

DRAFT REGULATIONS

264 CMR 4.00: RENEWAL PROCEDURES AND CONTINUING EDUCATION REQUIREMENTS

Section

- 4.01: General Renewal Procedures
- 4.02: Renewal After Expiration of License or Certificate
- 4.03: Continuing Education Deferrals

4.01: General Renewal Procedures

(1) A state-licensed or state-certified real estate appraiser and an appraisal trainee shall renew his/her license or certificate every two (2) years.

~~(2) The licensee/certificate holder is responsible for providing his or her current address to the Board in writing immediately upon a change of address. Failure to do so may result in disciplinary action.~~

~~(3) Each applicant shall submit to the Board a completed renewal application, the proper fee, and proof that he/she has fulfilled the continuing education requirements set forth in this section at least thirty days prior to the license expiration date.~~

~~(4) The Board may from time to time amend and/or supplement the continuing education requirements of this section in order to comply with the minimum criteria mandated by the Appraiser Qualifications Board (AQB) via federal law 12 U.S.C. 3345(a) to allow Massachusetts licensees to meet the federal requirements for "state certified real estate appraisers." In the event that the continuing education requirements herein do not meet the minimum criteria established by the said AQB, then the AQB criteria shall supersede and control.~~

~~(5) Continuing Education Prerequisite.~~

To be eligible for renewal of a license or certificate, the licensee or certificate holder must complete and present evidence satisfactory to the Board that he or she has completed the continuing education required for the corresponding level of licensure during each two (2) year renewal period. The initial license or certificate issued to a holder may be valid for two (2) to three (3) years in accordance with M.G.L. c. 112 § 181(A). Any license or certificate holder whose license or certificate runs for more than two (2) years and 185 days shall be required to complete an additional fourteen (14) hours of continuing education.

(a) Trainee: Completion of not less than twenty-eight (28) hours of instruction in Board approved courses or seminars during each renewal period, including a Board approved USPAP Update course completed in accordance with 264 CMR 4.01(5)(e). Not more than seven (7) hours of courses designated as elective pursuant to 264 CMR 9.01 may be credited toward renewal. Renewal of trainee licenses is subject to M.G.L. c. 112 § 181.

(b) State Licensed: Completion of not less than twenty-eight (28) hours of instruction in Board approved courses or seminars during each renewal period, including a Board approved USPAP Update course completed in accordance with 264 CMR 4.01(5)(e). Not more than seven (7) hours of courses designated as elective pursuant to 264 CMR 9.01 may be credited toward renewal.

(c) Certified Residential: Completion of not less than twenty-eight (28) hours of instruction in Board approved courses or seminars during each renewal period, including a Board approved USPAP Update course completed in accordance with 264 CMR 4.01(5)(e). Not more than seven (7) hours of courses designated as elective pursuant to 264 CMR 9.01 may be credited toward renewal.

(d) Certified General: Completion of not less than twenty-eight (28) hours of instruction in Board approved courses or seminars during each renewal period, including a Board approved

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USPAP Update course completed in accordance with 264 CMR 4.01 (5) (e), and at least fourteen (14) hours in courses designated non-residential pursuant to 264 CMR 9.01.

(e) Uniform Standards of Professional Appraisal Practice (USPAP) Requirement:

1. Each license or certificate holder must complete a 7-hour USPAP Update course within each two year licensure cycle. All license and certificate holders shall complete a 7-hour USPAP Update course with each new edition of USPAP. ; and,

2. A USPAP Update course is required with the publication of each edition of USPAP by the Appraisal Standards Board of the Appraisal Foundation.

(f) All continuing education courses must meet the requirements of 264 CMR 9.00.

(g) Continuing education credit may also be granted for teaching, program development, authorship of textbooks, or similar activities that are determined by the Board to be equivalent to obtaining continuing education. Continuing education credit may only be awarded once for courses taught more than once during a renewal cycle. Up to one half of an individual's continuing education requirement may be granted for participation, other than as a student, in such appraisal educational processes and programs.

(h) Continuing education courses must be Board approved pursuant to 264 CMR 9.00 prior to the time the licensee applies for licensure renewal.

(i) Credit will only be awarded once for courses taken more than once during a renewal cycle.

(j) Failure to complete the requisite continuing education courses within the required time period may result in immediate removal from the National Registry of the Appraisal Subcommittee and summary suspension of the license or certificate in accordance with M.G.L. c. 112, §65B and may subject the license or certificate to disciplinary action, including but not limited to suspension, revocation, monetary fine and other penalty as provided by law.

(k) A continuing education course may only be used to satisfy the requirements of the renewal cycle in which it was taken and may not be applied toward a second or subsequent renewal cycle.

4.02: Renewal After Expiration of License or Certificate

(1) As set forth in Title XI, a licensee/certificate holder will be removed from the National Registry upon expiration of the license/certificate.

(2) If a person fails to renew a license or certificate prior to its expiration, but applies for renewal within two (2) years of the expiration date, the license or certificate may be renewed upon payment of the renewal fee and late fee.

(3) If a person fails to renew a license or certificate within two years of its expiration, the license or certificate may be reinstated upon:

a. payment of the current renewal fee and the late fee;

b. presentation of evidence satisfactory to the Board that all required continuing education for the last period in which the person was licensed as well as all previous years during which time the license or certificate was inactive has been completed;

c. submission of a written statement made under the pains and penalties of perjury that:

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1. the applicant for reinstatement did not practice or perform the functions of a licensed/certified appraiser in Massachusetts during this period; and
 2. details whether or not the applicant for reinstatement practiced as a licensed/certified appraiser in any other jurisdiction during this period;
- d. if the applicant for reinstatement is licensed/certified in another jurisdiction, submission of a letter of license history issued by that jurisdiction will be required;
- e. at the Board's discretion, successful completion of the license/certification examination;
and,
- f. at the Board's discretion, a personal appearance before the Board

4.03: Continuing Education Requirement Deferrals

- (1) Active military personnel, upon returning from active military duty, may petition the Board for a Continuing Education Requirement Deferral (CERD). Upon approval by the Board, the CERD shall be valid for 180 days from the date of issuance and shall not be renewed, extended, or re-issued.
- (2) An applicant for a CERD shall petition the Board in writing on forms approved and provided by the Board and shall provide documentation of active duty military status and other documents as the Board shall require demonstrating that active military duty prevented the applicant from completing his or her continuing education requirements.
- (3) Upon CERD approval, the applicant shall renew his or her certificate or license under the condition that the requisite continuing education shall be completed and that the license or certificate holder shall only engage in practice as a certified or licensed appraiser for a period not to exceed 180 days. During that 180 day period the license or certificate holder shall complete all applicable continuing education requirements as contained in 264 CMR 4.01(5).
- (4) Where the license or certificate holder who has been granted a CERD fails to complete all of the applicable continuing education requirements as contained in 264 CMR 4.01(5), within the 180 day CERD deferral period, all practice shall immediately cease and the license or certificate holder shall be subject to disciplinary action up to and possibly including revocation, suspension and fine.