



Assessor Certification Law Act 28 of 1992

Amended 2020

Pennsylvania Code Title 49. Professional and Vocational Standards

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Act 28 Definitions



Section 1. Short title.

This act shall be known and may be cited as the Assessors Certification Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the

context clearly indicates otherwise:

- "Assessor." (Def. deleted by amendment Oct. 29, 2020, P.L.731, No.88)
- "Board." The State Board of Certified Real Estate Appraisers.
- "Certified Pennsylvania Evaluator." An individual holding a valid certificate issued in accordance with section 6. (Def. amended Oct. 29, 2020, P.L.731, No.88)
- "Commissioner." The Commissioner of Professional and Occupational Affairs in the Department of State.

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Act 28 Definitions



- "Property valuation model." A model that expresses the forces of supply and demand at work in the local market and seeks to explain or predict the market value of properties from the available real estate data based on the sales comparison, cost and income approaches to value. The term shall include those models developed for use in mass appraisals that value a universe of properties as of a given date using standard methodology, employ common data and allow for statistical testing. (Def. added Oct. 29, 2020, P.L. 731, No.88)
- "Revaluation company." A mass appraisal company conducting appraisals of real property within this Commonwealth. (Def. amended Oct. 29, 2020, P.L.731, No.88)
- "Revaluation company personnel." Persons employed by a revaluation company, or by a contractor of a county or a revaluation company, and directly responsible for the valuation of real property or the development of a property

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Section 3. Regulations.

The board **may** promulgate rules and regulations consistent with the statutes of this Commonwealth to administer and enforce the provisions of this act.

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Section 4. Duties of board

(a) **Certification.--It shall be the duty of the board to certify any person responsible for the valuation of real property for ad valorem taxation purposes and revaluation company personnel in this Commonwealth. ((a) amended Oct. 29,2020, P.L.731, No.88)**

(b) Qualification of revaluation company personnel.-- ((b) deleted by amendment Oct. 29, 2020, P.L.731, No.88)

(c) Biennial renewal of certificates.--Renewal of certification shall occur on a biennial basis commencing with the 1993 renewal cycle administered by the board for other professional certification renewals.

(d) Continuing education.--A Certified Pennsylvania Evaluator applying for renewal of certification shall submit proof to the board that, during the two years immediately preceding renewal, the individual has satisfactorily completed the required minimum hours of continuing education relating to assessment and appraisal practice. The board shall approve continuing education courses and providers and set the required minimum hours pursuant to regulations promulgated by the board.

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Section 6. Qualifications for certification. (Hdg. Amended Oct. 29, 2020, P.L. , No.88)

(a) Requirement.--All persons responsible for the valuation of real property for ad valorem taxation purposes in this Commonwealth and all revaluation company personnel shall be certified under this act. (a) amended Oct. 29, 2020, P.L.731, No.88)

(b) Application.--Application for certification shall be made to the board by completion of the board's prescribed application form and shall be accompanied by the appropriate fee established by the board. An applicant shall:

- (1) Reserved
- (2) Have a high school diploma, or its equivalent, or two years of assessing experience.
- (3) Be at least 18 years of age.
- (4) Be a resident of this Commonwealth for at least six months. This paragraph does not apply to revaluation company personnel.
- (5) Have successfully completed a minimum of 90 hours of the basic courses of study approved by the board covering the appraisal assessing profession or any other professional courses acceptable to the board. **The basic course of study shall include instruction on judicial interpretation of the uniformity clause of the Constitution of Pennsylvania.** At the discretion of the county commissioners of a county, the county may reimburse county assessors for the costs of completing the courses of study required by this subsection. **((b) amended Oct. 29, 2020, P.L.731, No.88)**

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Section 6. Qualifications for certification. (Hdg. Amended Oct. 29, 2020, P.L. , No.88)

(c) Examination.--Applicants shall successfully complete a comprehensive examination covering all phases of the appraisal process and the assessment function established by the assessment statutes of this Commonwealth. Any such examination shall be prepared and administered by a qualified and approved professional testing organization in accordance with section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(d) Certification.--Upon successful completion of the comprehensive examination, the board shall issue a Certified Pennsylvania Evaluator's Certificate to the applicant. A certificate shall be valid for two years or until the next renewal cycle administered by the board for other professional certification renewals, whichever occurs earlier.

(e) Licensure.--Nothing in this act shall relieve any individual or company from any otherwise applicable legal obligation to be licensed as a real estate broker pursuant to the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, or to be certified as a certified State real estate appraiser under the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act.

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Section 6. Qualifications for certification. (Hdg. Amended Oct. 29, 2020, P.L. , No.88)

Section 6.1. Employees of political subdivisions.

(a) **Local regulation.--Except as provided in subsection (b), nothing in this act shall prohibit a political subdivision or an official authorized by law to value real property for ad valorem taxation purposes from the hiring, training and supervision of employees.**

(b) **Employee duties.--An employee may assist in data collection and fulfill all other duties assigned by the political subdivision or official, except that the employee may not value real property unless certified in accordance with section 6. (6.1 added Oct. 29, 2020, P.L.731, No.88)**

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Section 7. Disciplinary and correction measures.

(a) **Authority of board.--The board may deny, suspend or revoke certificates or limit, restrict or reprimand a certificate holder for any of the following causes:**

(1) **Procuring or attempting to procure a certificate or renewal of a certificate pursuant to this act by knowingly making a false statement, submitting false information or refusing to provide complete information in response to a question in an application for certification or renewal.**

(2) **Failing to meet the minimum qualifications established by this act.**

(3) **Paying or offering to pay any valuable consideration other than provided for by this act to any member or employee of the board to procure a certificate or renewal of a certificate under this act.**

(4) **Being convicted of or pleading guilty to a crime that directly relates to or has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the development of real property assessments. ((4) amended Oct. 29, 2020, P.L.731, No.88)**

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Section 7. Disciplinary and correction measures.

(5) Performing an act or omitting an act when such performance or omission involves dishonesty, fraud or misrepresentation with intent to substantially benefit the certificate holder in his profession or with the intent to substantially injure another person.

(6) Violating any of the standards of professional conduct for real property assessment as adopted by the board by regulation.

(7) Failing or refusing, without good cause, to exercise reasonable diligence in developing an assessment or preparing an assessment report.

(8) Negligently or incompetently developing an assessment or preparing an assessment.

(9) Willfully disregarding or violating any of the provisions of this act or the regulations of the board for the administration and enforcement of the provisions of this act.

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Section 7. Disciplinary and correction measures.

(10) Violating the confidential nature of records to which the certificate holder gained access through employment or engagement as an assessor. ((10) amended Oct. 29, 2020, P.L.731, No.88)

(11) Having an assessor's or evaluator's license or certificate suspended, revoked or refused or receiving other disciplinary action by a licensing or certification authority of another state, territory

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Section 7. Disciplinary and correction measures.

(b) Board action.--When the board finds that the certification or application for certification or renewal of a person should be denied, revoked, restricted or suspended under the terms of subsection (a), the board **may**:

- (1) Deny the application for certification or renewal.
- (2) Administer a public reprimand.
- (3) Revoke, suspend, limit or otherwise restrict a certificate as determined by the board.
- (4) Suspend enforcement of its findings and place a certificate holder on probation with the right to vacate the probationary order for noncompliance.
- (5) Restore a suspended certification and impose any disciplinary or corrective measure which it might originally have imposed.

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Section 8. Unlawful practice.

(a) Prohibition on ad valorem tax valuations.--A person may not perform valuations of real property for ad valorem tax purposes unless the person is currently certified by the board as a Certified Pennsylvania Evaluator. ((a) amended Oct. 29, 2020, P.L.731, No.88)

(a.1) Revaluation company personnel.--No revaluation company personnel shall determine the value of real property in this Commonwealth or develop property valuation models for use in this Commonwealth unless currently certified by the board as a Certified Pennsylvania Evaluator. ((a.1) added Oct. 29, 2020, P.L.731, No.88)

(b) Penalty.--A person who intentionally violates subsection (a) commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both.

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Section 8. Unlawful practice.

(c) Injunction.--A violation of subsection (a) may be enjoined by the courts upon petition of the commissioner or the board. In any proceeding under this section, it shall not be necessary to show that any person is individually injured by the actions complained of. If the court finds that the respondent has violated subsection (a), it shall enjoin him or her from so practicing or holding himself or herself out until he or she has been duly certified. Procedure in such cases shall be the same as in any other injunctive suit.

(d) Remedy cumulative.--The injunctive remedy provided in this section shall be in addition to any other civil or criminal prosecution and punishment.

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Section 8. Unlawful practice.

(e) Civil penalty.--In addition to any other civil remedy or criminal penalty provided in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law or by a **vote of the majority** of the duly qualified and confirmed membership or a minimum of **three members**, whichever is greater, may, after affording an **accused party the opportunity for a hearing** as provided in 2 Pa.C.S. (relating to administrative law and procedure), levy a **civil penalty of up to \$1,000 on any of the following:**

- (1) A current certificate holder who violates a provision of this act.
- (2) A person who holds himself out as a Certified Pennsylvania Evaluator without being so certified under this act.
- (3) **A person who violates the prohibitions in subsections (a) and (a.1).**
((e) amended Oct. 29, 2020, P.L.731, No.88)

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Section 9 Fees

The board shall establish by regulation such fees as it deems necessary for applications, examinations, certifications and renewals authorized by this act or by regulations promulgated by the board.

Section 10. Disposition of fees.

All fees collected under this act shall be deposited in the Professional Licensure Augmentation Account.

Section 11.1. Assessors in counties of the first class.

An assessor who is employed by a county of the first class on the effective date of this section shall have three years from the effective date of this section to become certified under this act. (11.1 added Oct. 29, 2020, P.L.731, No.88)

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Section 12. Implementation

Give these Board the power and Authority

Section 13. Holders of Valid Certification

Those Certified under Act 192 of 1986 shall be deemed certified

Section 14. Ratification of Action

All actions taken by the State Tax Equalization Board relative to the administration of the provisions of the expired act of December 17, 1986 (P.L.1675, No.192), known as the Assessors Certification Act, between March 17, 1992, and the effective date of this act are hereby ratified and validated.

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Section 15. Construction of act.

Shall be know as Assessors Certification Act

Section 16. Retroactivity

Shall be retroactive to March 17, 1992

Section 17. Effective Date

Effective Immediately

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Subchapter C. Certified Pennsylvania Evaluators

Sections 36.201 thru 36.281

Ad valorem taxation purposes—The establishment of the value of real property as determined by a government employee 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 employee, 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.

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Subchapter C. Certified Pennsylvania Evaluators

Sections 36.201 thru 36.281

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 employee or revaluation company personnel on contract with a government.

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Subchapter C. Certified Pennsylvania Evaluators

§ 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.”

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Subchapter C. Certified Pennsylvania Evaluators

§ 36.203. Application process.

(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.

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Subchapter C. Certified Pennsylvania Evaluators

§ 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.

§ 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.

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§ 36.221. Qualifications for certification as a Pennsylvania evaluator.

(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.

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Subchapter C. Certified Pennsylvania Evaluators

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

(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.

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Subchapter C. Certified Pennsylvania Evaluators

§ 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).

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Subchapter C. Certified Pennsylvania Evaluators

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 providers 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.

§ 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.

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Subchapter C. Certified Pennsylvania Evaluators

APPROVAL PROCESS—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.

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Subchapter C. Certified Pennsylvania Evaluators

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.

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§ 36.262. Continuing education subject matter.

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

(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 of 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.

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CONTINUING 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)

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CONTINUING EDUCATION

§ 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:

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Subchapter C. Certified Pennsylvania Evaluators

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).

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Subchapter C. Certified Pennsylvania Evaluators

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.

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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.

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Subchapter C. Certified Pennsylvania Evaluators

STANDARDS OF PROFESSIONAL CONDUCT

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.

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Section 36.6 – Fees

Certified Pennsylvania Evaluators

- Application ... \$55
- Initial certification - \$90
 - if certified on or after 7/1 of odd-numbered years or on or before 6/30 of even-numbered years
- Initial certification - \$45
 - if certified between 7/1 of even-numbered years and 6/30 of odd-numbered years
- Biennial renewal ... \$225

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