

Public Necessity Rules

State of Tennessee Real Estate Appraiser Commission

Statement of Necessity Requiring Public Necessity Rules

Pursuant to federal law certain changes are required to be made to state law regarding the minimum qualifications for an applicant for a state certified general appraiser license. Specifically, 12 U.S.C. 3347(a) states appraiser certifications and licenses from states whose appraisal policies, practices, or procedures are found to be inconsistent with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, are not to be recognized. 12 U.S.C. 3345(a) defines "state certified real estate appraiser" as any individual who meets the requirements for state certification in a state that meets the minimum criteria for certification issued by the Appraiser Qualifications Board of The Appraisal Foundation. On February 20, 2004, the Appraiser Qualifications Board of The Appraisal Foundation adopted changes to the Real Property Appraiser Qualification Criteria that became effective January 1, 2008. The current requirement that an applicant for a state certified general appraiser license is eligible to apply for such a license with only twenty four (24) months of experience under the direct supervision of a certified general appraiser is not consistent with the Real Property Appraiser Qualification Criteria and jeopardizes federal recognition of the state's appraiser licenses. This amendment is part of the minimum national requirements that each state must implement for individuals applying for a real estate appraiser license or certification as of January 1, 2008.

This amendment was included in the notice for rulemaking hearing filed March 30, 2007 by the Tennessee Real Estate Appraiser Commission and adopted by the Commission on May 16, 2007. An error made while preparing the adopted rules for filing with the Secretary of State changed the period of time for completing the required hours from thirty (30) months to twenty four (24) months. The prior amendments which contained the error became effective in February, 2008. This amendment is to restore the thirty (30) month requirement that was adopted by the Commission in 2007, which satisfies the minimum criteria for certification issued by the Appraiser Qualifications Board of the Appraisal Foundation.

For a copy of this public necessity rule, contact the Tennessee Real Estate Appraiser Commission, attention Nikole Avers, 500 James Robertson Parkway, Davy Crockett Tower, 6th Floor, Nashville, Tennessee 37243 at (615) 741-1831.

William R. Flowers, Jr.
Chairman
Tennessee Real Estate Appraiser Commission

Public Necessity Rules
Department of Commerce and Insurance
Division of Regulatory Boards
State of Tennessee Real Estate Appraiser Commission

Chapter 1255-01
Qualifications for General Certification

Amendment

Part 1. of subparagraph (c) of paragraph (1) of Rule 1255-01-.08 Qualifications for General Certification is amended by deleting the current language in its entirety and substituting instead the following language, so that, as amended, this part shall read:

- (1)(c)1. An applicant shall complete three thousand (3,000) hours of appraisal experience over a period of at least thirty (30) months preceding the date of the applicant's application to the Commission and the Commission shall treat the hours as cumulative. A registered trainee applicant shall complete the minimum of thirty (30) months of appraisal experience under the direct supervision of an appraiser certified by a real estate appraiser commission or board in any state. The experience must be sufficient to indicate to the Commission that the applicant is competent in the Uniform Standards of Professional Appraisal Practice. Acceptable appraisal experience includes, but is not limited to the following: fee and staff appraisal, ad valorem tax appraisal, condemnation appraisal, technical review appraisal, appraisal analysis, real estate consulting, highest and best use analysis, and feasibility analysis/study.

Authority: T.C.A. §§ 62-39-203, 62-39-204, 62-39-311, 62-39-312, 62-39-313, 62-39-329, 62-39-333 and 62-39-337.

The public necessity rules set out herein were properly filed in the Department of State on the 14th day of April, 2008, and will be effective from the date of filing for a period of 165 days. These public necessity rules will remain in effect through the day of 26th day of September, 2008. (FS 04-07-08; DBID 2860)