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Appraisal Subcommittee

Federal Financial Institutions Examination Council

March 28, 2005

Charles Clark, Real Estate Commissioner
Georgia Real Estate Appraisers Board
Suite 1000, International Tower
229 Peachtree Street, N.E.
Atlanta, GA 30303-1605

Dear Mr. Clark:

We reviewed the February 18, 2005 Notice of Intent to change the Georgia Real Estate Appraisers Board ("Board") rules. In general, the proposed rules appropriately reflect the January 1, 2008 changes in the Appraiser Qualifications Board ("AQB") criteria applicable to new applications and credential upgrades. The proposed rules should specify, for the certified general and certified residential levels, that applicants must take the 15-Hour National USPAP Course, or its equivalent, and pass the associated examination, and that this Course must be taught by at least one AQB Certified USPAP Instructor who is also a State certified appraiser. Such language would more closely reflect the AQB criteria than the currently language that refers generically to "15 credit hours covering the Uniform Standards of Professional Appraisal Practice."

It appears that the Board plans to make the 2008 AQB criteria changes effective on July 1, 2005, for all persons applying for an initial appraiser credential. Based on the proposed rules, these applicants would have to comply with the new rules on and after July 1, 2005. Although this provision exceeds minimum requirements imposed by the AQB criteria, it is permissible for a State to implement the changes prior to the AQB's January 1, 2008 effective date.

It also appears that the proposed rules remove all existing language containing the pre-2008 AQB criteria. The proposal, however, provides that appraisers upgrading to a higher credential from July 1, 2005, through December 31, 2007, would not have to comply with the new requirements. Appraisers holding existing credentials would be permitted to upgrade to a higher level credential by conforming to the "old" criteria through December 31, 2007. Specifically, proposed § 539-1-.15(5), allows upgrading appraisers to meet the "requirements for that classification that were in effect on June 30, 2005." Yet, if the proposed rules are adopted, it appears that these June 30, 2005 requirements will not be contained within Georgia's regulations. If you have not yet already done so, we encourage you to seek legal advice regarding whether § 539-1-.15(5)'s reference to what would become rescinded regulations would be legally binding.

Thank you for providing us a copy of your proposed rules. Please contact us if you have any questions.

Sincerely,

Ben Henson
Executive Director