



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

May 18, 2021

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #19-114-LR)
Legislative Service Bureau (Secretary of State Filing #21-05-08)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-114-LR (Secretary of State Filing #21-05-08) on this date at 11:40 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Real Estate Appraisers – General Rules".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

A handwritten signature in cursive script that reads "Melissa Malerman /UK".

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

May 18, 2021

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2019-114 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated July 20, 2020 for the Department of Licensing & Regulatory Affairs “**Real Estate Appraisers – General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR


CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 205, 308, 2605, and 2617 of the Occupational Code, 1980 PA 299, MCL 339.205, 339.308, 339.2605, and 339.2617, and by Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030.

R 339.23101, R 339.23104, R 339.23203, R 339.23205, R 339.23301, R 339.23303, R 339.23307, R 339.23309, R 339.23311, R 339.23313, R 339.23315, R 339.23316, R 339.23317, R 339.23319, R 339.23320, R 339.23321, R 339.23323, R 339.23325, R 339.23326, R 339.23401, R 339.23403, and R 339.23405 of the Michigan Administrative Code are amended, and R 339.23203a, and R 339.23209 are added.

Date: 4/29/2021

Adopted by: _____


Orlene Hawks
Director

Department of Licensing and Regulatory Affairs



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated July 20, 2020, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Real Estate Appraisers – General Rules**” by:


- ◆ Amending R 339.23101, R 339.23104, R 339.23203, R 339.23205, R 339.23301, R 339.23303, R 339.23307, R 339.23309, R 339.23311, R 339.23313, R 339.23315, R 339.23316, R 339.23317, R 339.23319, R 339.23320, R 339.23321, R 339.23323, R 339.23325, R 339.23326, R 339.23401, R 339.23403, and R 339.23405.
- ◆ Adding R 339.23203a and R 339.23209.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: January 4, 2021

Michigan Office of Administrative Hearings and Rules

By: 

Katie Wienczewski,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated July 20, 2020, amending R 339.23101, R 339.23104, R 339.23203, R 339.23205, R 339.23301, R 339.23303, R 339.23307, R 339.23309, R 339.23311, R 339.23313, R 339.23315, R 339.23316, R 339.23317, R 339.23319, R 339.23320, R 339.23321, R 339.23323, R 339.23325, R 339.23326, R 339.23401, R 339.23403, and R 339.23405 and adding R 339.23203a and R 339.23209 of the Department's rules entitled "Real Estate Appraisers – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: December 10, 2020

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

REAL ESTATE APPRAISERS - GENERAL RULES

Filed with the secretary of state on May 18, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 205, 308, 2605, and 2617 of the occupational code, 1980 PA 299, MCL 339.205, 339.308, 339.2605, and 339.2617, and by Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030)

R 339.23101, R 339.23104, R 339.23203, R 339.23205, R 339.23301, R 339.23303, R 339.23307, R 339.23309, R 339.23311, R 339.23313, R 339.23315, R 339.23316, R 339.23317, R 339.23319, R 339.23320, R 339.23321, R 339.23323, R 339.23325, R 339.23326, R 339.23401, R 339.23403, and R 339.23405 of the Michigan Administrative Code are amended, and R 339.23203a, and R 339.23209 are added, as follows:

PART 1. GENERAL PROVISIONS

R 339.23101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Board" means the board of real estate appraisers created under section 2603 of the code, MCL 339.2603.

(b) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.

(c) "Transaction value" means either of the following:

(i) For loans or other extensions of credit, or for sales, leases, purchases, and investments, or in exchanges of real property, the market value of the real property interest involved.

(ii) For the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each loan or interest in real property.

(2) Terms defined in articles 1 to 6 and 26 of the code, MCL 339.101 to 339.606 and 339.2601 to 339.2637, have the same meanings when used in these rules.

R 339.23104 Exemption from standard.

Rule 104. The following are exempt from the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP), Standard 3 and Standard 4:

- (a) A board member who is performing an investigation or testifying at an adjudicatory hearing on behalf of the department.
- (b) A board member who is serving in the capacity of a reviewer while reviewing the work experience of an applicant for licensure.
- (c) An investigator employed by or retained by the department who is performing an investigation or testifying at an adjudicatory hearing.

PART 2. LICENSING

R 339.23203 Appraisal experience for licensure; satisfactory evidence.

Rule 203. (1) For a licensure applicant's experience hours to be accepted, the experience must comply with both of the following requirements, as applicable:

(a) Appraisal experience must be demonstrated by copies of reports and file memoranda. The applicant shall submit a detailed log to the department that includes all of the following information:

- (i) Date of each appraisal assignment.
- (ii) Property address.
- (iii) Property type.
- (iv) Description of work performed by the applicant.
- (v) Scope of the review and supervision of the applicant's supervisory certified appraiser consistent with the Appraiser Qualification Board (AQB) criteria, as defined in section 2601(b)(i) and (ii) of the code, MCL 339.2601, and R 339.23203a.
- (vi) A clear indication of the time devoted to each appraisal.

(b) The information in the log must be documented by work samples, and must include the signature and state certification number of the supervisory certified appraiser.

(2) An applicant for a license shall demonstrate experience gained in each of the following areas of the appraisal process:

- (a) Defining the appraisal problem.
- (b) Gathering and analyzing data.
- (c) Applying all appropriate valuation approaches, including cost approach, market approach, and income approach, and methodology.
- (d) Arriving at an opinion of value.
- (e) Reporting the opinion of value.

(3) Documents that support the information that is contained in an application, an applicant's experience log, or an affidavit of work experience accepted instead of an experience log before July 1, 2013, must be maintained for not less than 6 years from the date of application.

R 339.23203a Supervisory certified appraiser.

Rule 203a. (1) A supervisory certified appraiser shall comply with the supervisory certified appraiser qualifications in the AQB criteria.

(2) Before supervising, a supervisory certified appraiser shall complete a course that, at a minimum, complies with the specifications for course content established by the AQB criteria.

(3) A supervisory certified appraiser shall not supervise more than 3 real estate appraiser trainees pursuant to the AQB criteria unless written authorization by the department is granted, under subrule (4) of this rule, to exceed the number of trainees at any 1 time.

(4) The department may authorize a supervisory certified appraiser to exceed the maximum number of trainees allowed to be supervised under subrule (3) of this rule, provided all of the following are complied with:

(a) The applicant submits an application on a form provided by the department and approved by the board to the department.

(b) The supervisory certified appraiser submits proof to the department that he or she has complied with the supervisory certified appraiser qualifications in the AQB criteria and has more than 5 years of experience as an appraiser.

(c) The supervisory certified appraiser agrees in his or her application to limit supervision to no more than 6 trainees at any 1 time, with no more than 3 trainees with less than 1 year of experience.

(d) The supervisory certified appraiser prepares and maintains trainee progress reports on each trainee and makes them available to the department until the trainee becomes certified or licensed or after 2 years has lapsed since supervising the trainee, whichever is earlier.

(e) The supervisory certified appraiser provides the department with a mentoring plan for each trainee before supervising the trainee.

R 339.23205 Prior licensing or exemptions; experience in this state.

Rule 205. As required in the code, experience is valid only if an individual was properly licensed or exempt from licensure. In this state, to be properly licensed before January 1, 1992, an individual shall have held a real estate license in this state. Under the standards applicable to the licensing of appraisal services in this state before January 1, 1992, the following positions were considered exempt from real estate licensing:

(a) An employee of a financial institution whose services as an appraiser were performed for the financial institution and not offered to the public.

(b) An employee of an appraisal firm who performed appraisal tasks but did not sign reports.

(c) An employee of a firm whose appraisals were performed for the internal use of the firm and only on property owned or to be purchased by the firm for its own use.

(d) A governmental employee who appraised property for government use or purchase or whose appraisal was required for the operation of a governmental program.

R 339.23209 Nonresident temporary permit.

Rule 209. A holder of a nonresident temporary permit issued by the department pursuant to section 2625(2) of the code, MCL 339.2625, may request 1 extension as follows:

(a) The application shall be in writing on a department form submitted to the department.

(b) The extension shall be for no more than 180 days.

(c) The extension shall be given to finish work on the same temporary assignment that was the subject of the initial temporary permit.

(d) In no case shall a temporary permit be issued for the same assignment for more than 360 days.

PART 3. APPRAISER EDUCATION

R 339.23301 Definitions.

Rule 301. As used in this part:

- (a) "Continuing education course" means a course that complies with the AQB criteria for continuing education courses and is approved by the department.
- (b) "Coordinator" means an individual who assumes, on behalf of a course sponsor, the responsibility pursuant to these rules for offering courses relating to the activities of real estate appraisers.
- (c) "Instructor" means an individual who is determined to be qualified by the sponsor to instruct students or licensees in prelicensure or continuing education courses and who provides instruction directly and interactively in contact with students or licensees. An instructor may utilize guest speakers but shall bear ultimate responsibility to the sponsor for the quality of information imparted to students or licensees.
- (d) "Prelicensure course" means a course that complies with the AQB criteria for prelicensure education courses and is approved by the department.
- (e) "Sponsor" means an entity that meets the requirements of section 2617(2) of the code, MCL 339.2617, and that offers or proposes to offer either prelicensure appraiser education or continuing education.

R 339.23303 Education; submission of documentation by applicants for licensure.

Rule 303. (1) In submitting documentation of prelicensure education obtained before the effective date of the code or from course sponsors that are not approved pursuant to these rules, the applicant shall show that the course was designed to teach individuals to perform appraisals or to augment a basic knowledge of appraisal with general information that the instructor then relates to the performance of appraisals.

(2) General educational courses, including business, economics, statistics, or law, or general courses in real estate or real estate law is not considered equivalent to approved prelicensure education unless a relationship to appraisal is shown in the course description, syllabus, or curriculum outline to the extent that 15 or more classroom hours were specifically related to appraisal. Classroom hours of credit must only be granted for hours that are specifically related to appraisal.

(3) An applicant's submission of documentation of prelicensure education shall include all of the following information:

- (a) The date and place the course was taken.
- (b) The name of the sponsor, the sponsor's current address, and the sponsor's telephone number if available.
- (c) A copy of the course outline, syllabus, detailed curriculum, or similar information.
- (d) A copy of the certificate of completion.
- (e) The number of classroom hours spent in the course. To have the education hours approved by the department, continuing education course sponsors utilizing distance-learning systems shall have an acceptable method of ensuring that the licensee achieves an equivalent to classroom hours.

(4) In submitting documentation of education from institutions of higher education that are approved to grant degrees that confer credit hours rather than classroom hours, 1

credit hour is equivalent to 10 classroom hours of actual instruction for term credits and 15 classroom hours of instruction for semester credits.

(5) Documentation to support information on the application for course approval must be maintained for not less than 6 years from the date of the application.

(6) To assist applicants, the department shall maintain a list of courses that are acceptable to the department.

R 339.23307 Conduct of courses.

Rule 307. (1) A course sponsor shall comply with all of the following requirements:

(a) A sponsor shall not represent a course to licensees or to the public as meeting the requirements of the code and these rules until it has been approved by the department.

(b) A person shall not solicit for organizational membership, employment, or business-related products and services during qualifying course classroom hours.

(c) A sponsor shall appoint an individual as coordinator for the sponsor's courses. The coordinator shall be responsible for supervising the program of courses and assuring compliance with the code and these rules. The coordinator need not be a licensee.

(d) An instructor who meets the requirements of R 339.23309(3) and (4) shall teach the course.

(e) Each student or licensee shall be provided with a written syllabus that contains, at a minimum, all of the following information:

(i) The course title.

(ii) The times and dates of the course offering.

(iii) The name, business address, telephone number of the course coordinator, and the name of the instructor.

(iv) A detailed outline of the subject matter to be covered and the estimated time to be devoted to each subject.

(f) A course must not be credited for more than 10 classroom hours of instruction in 1 calendar day. Calculations of classroom hours for a course must not include any of the following:

(i) Meals.

(ii) Breaks.

(iii) Registration.

(iv) Required reading.

(v) Outside assignments.

(g) Each course must reflect the most current version of state and federal laws and regulations.

(h) A sponsor shall permit the department to review a course at any time or to inspect the records of a course sponsor during normal business hours.

(i) A sponsor whose programs are transferred to another entity shall arrange for student or licensee records to be maintained permanently by the successor entity. The successor entity shall ensure that student or licensee records are available to students or licensees who need to verify their education.

(2) A proprietary real estate appraiser sponsor licensed under the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103 shall continuously comply with the proprietary schools act.

R 339.23309 Sponsors; duties; instructors.

Rule 309. (1) A sponsor shall be responsible for all of the following:

- (a) Compliance with all laws and rules relating to appraiser education.
- (b) Providing students or licensees with current and accurate information.
- (c) Maintaining an atmosphere that is conducive to learning in the classroom.
- (d) Ensuring and certifying the attendance of students or licensees who are enrolled in courses.

(e) Providing assistance to students or licensees and responding to questions relating to course materials.

(f) Supervising all guest lecturers and relating all information that is presented to the practice of real estate appraisal.

(2) Distance education sponsors shall ensure that all of the following qualifications for their courses are complied with:

(a) The course must be presented with an instructor available to answer questions, provide information, and monitor student or licensee attendance.

(b) The course must meet 1 of the following criteria:

(i) The course has been presented by an accredited college or university through the Commission on Colleges or a national or regional accreditation association that offers distance education programs in other disciplines.

(ii) The course has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and 1 of the following is met:

(A) The course has received approval of the AQB through the AQB course approval program.

(B) The course has received approval of the licensing or certifying jurisdiction where the course is being offered for the content of the course.

(C) The course meets all of the following requirements:

(I) The course is equivalent to 15 classroom hours for prelicensure courses and 2 classroom hours for continuing education courses.

(II) A student or licensee successfully completes a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization, consistent with the requirements of the course accreditation. If a written examination is not required for accreditation, a student or licensee successfully completes course mechanisms required for accreditation which demonstrate mastery and fluency.

(III) The sponsor ensures that students or licensees completing the distance education courses achieve the equivalent of the stated classroom hours per course.

(3) A sponsor shall select as instructors only individuals who can demonstrate mastery of the material being taught and who possess 1 of the following qualifications:

(a) Experience as a faculty member of an institution of higher education that is approved to grant degrees.

(b) A state licensed, certified residential, or certified general appraiser with 3 years of appraisal experience.

(c) Other experience acceptable to the sponsor for courses other than prelicensure courses.

(4) Instructors of USPAP shall have complied with the AQB instructor certification program as required by the real property AQB criteria.

R 339.23311 Courses, activities not acceptable for prelicensure or continuing education.

Rule 311. The department shall not approve a prelicensure or continuing education course or activity, nor shall it grant credit to a licensee for the USPAP course for any of the following:

- (a) Courses that do not provide student or licensee access to an instructor during the course.
- (b) Courses that deal with employment-related topics including explanations of rights, benefits, and responsibilities; organizational structure; and on-the-job methods, processes, or procedures.
- (c) Membership in or service in an office, or on a committee of a professional, occupational, trade, or industry society or organization.
- (d) Conferences, delegate assemblies, or similar meetings of professional organizations for policy-making purposes.
- (e) Meetings and conventions of societies and associations; however, educational activities that are provided independently by an approved course sponsor and that are held concurrently with a meeting or convention of societies or associations may be given credit.
- (f) Attendance at lecture series, cultural performances, entertainment, or recreational meetings or activities, or participation in travel groups, unless these activities are an integral part of a course that is approved pursuant to these rules.
- (g) On-the-job training, apprenticeships, and other work experiences.
- (h) Courses in sales promotion, motivation, marketing, psychology, time management, ~~or~~ mechanical office, or business skills, including typing, speed-reading, or the use of office machines or equipment other than calculators or computers.

R 339.23313 Misleading information.

Rule 313. A person, including a sponsor, shall not provide misleading information about courses or any component of a course. Information is misleading when, taken as a whole, there is a probability that it deceives the class of persons that it is intended to influence. A sponsor shall not represent that the department's approval of a course is a recommendation or endorsement of the sponsor or the content of the course.

R 339.23315 Denial, suspension, or rescission of approval to offer courses; violation of code or rules.

Rule 315. A real estate sponsor or instructor is subject to the penalties of section 602 of the code, MCL 339.602, including rescission of course approval, for any of the following reasons:

- (a) Failure to comply with the provisions of the code or these rules.
- (b) Having a high rate of failure on a licensing examination as a result of a lack of competent instruction.
- (c) Making a substantial misrepresentation regarding an appraisal education sponsor or course.
- (d) Pursuing a continued course of misrepresentation or making false promises through agents, salespersons, advertising or otherwise.

PART 3A. PRELICENSURE EDUCATION

R 339.23316 Prelicensure education.

Rule 316. Prelicensure education courses may be used to obtain credit for both prelicensure education and continuing education. However, the prelicensure exam may not be used toward continuing education hours.

R 339.23317 Prelicensure education; application for course approval; forms; requirements; unacceptable courses.

Rule 317. (1) An application for approval of a prelicensure real estate appraiser education course shall be made on forms provided by the department. The department shall accept or reject the application.

(2) The application shall include all of the following information:

- (a) The course title.
- (b) The number of classroom hours to be given for completion of the course.
- (c) The name, business address, and telephone number of the sponsor.
- (d) The name, business address, and telephone number of the course coordinator.
- (e) The name, license number, and qualifications of instructors.
- (f) A detailed outline of the subject matter to be covered and the number of classroom hours to be devoted to each topic, as it will appear in the student or licensee syllabus.
- (g) A summary of the required topics for prelicensure that are covered in the course completed on the subject matter matrix provided by the department.
- (h) The methodology for verifying and monitoring attendance, including the class make-up policy. A sponsor shall have a written make-up policy for students or licensees who are absent from all or a part of regularly scheduled class sessions. If there are no opportunities to make up missed sessions, that policy must be stated.
- (i) The standards a student or licensee must meet to complete the course, including assignments, projects, examinations, and the passing score on the examination that must be given at the completion of the course for a student or licensee to demonstrate mastery of the material covered.
- (j) Proof that the sponsor is an entity that may offer prelicensure real estate appraisal education courses under section 2617(2) of the code, MCL 339.2617.

(3) If a sponsor desires to change a course's content, instructors, speakers, or hours of credit, the sponsor shall reapply for departmental approval of the changes to the course by completing an application for course approval, obtained from the department, not less than 30 days before the date the course is offered to students or licensees.

(4) Emergency changes to instructors and speakers that are unable to be submitted to the department not less than 30 days before the date of the continuing education course may be reviewed by the department if the department determines that the applicant was unable to submit the requested change not less than 30 days before the date of the continuing education course and the request submitted with the change supports the nature of the emergency.

(5) The department shall notify the sponsor whether the proposed course change is approved. The sponsor shall not offer the course with the proposed changes without departmental approval.

(6) The department may determine that a proposed change cannot be made without the submission of additional supporting documentation or that the extent or number of changes requested require the sponsor to complete a new application for approval.

(7) A department-approved course expires 3 years from the date of the course approval, at which time the course approval is subject to renewal. A sponsor shall notify the department of its intent to renew a previously approved course by submitting course renewal forms provided by the department. All of the following apply regarding course renewal:

(a) The completed course renewal forms must be received by the department not less than 60 days before the expiration date.

(b) If completed renewal forms are received by the department not less than 60 days before the expiration date, the course does not expire until reviewed by the department.

(c) If completed renewal forms are received by the department less than 60 days before the expiration date, approval of the course expires on the expiration date.

(d) Course renewal forms are not valid and are not accepted by the department less than 60 days before the expiration date.

(e) Sponsors requesting approval for a course less than 60 days before the expiration date shall complete and submit to the department an application for original course approval.

R 339.23319 Prelicensure education; student or licensee records; permanent record; course completion certificate.

Rule 319. (1) A course sponsor shall establish and permanently maintain a record for each student or licensee. The record must contain all of the following information:

(a) The student's or licensee's name and address.

(b) The student's or licensee's date of birth.

(c) The number of classroom hours attended.

(d) The title of the course and the department's course completion number.

(e) The date of course completion.

(f) The student's or licensee's grade.

(g) The licensee's real estate appraiser license number, if applicable.

(2) A course sponsor shall issue a certificate of completion to a student or licensee who completes the entire course and receives a passing grade in a prelicensure education course. The certificate must include all of the following information:

(a) The name of the student or licensee.

(b) The name of the sponsor.

(c) The name of the course attended.

(d) The number of classroom hours completed by the student or licensee.

(e) The date of course completion.

(f) The signature of the course coordinator or instructor.

(g) The sponsor number assigned by the department.

(h) The course approval number assigned by the department.

(3) Within 15 business days after the conclusion of a course, a sponsor shall certify to the department the names of students and licensees who complete an approved course in a manner approved by the department.

R 339.23320 Prelicensure requirements for USPAP.

Rule 320. (1) An applicant for licensure shall successfully complete the 15-hour national USPAP course required by the AQB. Equivalency is determined through the AQB course approval program or by an alternate method established by the AQB.

(2) USPAP qualifying education credit shall be awarded only when the class is instructed by at least 1 instructor who is an AQB certified instructor and who is a certified residential real estate appraiser or a certified general real estate appraiser.

PART 3B. CONTINUING EDUCATION

R 339.23321 Continuing education; application for course approval; forms; requirements.

Rule 321. (1) An application for approval of a continuing education course must be made on forms provided by the department. The department shall accept or reject the application.

(2) The completed application forms must be submitted to the department not less than 60 days before the date the course is conducted.

(3) The application shall include, but not be limited to, all of the following information:

(a) The course title.

(b) The number of classroom hours to be given for completion of the course.

(c) The name, business address, and telephone number of the sponsor.

(d) The name, business address, and telephone number of the course coordinator.

(e) The name, license number, and qualifications of instructors.

(f) An outline of the subject matter to be covered and the number of classroom hours to be devoted to each topic, as it will appear in the syllabus.

(g) The methodology for verifying and monitoring attendance. A licensee shall attend the entire course to obtain credit for the course. Credit for a distance learning course requires completion of the entire course. A licensee shall not receive credit for attending the same course more than 1 time during the same license renewal cycle.

(h) The standards a licensee must meet to complete the course, including assignments, projects, or examinations. The sponsor, at its discretion, may give course examinations, but examinations are not required by the code or these rules for continuing education courses.

(i) Proof that the sponsor is an entity that may offer continuing education courses under section 2617(2) of the code, MCL 339.2617.

(j) Information to demonstrate that the course meets the requirements of the AQB criteria and is designed to improve and maintain the capability of a licensee to perform activities regulated by the code.

(4) Approval is for a term of 3 years from the date that the department approved the course.

(5) An application for renewal of an approved continuing education course shall be made on forms provided by the department. All of the following apply to course renewal:

(a) Course renewal forms must be received by the department not less than 30 days before the approval expiration date.

(b) Course renewal forms are not accepted by the department if submitted less than 30 days before the expiration date.

(c) Sponsors requesting approval for course renewal less than 30 days before the expiration date shall complete and submit to the department an application for original course approval.

(d) If completed renewal forms are received by the department not less than 30 days before the expiration date, the course does not expire until the department reviewed the application and a decision has been made by the department.

(e) If completed renewal forms are not received by the department pursuant to the time frame established by this subrule, the course approval expires on the expiration date.

(6) Subject to subrule (7) of this rule, all changes to the instructors, speakers, course content, or number of continuing education hours to be awarded for an approved continuing education course must be submitted to the department on forms provided by the department not less than 30 days before the date the continuing education course is offered to licensees.

(7) Emergency changes to instructors and speakers that are unable to be submitted to the department not less than 30 days before the date of the continuing education course may be reviewed by the department if the department determines that the applicant was unable to submit the requested change not less than 30 days before the date of the continuing education course and the request submitted with the change supports the nature of the emergency.

(8) The department may revoke the approval status of any approved continuing education course any time the course fails to comply with these rules.

R 339.23323 Continuing education; licensee records; permanent record; course completion certificate.

Rule 323. (1) A course sponsor shall establish and permanently maintain a record for each licensee. The record must contain all of the following information:

(a) The licensee's name, address, and license number.

(b) The number of classroom hours attended.

(c) The title of the course and the date of course completion.

(2) A course sponsor shall issue a certificate of completion to a licensee who successfully completes a continuing education course. The certificate must include all of the following information:

(a) The name of the licensee.

(b) The licensee's license number.

(c) The name of the sponsor.

(d) The name of the course attended.

(e) The number of classroom hours completed by the licensee.

(f) The date of course completion.

(g) The signature of the course coordinator or instructor.

(3) Within 15 business days after a course ends, a sponsor shall certify to the department the names of licensees who completed an approved course by a method or on forms approved by the department.

R 339.23325 Continuing education; course credit for instructors.

Rule 325. Real estate appraisers who are also instructors may earn up to ½ of their required real estate appraiser continuing education credit per license cycle by teaching an approved real estate appraiser course. Credit is granted to an instructor once in a licensing cycle for the same course either as a licensee or as an instructor.

R 339.23326 Continuing education requirements for a licensee.

Rule 326. (1) A licensed appraiser shall successfully complete the 7-hour national USPAP update course, or its equivalent, not less than every 2 years. Equivalency is determined through the AQB course approval program or by an alternate method established by the AQB.

(2) USPAP qualifying education credit is awarded only when the class is taught by at least 1 instructor who is an AQB certified instructor and who is a certified residential real estate appraiser or a certified general real estate appraiser.

(3) Every 2 years, a licensed appraiser shall successfully complete not less than 2 hours of continuing education devoted to this state's appraiser license law and rules.

(4) Credit for attending the board of real estate appraisers meeting pursuant to the AQB criteria requires proof of attendance by submission of the department form with the signature of a board member or department staff person.

(5) The department shall not grant waivers to a licensee who has failed to meet the continuing education requirements.

(6) The department shall not grant deferrals to a licensee, except in the case of an individual returning from active military duty, or an individual impacted by a state or federally declared disaster. The department may allow a licensee returning from active military duty to remain in active status for a period of up to 90 days pending completion of all continuing education requirements. The department may allow a licensee impacted by a state or federally declared disaster that occurs within 90 days before the end of the continuing education cycle to remain in active status for a period of up to 90 days after the end of the licensee's continuing education cycle, pending completion of all continuing education requirements.

PART 4. STANDARDS OF CONDUCT

R 339.23401 Licensee relationship to others participating in preparation of appraisals.

Rule 401. A state licensed or certified residential or certified general real estate appraiser shall not sign an appraisal report for a federally related transaction unless that licensee has performed the appraisal pursuant to USPAP and is properly licensed to perform the assignment. The material participation of any other individual in preparing the report must be acknowledged in the report as required by USPAP regardless of the

licensure status of the other individual. The signature of a state-licensed, a certified residential, or a certified general appraiser as a supervisory or co-signing appraiser must not be used to mask the preparation of a report by an individual who is not authorized to sign the report.

R 339.23403 State-licensed real estate appraiser; certified residential real estate appraiser; certified general real estate appraiser; allowed functions.

Rule 403. (1) If a state-licensed real estate appraiser is properly qualified to undertake an assignment, a state-licensed real estate appraiser may perform any of the following appraisal services:

(a) Appraise properties that are not federally related transactions.

(b) Appraise 1 to 4-family residential properties, unless the transaction value is \$1,000,000.00 or more or the property is complex and must be appraised by a certified residential or certified general real estate appraiser.

(c) Appraise nonresidential properties for federally related transactions and real estate related financial transactions where the transaction value is less than \$250,000.00.

(d) Assist a certified residential or certified general real estate appraiser in the development of an appraisal of a complex residential property or a nonresidential property that is the subject of a federally related transaction, as appropriate. The state-licensed real estate appraiser shall not sign the report. However, the certified residential or certified general real estate appraiser shall acknowledge the specific contributions of the state-licensed real estate appraiser within the appraisal report.

(2) A certified residential real estate appraiser, if properly qualified to undertake an assignment, may perform any of the following appraisal assignments:

(a) Appraise properties that are not federally related transactions.

(b) Appraise 1 to 4-family residential properties without regard to complexity or value.

(c) Appraise nonresidential properties for federally related transactions and real estate related financial transactions where the transaction value is less than \$250,000.00.

(d) Assist a certified general real estate appraiser in the development of an appraisal of a nonresidential property that is the subject of a federally related transaction, as appropriate. The certified residential real estate appraiser shall not sign the report. However, the certified general real estate appraiser shall identify the specific contributions of the certified residential real estate appraiser within the appraisal report.

(3) The licensee allowed to sign the report shall identify all participating licensees and their contributions to the report.

R 339.23405 Advertising.

Rule 405. (1) A licensee shall state the level of license held in all advertising. Merely stating that the person is licensed does not satisfy the provisions of this subrule. However, in a directory listing or similar situation where space is limited, it is sufficient disclosure for a licensee to use the words certified general, certified residential, state-licensed, or limited appraiser, as appropriate, without additional wording.

(2) A licensee shall place his or her license number and license level on all reports and shall produce evidence of licensing upon request by a member of the public or a representative of the department. A license number is not required in advertising material.

FILED WITH SECRETARY OF STATE

ON 5/18/21 AT 11:40A.M.