(f) and 457.10(b)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P. S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.263 amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367. Immediately preceding text appears at serial page (253894).

§ 36.264. Reporting of continuing education credit hours.

Certified Pennsylvania evaluators applying for certificate renewal shall provide at the time of biennial renewal, and on forms approved by the Board, a signed statement certifying that continuing education requirements have been met along with information to document their certification.

§ 36.265. Use of certificate number and title.

(a) Each certified Pennsylvania evaluator shall place his name, signature and certificate number adjacent to or immediately below the title “Certified Pennsylvania Evaluator” on each written appraisal report prepared for external purposes and used by the certified Pennsylvania evaluator in conducting ad valorem tax appraisal activities.

(b) Professional designations may be included adjacent to the signature, if applicable. The following will serve as an example:

/S/ _____
John Doe, (Professional Designation, if applicable)
Certified Pennsylvania Evaluator
Certification Number 1234

Cross References

This section cited in 49 Pa. Code § 43b.15 (relating to schedule of civil penalties—certified real estate appraisers—statement of policy).

REACTIVATION OF CERTIFICATION**§ 36.271. Reactivation of lapsed certification.**

A certified Pennsylvania evaluator whose certification has lapsed for failure to biennially renew certification may apply to the Board for reactivation of certification by paying the renewal fee required under § 36.6 (relating to fees) and providing documentation of having completed 28 hours of continuing education as required under § 36.261 (relating to continuing education requirement) within the 2-year period immediately preceding the date of filing of the reactivation application. A certified Pennsylvania evaluator who performed a valuation of real property for ad valorem tax purposes, or held himself out as a certified Pennsylvania evaluator, during a period when his certification was lapsed shall be subject to disciplinary action by the Board under the act in addition to being required to pay late renewal fees under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225).

Authority

The provisions of this § 36.271 amended under sections 5(2), 6(f) and 10(b) of the Real Estate Appraisers Certification Act (63 P. S. §§ 457.5(2), 457.6(f) and 457.10(b)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P. S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.271 amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367. Immediately preceding text appears at serial pages (253895) and (243755).

Cross References

This section cited in 49 Pa. Code § 43b.15 (relating to schedule of civil penalties—certified real estate appraisers—statement of policy).

STANDARDS OF PROFESSIONAL CONDUCT**§ 36.281. Standards of Professional Conduct.***Preamble*

Certified Pennsylvania evaluators shall comply with the act and this subchapter and conform to the standards of professional conduct in this section. Certified Pennsylvania evaluators who fail to adhere to these standards will be subject to professional discipline under section 7(a)(6) of the act (63 P. S. § 458.7(a)(6)).

Standard 1. General duties.

Certified Pennsylvania evaluators shall perform their duties in accordance with the general and specific county assessment laws and generally accepted assessment standards. Certified Pennsylvania evaluators shall perform all assessments in accordance with USPAP. Certified Pennsylvania evaluators may obtain a copy of the current edition of USPAP by writing, telephoning or e-mailing the Appraisal Foundation at 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005-3517, (202) 347-7722 or info@appraisalfoundation.org, respectively.

Standard 2. Public review of assessments and records.

Certified Pennsylvania evaluators shall make property assessments available for public review and shall make all other records in their custody available for public review unless access to the records is specifically limited or prohibited by law or the information has been obtained on a confidential basis and the law permits the information to be treated confidentially.

Standard 3. Professional qualifications.

Certified Pennsylvania evaluators shall use professional designations only when they are properly authorized to do so. Certified Pennsylvania evaluators may not claim qualifications that are false, misleading or deceptive.

Standard 4. Limitations on activities.

Certified Pennsylvania evaluators may not perform assessment and appraisal-related assignments that could reasonably be construed as being in conflict with their responsibilities to their jurisdictions, employers or clients, in which they have unrevealed personal interests or biases, or that they are not qualified to perform.

Standard 5. Contingent fees.

Certified Pennsylvania evaluators may not perform an assessment or appraisal-related assignment if the employment itself is contingent upon the reporting of a predetermined analysis or opinion, or if the fee to be paid for the performance of the assignment is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the assignment.

Standard 6. Advertising and promotion.

Certified Pennsylvania evaluators may not make false, misleading or deceptive statements or claims in advertising or promotions to solicit assessment and appraisal-related assignments.

Standard 7. Conflict of interest.

Certified Pennsylvania evaluators who are government employees may not solicit or perform assessment and appraisal-related assignments that could create conflicts of interest or the appearance of conflicts of interest.

Standard 8. Reporting of unethical practices.

Certified Pennsylvania evaluators shall report unethical practices or other similar actions or activities which may discredit or reflect adversely upon the appraisal or assessment profession to the Complaints Office of the Bureau of Professional and Occupational Affairs by telephoning the Complaints Office at (800) 822-2113 or by submitting a written complaint to the Complaints Officer of the Bureau of Professional and Occupational Affairs, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649.

Authority

The provisions of this § 36.281 issued under sections 3 and 7(a)(2) of the Assessors Certification Act (63 P. S. §§ 458.3 and 458.7(a)(6)); amended under sections 5(2), 6(f) and 10(b) of the Real Estate Appraisers Certification Act (63 P. S. §§ 457.5(2), 457.6(f) and 457.10(b)); and sections 3, 4(d) and 12 of the Assessors Certification Act (63 P. S. §§ 458.3, 458.4(d) and 458.12).

Source

The provisions of this § 36.281 adopted April 24, 1998, effective April 25, 1998, 28 Pa.B. 1941; amended July 20, 2007, effective July 21, 2007, 37 Pa.B. 3367. Immediately preceding text appears at serial pages (243755) to (243757).

Subchapter D. [Reserved]**Authority**

The temporary provisions of this Subchapter D issued under section 4(b) of the Appraisal Management Company Registration Act (63 P.S. § 457.24(b)); reserved under section 4(a) of the Appraisal Management Company Registration Act (63 P.S. § 457.24(a)), unless otherwise noted.

Source

The provisions of this Subchapter D adopted June 7, 2013, effective June 8, 2013, 43 Pa.B. 3098; reserved December 8, 2017, effective December 9, 2017, 47 Pa.B. 7453, unless otherwise noted. Immediately preceding text appears at serial pages (366690) to (366709).

§§ 36.301—36.306. [Reserved].

§§ 36.311—36.315. [Reserved].

§ 36.321. [Reserved].

§ 36.322. [Reserved].

§§ 36.331—36.337. [Reserved].

§ 36.341. [Reserved].

§ 36.342. [Reserved].

§§ 36.351—36.356. [Reserved].

Subchapter E. APPRAISAL MANAGEMENT COMPANIES

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Authority

The provisions of this Subchapter E issued under section 4(a) of the Appraisal Management Company Registration Act (63 P.S. § 457.24(a)), unless otherwise noted.

Source

The provisions of this Subchapter E adopted December 8, 2017, effective December 9, 2017, 47 Pa.B. 7453, unless otherwise noted.

GENERAL PROVISIONS**§ 36.401. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

AMC National Registry—The National registry maintained by ASC of appraisal management companies that:

- (i) Meet the Federal definition of “appraisal management company” as defined in section 1121(11) of FIRREA (12 U.S.C.A. § 3350(11)).
- (ii) Are registered by a state or are Federally regulated.
- (iii) Have paid the annual AMC registry fee.

AMCRA—The Appraisal Management Company Registration Act (63 P.S. §§ 457.21—457.31).

AQB—The Appraiser Qualifications Board appointed by The Appraisal Foundation, which promulgates education, experience and other criteria for licensing, certification and recertification of qualified appraisers.

ASC—The Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

AVM—Automated valuation model—As defined by section 1125(d) of FIRREA (12 U.S.C.A. § 3354(d)), a computerized model used by mortgage originators and secondary market issuers to determine the collateral worth of a mortgage secured by a consumer’s principal dwelling.

The Appraisal Foundation—The entity identified in section 1121(9) of FIRREA.

Appraiser panel—A network or panel of certified or licensed appraisers who are independent contractors to an appraisal management company. Appraisers on an appraisal management company appraisal panel include all of the following:

- (i) Appraisers engaged by the appraisal management company.
- (ii) Appraisers accepted by the appraisal management company for consideration in future appraisal assignments.

Assignment—As defined by USPAP, an agreement between an appraiser and a client to provide a valuation service and the valuation service that is provided as a consequence of an agreement.

BPO—Broker price opinion—As defined by section 1126(b) of FIRREA (12 U.S.C.A. § 3355(b)), an estimate prepared by a real estate broker, agent or sales person that details the probable selling price of a particular piece of real

estate property and provides a varying level of detail about the property's condition, market and neighborhood, and information on comparable sales, but does not include an AVM.

Bureau—The Bureau of Professional and Occupational Affairs of the Department.

CHRIA—18 Pa.C.S. Chapter 91 (relating to Criminal History Record Information Act).

Comparative market analysis—As defined in section 201 of RELRA (63 P.S. § 455.201), a written analysis, opinion or conclusion by a contracted buyer's agent, transactional licensee, or an actual or potential seller's agent relating to the probable sale price of a specified piece of real estate in an identified real estate market at a specified time, offered either for the purpose of determining the asking/offering price for the property by a specific actual or potential consumer, or for the purpose of securing a listing agreement with a seller.

Compliance person—An individual who is employed, appointed or authorized by an appraisal management company to be responsible for ensuring compliance with AMCRA and this subchapter.

Conviction—

(i) An ascertainment of guilt of the accused and judgment thereon by a court, including disposition of a criminal proceeding under the laws of the Commonwealth, or any similar disposition under the laws of another jurisdiction, by a plea of guilty, guilty but mentally ill or nolo contendere, or a verdict of guilty or guilty but mentally ill.

(ii) The term does not include an adjudication of delinquency under 42 Pa.C.S. Chapter 63 (relating to Juvenile Act).

Department—The Department of State of the Commonwealth.

Evaluation—A valuation required by regulations of Federal financial institution regulatory agencies for transactions that qualify for an exemption from the appraisal requirement under any one of the following provisions:

(i) The Office of Comptroller of the Currency in 12 CFR 34.43(a)(1), (5) or (7) (relating to appraisals required; transactions requiring a State certified or licensed appraiser).

(ii) The Board of Governors of the Federal Reserve System in 12 CFR 225.63(a)(1), (5) or (7) (relating to appraisals required; transactions requiring a State certified or licensed appraiser).

(iii) The Federal Deposit Insurance Corporation in 12 CFR 323.3(a)(1), (5) or (7) (relating to appraisals required; transactions requiring a State certified or licensed appraiser).

(iv) The Office of Thrift Supervision in 12 CFR 564.3(a)(1), (5) or (7) (relating to appraisals required; transactions requiring a State certified or licensed appraiser).

(v) The National Credit Union Administration in 12 CFR 722.3(a)(1) or (5) (relating to appraisals required; transactions requiring a State certified or licensed appraiser).

Exempt company

(i) A person that is exempt from registering under AMCRA as set forth in section 1124(c) of FIRREA (12 U.S.C.A. § 3353(c)).

(ii) This term is synonymous with “Federally regulated AMC” as defined in 12 CFR 34.211(k) (relating to definitions).

FIRREA—

(i) The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Pub.L. No. 101-73, 103 Stat. 183).

(ii) Unless expressly stated or clearly implicit from the context, a reference to FIRREA in this subchapter includes only those provisions that relate to appraisal standards or appraisal management services.

*Federally-related transaction—*A real estate-related financial transaction which a Federal financial institution regulatory agency or the Resolution Trust Corporation engages in, contracts for or regulates which requires the services of an appraiser.

In good standing

(i) When referring to an individual certified or licensed by the Board to perform appraisals, an individual who is authorized under REACA to perform appraisals, or to act as a licensed appraiser trainee.

(ii) The term includes an individual who has an active unrestricted certificate or license, or a certificate or license that is on probation or subject to a restriction ordered by the Board.

(iii) The term does not include an individual who holds a certificate or license that is inactive or expired, or that is suspended or revoked.

*Key person—*A person other than a compliance person who is a director, officer, supervisor, manager or other person performing a similar function in an appraisal management company.

*Mortgage Bankers and Brokers and Consumer Equity Protection Act—*63 P.S. §§ 456.101—456.3101.

*NRSRO—*A designated Nationally-recognized statistical rating organization of the United States Securities and Exchange Commission or its successor.

*Non-Federally related transaction—*A real estate-related transaction that is not a Federally-related transaction.

*Order—*When used in the context of the contractual relationship between an appraiser and an appraisal management company, an agreement between an appraiser and an appraisal management company that pertains to a specified valuation assignment, including a disclosure of the amount of the appraisal fee, the terms and time frame for payment, and the appraisal management company registration number.

*Order solicitation—*An offer to contract with an appraiser to perform an appraisal resulting in an order.

*Owner—*A person that owns, in whole or in part, directly or indirectly, an appraisal management company.

*Panel solicitation—*An offer to add an appraiser to the appraiser panel used by an appraisal management company.

REACA—The Real Estate Appraisers Certification Act (63 P.S. §§ 457.1—457.19).

REARA—*Real Estate Appraisal Reform Amendments*—

(i) Title XI of FIRREA (12 U.S.C.A. §§ 3331—3355).

(ii) Unless expressly stated or clearly implicit from the context, a reference to REARA in this subchapter includes only those provisions that relate to appraisal standards or appraisal management services.

RELRA—The Real Estate Licensing and Registration Act (63 P.S. §§ 455.101—455.902).

Real estate-related financial transaction—A transaction involving one or more of the following:

(i) Sale, lease, purchase, investment in or exchange of real property, including interests in property or the financing thereof.

(ii) Refinancing of real property or interests in real property.

(iii) Use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

Registrant—An appraisal management company that is registered under AMCRA.

Solicit or solicitation—An offer to contract with an appraiser to perform an appraisal or an offer to an appraiser to be included in an appraisal management company's appraiser panel.

Supervisor—An individual who is an agent of an appraisal management company and who has the authority to do one or more of the following:

(i) Enter into a contract with clients for the performance of appraisal services.

(ii) Solicit or enter into an agreement for an assignment with independent appraisers.

(iii) Direct or cause the direction of the management or policies of the appraisal management company.

TILA—

(i) The Truth in Lending Act (15 U.S.C.A. §§ 1601—1667f).

(ii) Unless expressly stated or clearly implicit from the context, a reference to TILA in this subchapter includes only those provisions that relate to appraisal standards or appraisal management services.

USPAP—The term as defined in § 36.1 (relating to definitions).

Authority

The provisions of this § 36.401 amended under section 4(a) of the Appraisal Management Company Registration Act (63 P.S. § 457.24(a)).

Source

The provisions of this § 36.401 amended October 30, 2020, effective October 31, 2020, 50 Pa.B. 5992. Immediately preceding text appears at serial pages (389194) to (389197).

§ 36.402. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) is applicable to the activities of and proceedings before the Board.

§ 36.403. Application procedures.

(a) *Application form.* An applicant for registration as an appraisal management company shall complete and file with the Board an application in a form prescribed by the Board. The form is available on the Board's web site at www.dos.pa.gov/real and by contacting the Board at Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-4866 or ST-APPRAISE@pa.gov.

(b) *Application fees.*

(1) The initial application fee for registration as an appraisal management company is nonrefundable and must be in the amount in § 36.405 (relating to fees).

(2) An applicant for registration shall submit a separate payment to the board for the AMC National Registry fee under § 36.405.

(c) *Filing of application.* An application is filed with the Board on the date that it is received in the office of the Board.

(d) *Approved applications.* If the Board finds that the application is complete, does not have a basis to believe that the information in the application is not true and correct, and that the information in the application qualifies the applicant for registration as an appraisal management company, the Board will issue a registration certificate by mail to the address of record in the application.

(e) *Disapproved applications.* If the Board finds that the application is incomplete, that there is reason to believe that the information is not true and correct, or that the applicant is not otherwise qualified for registration, the Board will notify the applicant, in writing, of all of the following:

(1) The application has been provisionally denied.

(2) The reason for provisional denial.

(3) The applicant's right to appeal the provisional denial in writing and to request a hearing before the Board.

(4) The applicant's rights under 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(5) The failure to appeal the provisional denial to the Board or to request a hearing within 30 days of the date of the notice of provisional denial will result in the provisional denial of the application being deemed final.

(f) *Compliance with new requirements.* An applicant shall comply with the requirements for registration that take effect between the applicant's filing of an initial application and the issuance of registration.

§ 36.404. Content of application.

(a) An application for registration as an appraisal management company must include all of the following:

(1) Primary information of the appraisal management company, including:

(i) Legal name.

(ii) Mailing address, which will be the address of record.

(iii) Street address, if different from the mailing address.

(iv) Primary telephone number.

(2) Secondary information of the appraisal management company, including:

(i) State or place of incorporation or organization.

- (ii) Documentation that the applicant is authorized to transact business in this Commonwealth if the applicant is not an individual and is incorporated or otherwise formed under the laws of a jurisdiction other than the Commonwealth.
- (iii) Each fictitious name under which the applicant trades or does business in this Commonwealth.
- (iv) Web site address.
- (v) Primary e-mail address.
- (vi) Fax number.
- (vii) Each state or jurisdiction in which applicant is registered as an appraisal management company.
- (viii) If the applicant began offering appraisal management services before June 8, 2013, the month and year on which the applicant began offering appraisal management services in this Commonwealth.
- (ix) Owner information, including for each owner:
 - (A) Legal name.
 - (B) Street address.
 - (C) Telephone number.
 - (D) E-mail address.
- (3) Key person information, including for each key person:
 - (i) Legal name.
 - (ii) Mailing address.
 - (iii) Street address, if different from the mailing address.
 - (iv) Telephone number.
 - (v) Title and each status that qualifies the person as a key person, including one or more of the following:
 - (A) Officer.
 - (B) Director.
 - (C) Manager, supervisor, or similar function or title.
 - (vi) E-mail address.
 - (vii) Whether the key person is an owner.
- (4) Compliance person information, including:
 - (i) Legal name.
 - (ii) Mailing address, if different from the applicant's mailing address.
 - (iii) Residential address.
 - (iv) Telephone number.
 - (v) E-mail address.
 - (vi) Title.
 - (vii) Each certificate or license held for the practice of real estate appraising, if any, including the state or jurisdiction of issuance.
 - (viii) Whether the compliance person is an owner.
- (5) The disciplinary history of the applicant, each owner, key person and the compliance person, including:
 - (i) Any discipline imposed in this Commonwealth or any other jurisdiction under any law regulating appraisers, appraisal management companies, or real estate brokers or salespersons.

(ii) Any discipline imposed in this Commonwealth or any other jurisdiction under any law regulating mortgage brokers or salespersons, the sale of securities, the practice of law or the practice of accounting.

(iii) A verification by each owner or key person subject to penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) that the disciplinary history is true and correct.

(6) An official criminal history record information report from the Pennsylvania State Police or other state agency for each state in which the applicant, owner, key person or compliance person has resided for the 10-year period immediately preceding the date of application.

(7) A surety bond or letter of credit in the form and the amount required under §§ 36.451—36.456 (relating to surety bonds and letters of credit).

(b) The individual designated by the applicant as compliance person shall certify that the applicant has:

(1) A system in place to verify that a person being added to an appraiser panel of the applicant or who will otherwise perform appraisals for the applicant of property in this Commonwealth is a certified residential appraiser or certified general appraiser and in good standing in this Commonwealth under REACA.

(2) A system in place for the performance of appraisal reviews with respect to the work of appraisers who are performing appraisals for the applicant of property in this Commonwealth to determine if the appraisals are being conducted in conformance with the minimum standards under REACA, both on a periodic basis and upon request of a client. This provision does not prohibit the parties (the AMC and the client) from including in their contracts terms relating to requests for appraisal reviews.

(3) A system in place to comply with § 36.435 (relating to recordkeeping).

(4) Authorized the compliance person to file the application and verify the contents of the application subject to the penalties of 18 Pa.C.S. § 4904 and 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

(c) The individual designated as the compliance person shall sign the application and verify that the contents of the application are true and correct and subject to the penalties of 18 Pa.C.S. §§ 4904 and 4911.

Cross References

This section cited in 49 Pa. Code § 36.414 (relating to reporting change of information).

§ 36.405. Fees.

(a) The following is the schedule of fees charged by the Board:

Application for initial registration as an appraisal management company	\$2,000
Biennial registration renewal fee	\$1,000
Notice of change in corporate organization.	\$35
Letter of good standing/verification of registration.	\$15
Notification of change in key person or compliance person	\$35

Late fee for reinstatement per month of delinquency \$50

(b) The following is the schedule of fees collected by the Board:

AMC National Registry fee As prescribed by ASC

Cross References

This section cited in 49 Pa. Code § 36.403 (relating to application procedures); 49 Pa. Code § 36.424 (relating to renewal of registration); and 49 Pa. Code § 36.438 (relating to AMC National Registry; reports).

REGISTRATION

§ 36.411. Qualifications for registration as appraisal management company.

(a) An appraisal management company that is authorized to conduct business in this Commonwealth shall establish and maintain the requirements in this section during the period in which it offers or provides appraisal management services.

(b) An appraisal management company shall have a compliance person.

(c) An appraisal management company shall establish and maintain procedures that provide assurance of compliance with all of the following standards of appraisal management services:

- (1) Prevention of conduct or practices that compromise appraiser independence.
- (2) Verification of appraiser certification and qualifications.
- (3) Review of appraisal services for compliance with USPAP.
- (4) Availability of a process for resolution of consumer complaints.
- (5) Availability of a process for resolution of appraiser complaints.

§ 36.412. Qualifications of owners and key persons.

(a) A person who would be disqualified from eligibility to be certified or licensed under REACA as defined in subsection (b) may not be an owner or a key person.

(b) An individual would be disqualified from eligibility to be certified or licensed under REACA, as provided in section 8(d)(1) of AMCRA (63 P.S. § 457.28(d)(1)), if the individual had a license or certificate refused, denied, cancelled, suspended or revoked, or voluntarily surrendered a license or certificate under any of the following provisions of REACA or CHRIA, or similar provision of another jurisdiction, unless the license or certificate has been subsequently granted or reinstated to the individual:

- (1) Section 3 of REACA (63 P.S. § 457.3).
- (2) Section 6(c)(1) of REACA (63 P.S. § 457.6(c)(1)).
- (3) Section 11 of REACA (63 P.S. § 457.11).
- (4) Section 9124(c)(1) or (2) of CHRIA (18 Pa.C.S. § 9124(c)(1) and (2)) (relating to use of records by licensing agencies).

(c) Nothing in AMCRA or this subchapter may be construed as a requirement that an owner or a key person shall possess the education or experience required by the AQB or REACA for certification or licensure.

(d) A person who has been suspended or revoked, or has voluntarily surrendered a license under RELRA, 7 Pa.C.S. Chapter 61 (relating to Mortgage Licensing Act) or sections 301—318 of the Mortgage Bankers and Brokers and Consumer Equity Protection Act (63 P.S. §§ 456.301—456.318) (repealed) may not be an owner or key person.

(e) The Board may consider a disqualifying violation described in subsection (b) if the individual's license or certificate has been subsequently reinstated or granted in determining whether the individual possesses good moral character as required under section 5(c)(4) of AMCRA (63 P.S. § 457.25(c)(4)).

Cross References

This section cited in 49 Pa. Code § 36.413 (relating to qualifications of compliance person).

§ 36.413. Qualifications of compliance person.

(a) In addition to the qualifications in § 36.412 (relating to qualifications of owners and key persons), a compliance person shall hold the qualifications in this section.

(b) A person designated as a compliance person by an appraisal management company possesses the authority to:

(1) Enter into an agreement with the Board to bind the appraisal management company to comply with requirements of AMCRA, this subchapter, and provisions of FIRREA, REACA, REARA or TILA that relate to appraisal standards or appraisal management services.

(2) Sign a report, application, form, notice or other document required to be filed with the Board.

(3) Certify, verify or otherwise attest as required by law to the contents of documents or pleadings filed with the Board.

(c) A compliance person may not have a history of:

(1) Conviction as provided in section 10(a)(5) of AMCRA (63 P.S. § 457.30(a)(5)).

(2) Disciplinary action or disposition of an administrative or a civil proceeding as described in section 10(a)(2), (3), (4), (6) or (7) of AMCRA, or a similar provision of a law or regulation of another jurisdiction, resulting in refusal, denial, cancellation, restriction, probation, suspension, voluntary surrender or revocation of the authority or privilege to practice.

(d) An individual who acts as a compliance person will be deemed to have vacated the position upon any of the following conditions:

(1) Death.

(2) Occurrence of a disqualifying condition defined in subsection (c).

(3) Termination of employment or contractual relationship by either the compliance person or the appraisal management company.

(e) During a period of less than 30 days for excused illness, absence or vacation of a compliance person, an appraisal management company may designate another key person to fulfill the duties of compliance person without notice to the Board.

(f) An absence or vacancy in the position of compliance person more than 30 days is cause for suspension of an appraisal management company's authority to

conduct business until a compliance person has been designated and notice of the change has been filed with the Board as provided in § 36.414 (relating to reporting change of information.)

§ 36.414. Reporting change of information.

(a) A registrant shall report a vacancy or change in qualifying information as required in this section on forms prescribed by the Board.

(b) A registrant shall report a vacancy or change of compliance person within 30 days of the date that the compliance person terminates.

(c) A registrant shall report a change in the information required under § 36.404 (relating to content of application) within 30 days, including information relating to disciplinary history or criminal history required under § 36.404(a)(5) and (6).

Cross References

This section cited in 49 Pa. Code § 36.413 (relating to qualifications of compliance person).

§ 36.415. Requirements for exempt company.

(a) To the extent required under regulations jointly promulgated by the Federal financial institution regulatory agencies under Title XI of FIRREA (12 U.S.C.A. §§ 3331—3355), as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub.L. No. 111-203, 124 Stat. 1376), an exempt company shall comply with the requirements of AMCRA and this subchapter.

(b) An exempt company shall report on forms prescribed by the Board information required to be submitted by the Board to the AMC National Registry under the regulations jointly promulgated by the Federal financial institution regulatory agencies.

RENEWAL OF REGISTRATION

§ 36.421. Expiration of registration.

Registration expires on the last day of June of each odd-numbered year.

§ 36.422. Early termination of registration.

(a) A registrant may terminate registration prior to the expiration of the biennial registration period by filing with the Board a notice in a form prescribed by the Board.

(b) A notice of termination of registration must include all of the following:

(1) The date on which the registrant will cease to offer or provide appraisal management services in this Commonwealth.

(2) An acknowledgment that the registrant or its successor remains subject to disciplinary action for acts, errors or omissions occurring before the termination of registration.

(3) The signature of the compliance person.

(4) The mailing address of the registrant.

(5) If the registrant is terminating its existence, documentation of the dissolution, acquisition or merger of the registrant by or with another entity.

(6) If the registrant terminates registration because it has become exempt from registration under AMCRA, documentation in support of the basis for exemption.

(7) An acknowledgment that the surety bond or letter of credit will remain subject to claims in accordance with the procedures in §§ 36.451—36.456 (relating to surety bonds and letters of credit).

(c) The date on which the registrant terminates registration may not be any sooner than the date on which the notice is filed with the Board.

(d) The termination of registration by the Board upon filing of a notice will not be construed as an admission by the Board or the Commonwealth that the contents of the notice are true and correct.

(e) The Bureau may at any time after the filing of a notice of termination under this section begin a disciplinary action against a former registrant for a violation of section 3 of AMCRA (63 P.S. § 457.23), regarding registration of appraisal management companies.

(f) The surety bond or letter of credit will remain in effect after termination.

Cross References

This section cited in 49 Pa. Code § 36.423 (relating to duration and validity of registration).

§ 36.423. Duration and validity of registration.

(a) An appraisal management company shall register each biennial period to retain the right to provide appraisal management services in this Commonwealth.

(b) Registration is valid throughout this Commonwealth, is not assignable or transferable, and is valid until the last date of the biennial registration period, unless terminated under § 36.422 (relating to early termination of registration).

§ 36.424. Renewal of registration.

(a) Application for renewal of registration shall be made on forms provided by the Board and include fees prescribed by the Board in § 36.405 (relating to fees).

(b) An applicant for renewal of registration shall submit a separate payment to the Board for the AMC National Registry fee under § 36.405.

(c) An application for renewal must be received by the Board with the required biennial renewal fee and the AMC National Registry fee before the expiration of the previous biennial registration period.

STANDARDS OF PRACTICE

§ 36.431. Compliance with USPAP.

(a) An appraisal management company shall require that appraisal assignments be completed in compliance with USPAP.

(b) An appraisal management company shall establish a system to review appraisal assignments which is reasonably calculated to assure compliance with USPAP by appraisers.

(c) An appraisal management company may not solicit, offer, accept an offer or contract for a valuation service that it knows or has reason to know violates REACA, RELRA, FIRREA, AMCRA or this subchapter.

§ 36.432. Verification of appraiser certification.

An appraisal management company shall establish and maintain a system to verify that appraisals are completed by an appraiser who possesses a class of certification issued by the Board that authorizes appraisal of real property in this Commonwealth that is the subject of the appraisal and which is current and valid.

§ 36.433. Appraisal reviews.

- (a) Appraisal reviews shall be performed in accordance with USPAP.
- (b) An examination of an appraisal report for grammatical or typographical errors or for completeness is not required to comply with USPAP.

§ 36.434. Broker price opinions and evaluations.

- (a) An appraisal management company may not solicit or order, nor offer to solicit or order, a BPO for use in a non-Federally related transaction.
- (b) An appraisal management company may not solicit or order, nor offer to solicit or order, a BPO for use in a Federally-related transaction.
- (c) An appraisal management company may not solicit or order, nor offer to solicit or order, an evaluation.
- (d) A comparative market analysis is not a BPO for purposes of AMCRA, REACA or this subchapter if performed for one or both of the following purposes:
 - (1) In pursuit of a listing.
 - (2) To determine probable selling price.

§ 36.435. Recordkeeping.

- (a) Each appraisal management company shall maintain all of the following records:
 - (1) A record of each assignment that it has ordered for appraisal of real property located in this Commonwealth, including:
 - (i) The order between the appraisal management company and the appraiser.
 - (ii) Each appraisal report received from an appraiser, including the original report, revised reports, and addenda or other materials furnished subsequent to the delivery of the original report.
 - (iii) Written communications between the appraiser and the appraisal management company and any other entity involved in the transaction.
 - (iv) The order engaging another appraiser for the purpose of reviewing the appraisal.
 - (v) A review of the appraisal performed, including any data supporting the selection of the appraisal for review, the original review report, subsequent correspondence between the reviewer and appraisal management company, and each subsequent revised review report.
 - (vi) Written communications related to obligations under AMCRA or this subchapter between the appraisal management company and its client, including documents supplied to that client.

(vii) A record of fees disbursed to contracted appraisers and the fee received by the appraisal management company from the appraisal management company's client.

(2) Appraiser fee schedules, including:

(i) Fees paid for a defined service.

(ii) Documentation to support that the fee schedule is customary and reasonable and complies with provisions of TILA that relate to appraisal standards or appraisal management services.

(iii) Payment policies, including time for payment of appraisal fees.

(iv) Effective dates of the schedules.

(3) Panels of appraisers used for assignments in this Commonwealth, including:

(i) The name of each appraiser.

(ii) The appraiser's certificate number.

(iii) The date the appraiser was placed on the panel.

(iv) The region or area in which the appraiser's service may be used.

(v) The date and reason for removal, if the appraiser is removed from the panel.

(b) An appraisal management company shall maintain the records in subsection (a)(1) for 5 years beginning on the latest of the following:

(1) The date of final action of the assignment.

(2) The date of final disposition of the proceeding, if the appraisal management company is notified that the transaction is the subject of a court proceeding or an administrative proceeding by the Board.

(c) An appraisal management company shall produce for inspection and copying by the Board within 30 days its books and records, including any record required to be maintained by AMCRA or this subchapter.

Cross References

This section cited in 49 Pa. Code § 36.404 (relating to content of application).

§ 36.436. Requirements for solicitation or order of appraisals.

(a) An appraisal management company shall include in an order or order solicitation for appraisal services from a certified residential appraiser or certified general appraiser who is not an employee of the appraisal management company:

(1) The fee to be paid to the appraiser for the appraisal assignment.

(2) The terms for time of payment for appraisal services, if the terms are not identified within an existing contractual agreement between the parties.

(3) The appraisal management company's registration number.

(b) An appraisal management company may satisfy the requirements of subsection (a) by either of the following means:

(1) A legible statement of the required information on an order or order solicitation for an appraisal assignment.

(2) A legible reference to an existing written agreement between the appraisal management company and the appraiser that includes the required information.

(c) An appraisal management company shall include in an appraiser panel solicitation in this Commonwealth its appraisal management company registration number.

§ 36.437. Duties of compliance persons.

(a) An appraisal management company is subject to disciplinary action under AMCRA and this subchapter for the acts or omissions of a compliance person who fails to perform a duty in this section.

(b) A compliance person shall ensure compliance of an appraisal management company with section 8 of AMCRA (63 P.S. § 457.28).

(c) An appraisal management company, acting through its compliance person, shall report to the Bureau, directly or through another agent of the appraisal management company, a material violation as defined under section 129E(e) of TILA (15 U.S.C.A. § 1639e(e)) and corresponding regulations regarding appraisal independence requirements.

(d) A compliance person who has a reasonable basis to believe that an appraisal management company, its employee or its agent has violated appraisal independence requirements of AMCRA or this subchapter shall report the matter to the Bureau within a reasonable time after formulating the belief that a violation has occurred.

§ 36.438. AMC National Registry; reports.

(a) Appraisal management companies qualified for enrollment in the AMC National Registry shall apply for enrollment or for the renewal or reinstatement of enrollment on a Board form. The application form must be accompanied by the AMC National Registry fee referenced in § 36.405 (relating to fees).

(b) An appraisal management company shall truthfully and in good faith submit information, as required under applicable Federal laws, rules and regulations, and ASC policies and guidelines, for the AMC National Registry on forms prescribed by the Board.

(c) The Board will collect from appraisal management companies, and remit to ASC, the AMC National Registry fees.

(d) The Board will submit to ASC information required for registration on the AMC National Registry.

(e) The Board will report to ASC disciplinary action and violations of appraisal-related laws, regulations or orders.

DISCIPLINARY ACTION

§ 36.441. Prohibited acts.

(a) The Board may impose one or more sanctions authorized under AMCRA if the Board finds that an appraisal management company, key person or compliance person violated AMCRA or this chapter.

(b) The following acts, errors or omissions constitute a violation of the standards of conduct of an appraisal management company:

- (1) Violation of AMCRA or this subchapter.
- (2) Violation of FIRREA.
- (3) Violation of TILA.

(4) Violation of a statute or regulation of another jurisdiction regulating appraisal management companies.

§ 36.442. Improper influence and other prohibited practices.

(a) The following acts constitute improper influence or a practice in violation of AMCRA and this chapter, without proof of intent of the appraisal management company or its agent:

- (1) A requirement that the appraiser collect a fee from a borrower.
- (2) A requirement that the appraiser provide access to the appraiser's digital signature.
- (3) A prohibition on the appraiser to report the fee for the appraisal services.
- (4) A prohibition on the appraiser to note or report real property appraisal assistance.
- (5) Nonpayment of, or refusal to pay for, appraisal services rendered for a reason other than the breach of agreement or substandard performance by the appraiser.
- (6) A clause or provision in an order requiring an appraiser to indemnify or hold harmless for acts or omissions of a person other than the appraiser.
- (7) A clause or provision in an order requiring an appraiser to have a duty to defend the appraisal management company in a civil action or proceeding.
- (8) Removal of an appraiser from the appraiser panel without notice and opportunity for rebuttal.
- (9) A request to an appraiser to provide comparable properties for a specified property prior to completion of the appraisal report.

(b) The following acts, if committed with the intent to influence or attempt to influence the development, reporting, result or review of an appraisal, constitute improper influence or a practice in violation of AMCRA and this chapter:

- (1) A pattern or course of conduct involving repeated review of appraisals that is not performed in accordance with the appraisal management company's policy for appraisal reviews or quality control functions.
- (2) A limitation on the time of completion of an appraisal assignment that impairs the credibility of the report. For purposes of this paragraph, a time limitation or deadline established for the purpose of completing the assignment to complete a transaction by a date established by agreement of parties other than the appraisal management company does not constitute improper influence or practice in violation of AMCRA and this chapter.
- (3) A delay in payment for appraisal services that violates the appraisal management company's policy for payment.

SURETY BONDS AND LETTERS OF CREDIT

§ 36.451. Requirements for surety bond or letter of credit.

(a) A registrant shall maintain a surety bond or letter of credit in the form and amount prescribed in this subchapter.

(b) A surety bond must be in the amount prescribed in § 36.452(a) (relating to amount of surety bond or letter of credit), in the form prescribed by § 36.453

(relating to form of surety bond) and issued by a company authorized to transact surety business in this Commonwealth by the Insurance Department.

(c) A letter of credit must be in the amount prescribed in § 36.452(b), in the form prescribed by § 36.454 (relating to form of letter of credit) and payable at an office of a commercial bank in the United States. At the time of issuance of the letter of credit, the issuing bank or its holding company shall have a B/C or better rating or 2.5 or better credit evaluation score by Fitch Ratings, as successor to the rating services of Thomson BankWatch, or the issuing bank shall have a CD or long-term issuer credit rating of BBB or better or a short-term issuer credit rating of A-2 or better by Standard & Poor's or a comparable rating by another NRSRO.

Cross References

This section cited in 49 Pa. Code § 36.404 (relating to content of application); 49 Pa. Code § 36.422 (relating to early termination of registration); 49 Pa. Code § 36.452 (relating to amount of surety bond or letter of credit); and 49 Pa. Code § 36.455 (relating to maintenance of surety bond or letter of credit).

§ 36.452. Amount of surety bond or letter of credit.

(a) A registrant who maintains a surety bond to satisfy the requirements of AMCRA and § 36.451 (relating to requirements for surety bond or letter of credit) shall maintain a bond in the amount of \$40,000.

(b) A registrant who maintains a letter of credit to satisfy the requirements of AMCRA and § 36.451 shall maintain a letter of credit in the amount of \$40,000.

(c) The Board may require additional amount or form of security for the following reasons:

(1) As a penalty for a violation of AMCRA or this subchapter regarding the nonperformance of services or nonpayment of fees, or a violation of a similar law or regulation of another jurisdiction.

(2) A change in a company's authorization to transact surety business in this Commonwealth or a change in the financial strength or rating of the issuer of the letter of credit.

(3) A failure to maintain the bond or letter of credit in the minimum amount required by AMCRA or this subchapter, whichever is greater.

Cross References

This section cited in 49 Pa. Code § 36.404 (relating to content of application); 49 Pa. Code § 36.422 (relating to early termination of registration); and 49 Pa. Code § 36.451 (relating to requirements for surety bond or letter of credit).

§ 36.453. Form of surety bond.

(a) A surety bond held by a registrant to satisfy the requirements of AMCRA and this subchapter must include all of the following:

(1) The name and mailing address of the registrant.

(2) The name and title of the compliance person.

(3) The name, mailing address, telephone number and National Association of Insurance Commissioners company code of the surety.

(4) The policy number for the surety bond.

(5) Indemnification for claims that arise or occur for the benefit of:

- (i) The Commonwealth or the public for nonperformance of obligations under AMCRA or this subchapter that occur during the period of the surety bond.
- (ii) An appraiser who has performed an appraisal of real property located in this Commonwealth for the registrant during the period of the surety bond for which the appraiser has not been paid.
- (6) An agreement by the surety to notify the Bureau if the surety bond is cancelled or terminated.
- (b) The aggregate liability of the surety may not exceed the principal sum of the bond.
- (c) The surety bond must be continuous and remain in full force and effect until the license is terminated or not renewed, or the bond is cancelled by the surety.

Cross References

This section cited in 49 Pa. Code § 36.404 (relating to content of application); 49 Pa. Code § 36.422 (relating to early termination of registration); and 49 Pa. Code § 36.451 (relating to requirements for surety bond or letter of credit).

§ 36.454. Form of letter of credit.

A letter of credit held by a registrant to satisfy the requirements of AMCRA and this subchapter must include all of the following:

- (1) A provision that the letter of credit is irrevocable for a term of not less than 1 year and that the letter of credit automatically renews annually unless the letter of credit is specifically nonrenewed by the issuing bank 90 days or more prior to the anniversary date of its issuance and the issuing bank gives at least 90 days prior written notice to the Bureau and the registrant of its intent to terminate the letter of credit at the end of the current term.
- (2) A provision that the Department has the right to draw upon the credit before the end of its term and to convert it into a cash collateral bond if the registrant fails to replace the letter of credit with other acceptable bond within 30 days of the bank's notice to terminate the letter of credit.
- (3) The letter of credit must name the Department as the beneficiary and be payable to the Department under § 36.456 (relating to claims against surety or obligor).
- (4) A letter of credit is subject to the most recent edition of the *Uniform Customs and Practices for Documentary Credits*, published by the International Chamber of Commerce, and the laws of the Commonwealth, including 13 Pa.C.S. (relating to Uniform Commercial Code).
- (5) The Board will not accept letters of credit from a bank that has failed to make or delayed in making payment on a defaulted letter of credit.

Cross References

This section cited in 49 Pa. Code § 36.404 (relating to content of application); 49 Pa. Code § 36.422 (relating to early termination of registration); and 49 Pa. Code § 36.451 (relating to requirements for surety bond or letter of credit).

§ 36.455. Maintenance of surety bond or letter of credit.

(a) If the rating of a bank that has issued a letter of credit falls below the minimum ratings required under § 36.451(c) (relating to requirements for surety bond or letter of credit), a registrant shall replace the letter of credit within 45 days from the date of the substandard rating decline with a new letter of credit that satisfies the requirements of § 36.451.

(b) If a letter of credit is not replaced within 45 days of the substandard rating decline, the Department has the discretion to draw on the letter of credit and deposit the proceeds with the State Treasurer to secure the registrant's liability and to begin proceedings under AMCRA, this subchapter and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to suspend or revoke the registrant's authority to perform appraisal management services in this Commonwealth.

(c) If a bank makes a payment upon a letter of credit issued to fulfill the requirements of AMCRA or this subchapter, the registrant shall obtain additional security within 45 days of the date of payment in the form of an additional letter of credit in an amount sufficient to maintain the minimum amount required under AMCRA or this subchapter, whichever is greater.

(d) If a surety makes a payment upon a bond issued to fulfill the requirements of AMCRA or this subchapter, the registrant shall obtain additional security within 15 days of the date of payment in the form of an additional surety bond in an amount sufficient to maintain the minimum amount required under AMCRA or this subchapter, whichever is greater.

Cross References

This section cited in 49 Pa. Code § 36.404 (relating to content of application); 49 Pa. Code § 36.422 (relating to early termination of registration); and 49 Pa. Code § 36.456 (relating to claims against surety or obligor).

§ 36.456. Claims against surety or obligor.

(a) The Department may make a claim to a surety or obligor to:

- (1) Recover unpaid fees for appraisal services.
- (2) Obtain payment for civil penalties, costs of investigation or fees payable to the Commonwealth.
- (3) Obtain payment for debts arising out of the performance of appraisal management services in this Commonwealth.
- (4) Obtain security as provided in § 36.455(b) (relating to maintenance of surety bond or letter of credit).

(b) The Department, in its discretion, will make a claim to a surety or obligor for a purpose in subsection (a) upon one of the following conditions:

- (1) The expiration of the period of appeal from the entry of a final order issued by the Board in a proceeding under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and a determination by the Department based upon a review of its records that all or part of a civil penalty or costs of investigation levied by that order remain unpaid.
- (2) The failure of a registrant to satisfy a written agreement with the Board or the Bureau to pay an amount described in subsection (a).

(3) A determination by the Prosecution Division of the Bureau upon a complaint filed with the Bureau that there is probable cause to believe that a registrant owes a sum certain for unpaid fees, civil penalties, costs of investigation, fees payable to this Commonwealth or debts arising out of the performance of appraisal management services in this Commonwealth.

(4) Violation of § 36.455.

(c) The Department will only make a claim to a surety on behalf of third parties to recover unpaid fees for appraisal services or obtain payments for debts arising out of the performance of appraisal management services in this Commonwealth if the activities involved the valuation of real estate in this Commonwealth.

Cross References

This section cited in 49 Pa. Code § 36.404 (relating to content of application); 49 Pa. Code § 36.422 (relating to early termination of registration); and 49 Pa. Code § 36.454 (relating to form of letter of credit).

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