

Adopt Plc 1800 to read as follows:

CHAPTER Plc 1800 CERTIFICATION OF ASSESSING PROFESSIONALS

Statutory Authority: RSA 310:6, II; RSA 310-C:17

PART Plc 1801 PURPOSE AND APPLICABILITY; SENDING NOTICES AND REGISTRATIONS;
INCORPORATED DEFINITIONS

Plc 1801.01 Purpose. The purpose of this chapter is to implement RSA 310-C relative to the certification of assessing professionals, by establishing requirements for:

- (a) Obtaining and renewing certification as an assessing professional in New Hampshire;
- (b) Reobtaining certification as an assessing professional after expiration, suspension, or revocation of certification; and
- (c) Regulating the practices of the assessing professions, including ethical and professional standards required to be met by certified assessing professionals.

Plc 1801.02 Applicability. This chapter shall apply to any individual who intends to practice or who does actually practice an assessing profession in New Hampshire, exclusive of those persons excepted by RSA 21-J:14-f, reprinted in Appendix B.

Plc 1801.03 Notifications; Issuance of Certifications. The office of professional licensure and certification (OPLC) shall send all notifications to applicants and certificants and all certifications issued pursuant to this chapter in accordance with Plc 301.03.

Plc 1801.04 Definitions Incorporated.

- (a) All terms used in these rules that are defined in Plc 102 are hereby incorporated by reference.
- (b) All terms used in these rules relative to procedures, applications, inspections, and fees that are defined in Plc 200-Plc 400 or Plc 1000 shall have the meaning specified therein.

PART Plc 1802 CHAPTER-SPECIFIC DEFINITIONS

Plc 1802.01 “Abatement review” means to review an assessment in order to make a recommendation to the municipal assessing officials or to change an assessment in response to an abatement request from a taxpayer.

Plc 1802.02 “Advisory board” means the assessing certification advisory board established pursuant to RSA 310-C:1.

Plc 1802.03 “Appraisal” means the act or process of developing a market value estimate of real property.

Plc 1802.04 “Appraisal work” means the act or process of developing and making a market value estimate of real property.

Plc 1802.05 “Approved continuing education” means:

- (a) A course or workshop with designated credit hours pertaining to appraisal of real estate for tax purposes that is offered or approved by a qualified entity; or
- (b) Teaching a course or workshop that would qualify as approved continuing education as specified in (a), above.

Plc 1802.06 “Assessing professions” means the professions regulated under RSA 310-C and listed in RSA 310-C:4, I, namely building measurer and listers, assessor assistants, assessors, and assessor supervisors.

Plc 1802.07 “Assessing services” means the making of appraisals, reappraisals, or assessments, or providing other services related to property tax assessments on behalf of municipal assessing officials for the statutory administration of property tax valuation and assessment, including but not limited to valuations and assessments under RSA 75:1.

Plc 1802.08 “Assessing services contract” means a valid, legally-binding written agreement between a municipality and a [contractor company](#) for making appraisals, reappraisals, assessments, or for other assessing services on behalf of a municipality within the state of New Hampshire.

Plc 1802.09 “Assessment” means an estimate of the quality, amount, size, features, or worth of real estate that is used as a basis for a municipalities’ valuation for property tax purposes in accordance with statutory requirements, including but not limited to the requirements under RSA 75:1.

Plc 1802.10 “Bad faith” means dishonesty of belief or purpose, evasion of the spirit of the bargain, lack of diligence, willful rendering of an imperfect performance, abuse of a power to specify terms, and interference with, or failure to cooperate in, any other party’s performance.

Plc 1802.11 “Certificant” means an individual who holds a certification in an assessing profession.

Plc 1802.12 “Company” means the person with whom or with which a municipality has proposed or executed an assessing services contract. The term includes “contractor”.

Plc 1802.13 “Cyclical inspection process” means the process of a systematic measure and listing of all properties within a municipality over a specified period of time. The term includes “data collection” and “data verification.”

Plc 1802.14 “Cyclical revaluation” means the process of combining a full statistical revaluation of the entire municipality with a cyclical inspection process.

Plc 1802.15 “Data collection” means the inspection, measuring, or listing of real property within a municipality. The term includes data verification.

Plc 1802.16 “Deceit-fraud” means an intentional act of:

- (a) Deception in order to secure an unlawful gain;
- (b) Deception pertaining to contractual procurement or fulfillment; or
- (c) Concealment of, or making a false impression of, a material fact, including when attempting to procure certification as an assessing professional at any level.

Plc 1802.18 “Final field review” means the final comprehensive review of newly established values using a parcel-by-parcel field review for the entire municipality, the affected property, or the classes of property to:

- (a) Ensure that the properties are valued at their highest and best use and, as applicable, appraised pursuant to RSA 75:1;
- (b) Ensure that the appraised values are proportionate and equitable; and
- (c) Identify and correct any mechanical errors, inconsistencies, unusual features, or value-influencing factors.

Plc 1802.19 “Full revaluation” means the revaluation of all taxable and nontaxable properties in a municipality, with a complete measure and listing of all taxable and nontaxable properties to occur at the

same time as the establishment of the new base year, to arrive at full and true value as of April 1. The term includes “full reappraisal” and “full reassessment.”

Plc 1802.20 “Full statistical revaluation” means the process of a revaluation of all taxable and nontaxable properties in a municipality, using existing property data, to arrive at full and true value as of April 1st. The term includes “statistical update” and “statistical reassessment.”

Plc 1802.21 “Improvement” means any physical change made to land or to structures that might affect value.

Plc 1802.22 “Listing” means recording a description of the interior, exterior, and attributes of any improvements or the recording of the description of land features and attributes. The term includes “list”.

Plc 1802.23 “Market analysis” means the study and processes ~~utilized~~ used to determine the response of buyers and sellers of real estate, in a geographic area, to various data elements through the analysis of cost data, income data, and sale transactions in the performance of mass appraisal.

Plc 1802.24 “Mass appraisal” means the use of standard, commonly-recognized techniques to value a group of properties as of a given date, using standard appraisal methods, employing common data, and statistical testing.

Plc 1802.25 “Measure” means the physical inspection, verification, recording, or sketching of the exterior dimensions and attributes of any improvements made to a property.

Plc 1802.26 “Municipal assessing officials” means those charged by law with the duty of assessing taxes and who are the:

- (a) Governing body of a municipality;
- (b) Board of assessors or selectmen of a municipality; or
- (c) County commissioners of an unincorporated place.

Plc 1802.27 “Municipality” means a city, town, or unincorporated place.

Plc 1802.28 “Partial update” means the process of analyzing market sales throughout the entire municipality to identify and implement needed value changes to the affected areas, or classes of property, to bring those properties to the municipality’s general level of assessment ~~utilizing~~ using the existing base tax year and providing an addendum to the existing USPAP-compliant report. The term includes “partial revaluation.”

Plc 1802.29 “Person” means an individual or a legally-constituted entity, including but not limited to corporations, limited liability corporations, professional associations, and partnerships, whether general or limited.

Plc 1802.30 “Qualified entity” means any of the following:

- (a) International Association of Assessing Officers;
- (b) American Society of Appraisers;
- (c) American Society of Farm Managers and Rural Appraisers;
- (d) Appraisal Institute;
- (e) International Right of Way Association;
- (f) National Association of Independent Fee Appraisers;
- (g) Lincoln Institute;

- (h) New Hampshire Association of Assessing Officials;
- (i) New Hampshire real estate appraisal board; or
- (j) The New Hampshire department of revenue administration (DRA); or

(k) Any entity approved by the executive director, in consultation with the advisory board and pursuant to Plc 180? ??, to provide continuing education for assessing professionals.

Commented [GRH1]: Q for Board: are there any standards for approval? Should this be deleted?

Plc 1802.31 “Revaluation” means the act of re-estimating the worth of all real estate in a municipality using standard appraisal methods, calibration of the computer-assisted mass appraisal (CAMA) tables and models, establishment of a new base year with a USPAP-compliant report, and providing for statistical testing by either a full revaluation or a full statistical revaluation. The term includes “reappraisal,” “reassessment,” and “value anew.”

Commented [GRH2]: Ref. NH Const., Part II Art 6

Plc 1802.32 “Revaluation experience” means work experience in the mass appraisal process.

Plc 1802.33 “Sales chasing” means the practice of knowingly changing an individual property assessment to or near to the recent selling price of that property, thereby manipulating equalization ratio study results.

Plc 1802.34 “Sale validation” means the process of verifying a real estate sale transaction to determine whether the sale was a valid or an invalid indicator of the market value of the ~~sold~~ property that was sold. The term includes “sale verification” and “sale qualification.”

Plc 1802.35 “Self-directed education” means electronic participation in continuing professional education courses that are self-study courses, which require the participant to pass an examination to obtain confirmation of participation.

Commented [GRH3]: This is being defined in Plc 100, so will be removed from here when that happens.

Plc 1802.36 “Statistical testing” means the use or application of numerical statistics to understand the results of a reappraisal or the need for a reappraisal.

Plc 1802.37 “Uniform standards of professional appraisal practice (USPAP)” means the generally accepted and recognized standards of appraisal practice established by The Appraisal Foundation as authorized by Congress as the source of appraisal standards and appraiser qualifications.

Plc 1802.38 “USPAP-compliant report” means an appraisal report that complies with the standards established by the assessing standards board (ASB) pursuant to RSA 21-J:14-b, I(c) based on the USPAP.

Plc 1802.39 “Year of experience” means a measure of work experience that is equivalent to 2,000 hours.

PART Plc 1803 ADVISORY BOARD

Plc 1803.01 Advisory Board Members Appointment and Qualifications.

(a) As provided in RSA 310-C:1, II, the advisory board shall be composed of the following members:

- (1) The commissioner of the DRA or designee;
- (2) One certified property assessor supervisor appointed by the executive director; and
- (3) One member who shall be a municipal governing body official who shall not be an assessor, and who is appointed by the executive director.

(b) As provided in RSA 310-C:1, III, the members shall be appointed for 3-year terms and shall not serve more than 2 full terms.

Plc 1803.02 Meetings and Records of Advisory Board.

(a) The advisory board shall meet at the call of the executive director.

(b) Meetings of the advisory board shall be held at the OPLC's offices in Concord, NH, or in such location as the executive director determines will be most convenient for the largest number of anticipated attendees.

(c) Notice of meetings shall be provided as required by RSA 91-A.

(d) Records of the advisory board shall be maintained by the executive director as required by RSA 91-A.

Plc 1803.03 Responsibilities of Advisory Board.

(a) As provided in RSA 310-C:1, I, the advisory board shall advise the executive director regarding the implementation of RSA 310-C, including in particular by reviewing and commenting on proposed rules and proposed revisions to rules intended to implement RSA 310-C.

(b) If requested by the executive director based on a determination that the expertise of the advisory board members is needed, members of the advisory board shall sit as part of a panel for an adjudicative hearing conducted pursuant to applicable provisions in Plc 200 and RSA 541-A.

(c) If requested by the executive director based on a determination that the expertise of the advisory board members is needed, the advisory board shall assist with an investigation commenced pursuant to Plc 204 relative to complaints and investigations.

PART Plc 1804 QUALIFICATIONS FOR INITIAL CERTIFICATION

Plc 1804.01 General Requirements for Performing Assessing Services.

(a) Pursuant to RSA 21-J:14-f, individuals who, by their action(s), undertake assessing services or establish or change assessed property value(s) for any municipality in New Hampshire shall:

(1) Be 18 years of age or older;

(2) Possess a high-school diploma or equivalent; and

(3) Either:

a. Be certified by the DRA prior to the effective date of these rules or by the OPLC under RSA 310-A and this chapter; or

b. Be statutorily authorized to assess property pursuant to RSA 75:1, RSA 81:1, RSA 41:2-g, or RSA 48:13.

(b) When a company enters into an assessing services contract with a municipality, the company shall identify the certified individual who will be accountable under the contract for compliance with applicable provisions in Plc 1806.

Plc 1804.02 Online Criminal Conviction Check Required Prior to Training. Prior to training any individual to conduct an assessment of real estate, the person providing the training shall obtain, or require the individual to provide, an online NH criminal conviction check by following the procedures specified by the NH department of safety (NHDOS) on the NHDOS website at <https://services.dos.nh.gov/chri/cpo/>, specifically "Request Online NH Criminal Conviction Check", including paying any required fee and directing that the results be sent to the person providing the training.

Plc 1804.03 Notification Required Prior to Training. Unless statutorily authorized to assess property pursuant to RSA 75:1, RSA 81:1, RSA 41:2-g, or RSA 48:13, **no individual** shall be trained to perform measuring and listing of property or the making of appraisals for tax assessment purposes without:

(a) Providing a **written notification** to the OPLC at the address in Plc **103.03** that includes the following information:

- (1) The name and the residential address of the individual being trained;
- (2) The name of each municipality in which the individual will be trained;
- (3) Results of criminal background check; and
- (4) The name of each certified property assessor supervisor, **and** certified property assessor, **and** **certified property assessor assistant** who will supervise the training.

Plc 1804.04 Qualifications for Certification as a Building Measurer and Lister.

(a) Subject to Plc 1804.05, to qualify for certification as a building measurer and lister, an individual shall have not less than 160 documented hours of ~~in-service accompanied~~ supervised field training in the topics identified in (b), below, with at least 40 of the 160 hours conducted in the presence of a certified property assessor or a certified property assessor supervisor **and the remaining hours conducted in the presence of a certified property assessor assistant, certified property assessor, or certified property assessor supervisor, hereinafter the “field training supervisor”.**

(b) The training required by (a), above, shall be in how to:

- (1) Measure and sketch improvements to scale;
- (2) Understand and use the data collection manual;
- (3) List improvements by:
 - a. The number of stories;
 - b. The height of the structure;
 - c. The type of heating system **and its approximate age;**
 - d. A description of the plumbing system;
 - e. The type of basement or crawl space, if any;
 - f. A description, including exterior dimensions and purpose, of any ancillary structures such as additions or outbuildings;
 - g. An indication whether any of the items in a. through f., above, are:
 1. Defective, and if so whether curable or incurable;
 2. Functional; and
 3. In good, fair, or poor condition; and
 - h. The description of any other feature, attribute, or factor that may contribute value to a property;
- (4) Understand the duties of a certified building measurer and lister as specified in Plc 1806.03; and

Commented [GRH4]: Per C w Adam from DRA, need to accept as provisional/preliminary application for M&L; DRA doesn't need all underlying info, but needs to know names, etc.

Q for Board: what kinds of crimes will disqualify?

Commented [GRH5]: Will this be sufficient? Don't see a way to require an application to be certified as an M&L at this point...

Commented [GRH6]: Assuming OPLC can keep track of trainees

Commented [GRH7]: Want to include this? Seems like the age of a heating system is pretty relevant to a property's value...

(5) Understand the ethics that govern professional conduct in appraisal practice.

Plc 1804.05 Equivalent Professional Experience. In lieu of the specific training required by Plc 1804.04, an individual shall have equivalent professional work experience that provides training and experience in the topics listed in Plc 1804.04(b), in a similar field such as real estate brokerage, real estate appraisals for non-assessing services, or equivalent work in other assessing jurisdictions.

Plc 1804.06 Documenting the Training of a Measurer and Lister.

~~(a) The in-service supervised field training required by Plc 1804.02 shall be in the presence of a certified property assessor or a certified property appraiser supervisor.~~

(ab) The field training supervisor shall document the training in writing, on a weekly basis, by maintaining a log that records, for each field training session:

- (1) The name and certification level of the field training supervisor;
- (2) The name of the trainee;
- (3) The name of each municipality in which the supervised field training was performed;
- ~~(4) Each The date that of the supervised field training was performed; and~~
- ~~(5) The number of hours of the supervised field training on each that date, and as a total; and~~
- ~~(4) The name of the certified property appraiser or certified property appraiser supervisor that accompanied and supervised the field training.~~

(b) The field training supervisor shall:

- (1) Sign each weekly log;
- (2) Provide a copy of the signed log on a weekly basis to the trainee; and
- (3) Submit the signed logs for the preceding month to the licensing bureau on or before the tenth day of each month.

~~(e) Upon completion of the supervised field training, the certified property assessor or certified property assessor supervisor who supervised the training shall:~~

- ~~(1) Attest in writing to the completion of not less than 160 hours of supervised field training; and~~
- ~~(2) Provide the written documentation of the in-service supervised field training to the trainee for submission to the OPLC licensing bureau pursuant to Plc 1805.07.~~

(d) ~~After completing the supervised field training required by Plc 1804.02(a),~~ The trainee may submit an application to be certified as a building measurer and lister pursuant to Plc 1805.01 after completing the supervised field training required by Plc 1804.04(a).

Plc 1804.07 Premature Termination of Training.

(a) If a trainee's employment is terminated prior to completing the required hours of training, the field training supervisor shall notify the OPLC within 10 days, in writing that includes:

- (1) The name and license number of the field training supervisor;
- (2) The name of the trainee;
- (3) The name of each municipality in which the training occurred; and

Commented [GRH8]: Assessing is specifically NOT included in Plc 313. Seems like a back-door way in if allow it here. Or is it excluded from 313 because it is allowed here?

Commented [GRH9]: 1804.02(a) only requires 40 hours to be supervised by a CP assessor or CP assessor supervisor, but this requires all of the hours to be so supervised. Based on discussion w Adam (DRA), assessor assistant can supervise.

Commented [GRH10]: reasonable?

Commented [GRH11R10]: Adam says reasonable to provide to trainee weekly and to OPLC monthly; training typically takes a month.

Commented [GRH12]: (b) and (c) are intended to address an issue similar to body art apprentices, where a supervisor unreasonably withholds confirmation of training/apprenticeship at the end of the training/apprenticeship.

(4) Each reason for the termination of the training.

(b) If the trainee is hired elsewhere and initiates training with a new field training supervisor, then:

(1) The trainee shall notify the licensing bureau of the name and license number of the new field training supervisor within 5 days of initiating the training; and

(2) The hours of training accrued under the prior field training supervisor shall be credited toward completing the training, subject to (c) and (d), below.

(c) The training hours accrued shall expire if not transferred to another field training supervisor within 2 years.

(d) If a trainee fails to notify the licensing bureau as required by (b)(1), above, any training hours accrued prior to the notification being submitted shall not be credited towards the total needed to complete the training.

(e) A field training supervisor who believes that the hours obtained by a trainee prior to the premature termination of the training should not be credited may submit an objection in writing to the licensing bureau that explains each reason why some or all of the hours should not be credited.

(f) If an objection is filed under (e), above, the OPLC shall initiate an adjudicative proceeding under Plc 200 to determine whether the hours will be credited.

Plc 1804.086 Qualifications for Certification as a Property Assessor Assistant.

(a) Subject to (cb), below, to qualify for certification as a property assessor assistant, an individual shall have:

(1) Completed all requirements to be certified as a building measurer and lister specified in Plc 1804.04;

(2) Completed International Association of Assessing Officers (IAAO) Course 101, "Fundamentals of Real Property Appraisal", or an equivalent course focusing on the basic functions of the appraisal process and appraisal theories, offered by a different qualified entity;

(3) At least 2 years of experience that provided exposure to the application of the basic knowledge of property valuation and appraisal theories consisting of:

a. Work experience in the:

1. Measuring and listing of property; and

2. Assisting with property assessments; or

b. Work in a similar field, such as real estate brokerage or real estate appraisals for non-assessing purposes;

(4) Familiarity with common building construction for:

a. The quality of construction;

b. The approximate age of the structure;

c. Foundation;

d. Basement or crawl space area, if any;

e. Insulation;

Commented [GRH13]: Include in Documentation Required
...

- f. Roofing;
- g. Flooring;
- h. Exterior cover;
- i. Interior finish;
- j. Fireplaces;
- k. Heating and air conditioning systems;
- l. Solar collectors;
- m. Plumbing and plumbing fixtures;
- n. Electric service;
- o. The total number of rooms and the number of bedrooms and bathrooms;
- p. Sprinkler systems;
- q. [Mechanical lifting mechanisms such as elevators, escalators, and dumb waiters](#); and
- r. Any other structural features that would influence value;

(5) Thorough knowledge of the duties of a certified property assessor assistant as specified in Plc 1804.097, [as demonstrated by ...](#); and

(6) [Written attestation by a certified property assessor or certified property assessor supervisor that the individual has been trained in, has read, and understanding of:](#)

- a. Applicable NH property assessing statutes;
- b. Appraisal practice ethics; and
- c. Administrative rules Plc 300, Plc 1800, and the rules of the DRA relative to property assessment, currently Rev 600.

(b) In lieu of the specific requirements of (a), above, an individual shall have equivalent educational and professional work experience that provides training and experience in the areas listed in (a), above, or [equivalent work in other assessing jurisdictions](#).

Plc 1804.097 [Qualifications for Certification as a Property Assessor](#). To qualify for certification as a property assessor, an individual shall:

(a) Complete all requirements for a certified property assessor assistant specified in Plc 1804.084;

(b) Complete all requirements of the following courses, or equivalents offered by a different qualified entity:

- (1) [The International Association of Assessing Officers \(IAAO\) Course 300 "Fundamentals of Mass Appraisal"](#);
- (2) [The International Association of Assessing Officers \(IAAO\) Workshop 452 "Fundamentals of Assessment Ratio Studies"](#);
- (3) [IAAO Workshop 151 "*Uniform Standards of Professional Appraisal Practice* \(National\)" 2-day course](#); and

Commented [GRH14]: How do they demonstrate "Thorough knowledge...?"

Commented [GRH15R14]: Adam says "Passing the course, getting the attestation of testing, etc."

Q for Bd: want to require resume?

Commented [GRH16]: As written, this was a qualification, not how to prove it.

Commented [GRH17]: see previous comment re: 313

Commented [GRH18]: Workshop name is in italics on IAAO website

(4) The NH state statutes part I and part II course relative to assessment and taxation offered by the DRA;

(c) Have not less than 4 years of experience, consisting of:

- (1) At least 3 years of experience in the appraisal of various types of real estate; and
- (2) At least one year of mass appraisal revaluation experience that includes at least 1,000 hours having some combination of:
 - a. Assistance with the development and or maintenance of a data collection manual;
 - b. The basic understanding of how CAMA systems are implemented and used;
 - c. Sale validation experience;
 - d. Review and training on mass appraisal techniques, market analysis results, and assistance in the preparation of a USPAP-compliant report under the supervision of a certified property assessor supervisor; and
 - e. Training and assistance in the process of abatement review and the defense of assessed values under the supervision of a certified property assessor or certified property assessor supervisor;

~~(4) Documentation of the continuing education requirements in Asb 305.01, if the DRA property assessor certification has been held over the previous 5 years; and~~

Commented [GRH19]: Applies to recertification

(d) Have thorough knowledge of the duties of a certified property assessor as specified in Plc 1806.??

Asb 303.05[cert prop ass'r] (c) A complete resume shall:

- (1) Accompany the request for certification;
- (2) Explain in detail the applicant's work and revaluation experience; and
- (3) Document the applicant's educational qualifications.

Commented [GRH20]: Move to application requirement? [1805.03(c)] (Does not belong with qualifications, but Q re: whether is needed since will be using Universal Application.)

Plc 1804.108 Qualifications for Certification as a Property Assessor Supervisor.

(a) Subject to (b), below, to qualify for certification as a property assessor supervisor, an individual shall:

- (1) Meet all requirements to be certified as a property assessor in Plc 1804.097;
- (2) Complete all requirements of the ~~International Association of Assessing Officers (IAAO)~~ Course 102, "[Income Approach to Valuation](#)", or an equivalent course focusing on capitalization of income to determine value by the income approach, offered by a different qualified entity;
- (3) Have not less than 5 years of experience consisting of:
 - a. At least 2 years of experience in the appraisal of various types of real estate; and
 - b. At least 3 years of mass appraisal revaluation experience consisting of:
 - 1. Supervisory experience during the process of providing assessing services;
 - 2. Supervisory experience pertaining to adherence to the data collection manual, data collection accuracy, and CAMA data entry accuracy;

Commented [GRH21]: Board needs to decide how much of what experience; need to make it objective

- 3. Assistance with the development or maintenance, or both, of a data collection manual;
- 4. A basic understanding of how CAMA systems are implemented and used;
- 5. [How much?] sale validation experience;
- 6. Training on the calibration process for CAMA models;
- 7. Training, or review of training, on mass appraisal technique;
- 8. Providing assistance to a certified property assessor supervisor with the market analysis and USPAP-compliant report for a revaluation or a partial update; and
- 9. Training and assistance in the process of abatement review and the defense of assessed values under the guidance and oversight of a certified property assessor supervisor;

Commented [GRH22]: Needs to be an objective standard, or need to not rely on attestation

(4) Complete all applicable continuing education requirements in Plc 1806.07 for the certification level currently held;

(5) Have experience in providing expert testimony or other expert assistance in:

Commented [GRH23]: If there is no objective standard re: how many cases/how much experience, ANY AMOUNT will be sufficient.

a. The defense of assessed values before:

1a. The New Hampshire board of tax and land appeals or an equivalent board in another jurisdiction; or

2b. The New Hampshire superior court or an equivalent court in another jurisdiction; or

be. The mediation of assessment disputes; or

d. ~~An equivalent board or court in another state;~~

(6) Have thorough knowledge of the duties of a certified property assessor supervisor as specified in Plc 1806.06, ~~as demonstrated by [redacted]; and~~

Commented [GRH24]: How is "thorough knowledge demonstrated? Is there a test?

(7) Successfully complete the Certified New Hampshire Assessor's (CNHA) exam administered by the New Hampshire Association of Assessing Officials.

Commented [GRH25]: Q for Bd: Does this exam show "thorough knowledge of the duties of a CP assessor supervisor?

(b) ~~In lieu of documenting the requirements in (a), above, a property assessor supervisor applicant shall be~~ An individual who is certified by the New Hampshire Association of Assessing Officials as a Certified New Hampshire Assessor (CNHA) shall be deemed to be qualified to be a property assessor supervisor.

~~(c) A DRA certified assessor supervisor shall:~~

~~(1) Explain on the resume, required pursuant to (d) below, or on an attached sheet if necessary, how the applicant has the experience necessary to:~~

~~a. Interpret:~~

~~1. Deeds and transfers for determination of value; and~~

~~2. Financial statements pertaining to the appraisal process;~~

~~b. Prepare reports;~~

~~c. Supervise subordinate property assessors, property assessor assistants, and building measurer and listers;~~

~~d. Assist the municipal assessing officials in the use of the appropriate assessing manuals and the computer assisted mass appraisal system for their municipality;~~

- ~~e. Perform statistical testing to understand the results of a reappraisal or the need for a reappraisal;~~
- ~~f. Analyze sales of properties to produce a market analysis and USPAP-compliant report;~~
- ~~and~~
- ~~g. Defend property values established for real property.~~

~~(d) A complete resume shall accompany the request for certification.~~

(e) All certified property assessor supervisors without a CNHA designation shall take the CNHA exam to recertify at the same level within 5 years of the **2023** effective date of Asb 303.06(b)(7), [which was August 9, 2023 \(doc. #13716\)](#).

Commented [GRH26]: Moved to application documentation requirements.

Formatted: Strikethrough

Commented [GRH27]: Move (e) to ???

Commented [GRH28R27]: Want to keep? Want this cert. as substitute for OPLC cert.?

Commented [GRH29]: Q for Licensing: what is needed in order to get into MLO for training purposes?

PART Plc [1805](#) INITIAL CERTIFICATION APPLICATIONS

Plc 1805.01 Applying for Initial Certification.

(a) Any person who meets the applicable qualifications in Plc 1804 and wishes to be a certified building measurer and lister, certified property assessor assistant, certified property assessor, or certified property assessor supervisor in New Hampshire shall file an application for initial certification in accordance with this section.

(b) The applicant shall submit the following to the licensing bureau:

- (1) A completed "Universal Application for Initial License" dated April 2024, that provides the information required by Plc 304.03, together with the "Assessing Professions Supplement to Universal Application for Initial License" dated [month](#) 2024, that provides the information required by Plc 1805.02, both signed and attested to as specified in Plc 304.05;
- (2) The documentation specified in Plc 304.04 and Plc 1805.03, as applicable; and
- (3) The application processing and licensing fee specified in Plc 1002, provided that if no application processing and licensing fee is specified in Plc 1002, no fee shall be charged.

(c) As required by RSA 310-C:5, the applicant also shall complete the process established by applicable law and the NHDOS for requesting a criminal records check, accessible via the NHDOS website at <https://www.nh.gov/safety/> or directly at <https://services.dos.nh.gov/chri/cpo/>, including paying any required fee and directing that the results be sent to the licensing bureau.

Plc 1805.02 Information Required for Initial Certification Application. In addition to the information required by Plc 304.03, the applicant for an initial certification in any of the assessing professions shall provide the following information:

(a) If applying to be certified as a building measurer and lister, the following:

- (1) The name of the ~~certified property assessor or certified property assessor-field training supervisor(s)~~ who supervised the training required by Plc 1804.02(a); or
- (2) The name of each jurisdiction in which equivalent experience was attained to meet the requirements of Plc 1804.02(b);

(b) If applying to be certified as a property assessor assistant, the following:

- (1) The certification number of the building measurer and lister certification held by the applicant, [if any](#);
- (2) Either:

- a. The name and business address of the applicant's employer when the experience required by Plc 1804.04(a)(3) was obtained and the dates of employment the basis for the applicant's familiarity with common building construction required by Plc 1804.04(a)(4); or
- b. The name of each jurisdiction in which equivalent educational and professional work experience was attained to meet the requirements of Plc 1804.04(b);

(3) ... [what else?](#)

(c) If applying to be certified as a property assessor, the following:

- (1) The certification number of the property assessor assistant certification held by the applicant;
- (2) The name of the [provider of the](#) 15-hour USPAP course taken as required by Plc 1804.05(b)(3);
- (3) The date the course required by Plc 1804.05(b)(4) was taken;
- (4) The name and address of each employer for which the applicant worked to obtain the experience required by Plc 1804.05(b)(5); and
- (5) ... [what else?](#)

(d) If applying to be certified as a property assessor supervisor, the following:

- (1) The certification number of the property assessor certification held by the applicant;
- (2) The name and address of each employer for which the applicant worked to obtain the experience required by Plc 1804.06(a)(3);
- (3) For each course taken to meet applicable continuing education requirements, the name, location, sponsor, and total number of hours of the course;
- (4) The name and jurisdiction of each tribunal in which the expert testimony required by Plc 1804.06(5) was presented; and
- (5) [...](#)

Commented [GRH30]: ANYTHING ELSE?

Plc 1805.03 Documentation Required for Initial Certification Application. In addition to the information and documentation required by Plc 304.04, the applicant for an initial certification in any of the assessing professions shall provide the following information:

(a) If applying to be certified as a building measurer and lister, the following:

- (1) The written documentation of the in-service supervised field training required by Plc 1804.02(a) that was provided pursuant to Plc 1804.03(c); or
- (2) Documentation of equivalent work experience that meets the requirements of Plc 1804.02(b);

(b) If applying to be certified as a property assessor assistant, the following:

- (1) Proof of completing IAAO Course 101, [Fundamentals of Real Property Appraisal](#), or, if an equivalent course was taken from a different qualified entity, the name of the course and of the qualified entity that sponsored or presented it, the date(s) of the course, and a description of the course provided by the qualified entity which demonstrates that the course is equivalent to IAAO Course 101;

(2) **what else?**

(c) If applying to be certified as a property assessor, the following:

(1) Proof of completing IAAO Course 300, [Fundamentals of Mass Appraisal](#), or, if an equivalent course was taken from a different qualified entity, the name of the course and of the qualified entity that sponsored or presented it, the date(s) of the course, and a description of the course provided by the qualified entity which demonstrates that the course is equivalent to IAAO Course 300;

(2) Proof of completing IAAO [Course-Workshop 452](#), Fundamentals of Assessment Ratio Studies ~~-(Workshop)??~~;

(3) Proof of completing the 15-hour USPAP course required by Plc 1804.05(b)(3);

(4) Proof of completing the NH state statutes part I and part II course relative to assessment and taxation required by Plc 1804.05(b)(4);

(5) what else? - résumé?

(d) If applying to be certified as a property assessor supervisor, the following:

(1) Proof of completing IAAO Course 102, [Income Approach to Valuation](#), or, if an equivalent course was taken from a different qualified entity, the name of the course and of the qualified entity that sponsored or presented it, the date(s) of the course, and a description of the course provided by the qualified entity which demonstrates that the course is equivalent to IAAO Course 102;

(2) Proof of completing the NH state statutes part I and part II course relative to assessment and taxation required by Plc 1804.05(b)(4);

(3) A complete résumé that includes [an explanation of how the applicant has acquired the experience necessary to:](#)

[a. Interpret:](#)

[1. Deeds and transfers for determination of value; and](#)

[2. Financial statements pertaining to the appraisal process;](#)

[b. Prepare reports;](#)

[c. Supervise subordinate property assessors, property assessor assistants, and building measurer and listers;](#)

[d. Assist the municipal assessing officials in the use of the appropriate assessing manuals and the computer assisted mass appraisal system for their municipality;](#)

[e. Perform statistical testing to understand the results of a reappraisal or the need for a reappraisal;](#)

[f. Analyze sales of properties to produce a market analysis and USPAP-compliant report;](#)
[and](#)

[g. Defend property values established for real property.](#)

what else?

Plc 1805.04 Processing of Applications for Initial Registration; Decisions.

(a) Within 30 days of receipt of an application for initial certification submitted pursuant to Plc 1804.01, the licensing bureau shall process the application as provided in Plc [304.06](#).

(b) The application shall be subject to the abandonment provisions of Plc [304.06\(h\)](#) and the withdrawal provisions of Plc [304.07](#).

(c) After determining that an application is complete, the licensing bureau shall review the application against the criteria listed in (d), below, and notify the applicant of its decision in accordance with Plc [304.08](#) and Plc [304.09](#).

(d) The licensing bureau shall approve an application for initial certification and issue a certification if the applicant:

- (1) Meets the requirements in Plc 1804.01;
- (2) Meets the applicable requirements of Plc 1804.04 through Plc 1804.10;
- (3) Has complied with Plc [1804.01](#); and
- (4) Has not answered "yes" to any of the background and character questions in Plc [304.03\(e\)](#) or has provided an explanation of each "yes" answer pursuant to Plc 304.04 demonstrating that similar circumstances are not likely to arise in New Hampshire.

Commented [GRH31]: What is the difference between (1) and (3)?

Plc 1805.05 Challenging a Denial of Initial Certification. An applicant who wishes to challenge the denial of an application for initial certification shall do so as provided in Plc [304.10](#).

Plc 1805.06 Initial Certifications: Issuance and Duration.

(a) Initial certifications shall be issued in accordance with Plc [304.11](#).

(b) Initial certifications shall be valid as provided in Plc [304.12](#).

Plc 1805.07 Facilitated Certification for Active Duty Military and Military Spouses. An applicant for certification who is on active military duty or who is a military spouse shall apply for certification as provided in Plc [304.02\(a\)](#).

Commented [GRH32]: 310-C:17 Rulemaking Authority. – I. The executive director in consultation with the advisory board shall adopt rules pursuant to RSA 541-A, relative to: (a) The eligibility requirements for the issuance of any initial certificate issued under this chapter, including the issuance of such certificates to applicants holding a currently valid certificate from the department of revenue administration or other authorization to practice in another jurisdiction.

Plc 1805.08 Initial OPLC Certification Based on Existing DRA Certification.

(a) Any individual who holds a current certification from the DRA as a measurer and lister, property assessor assistant, property assessor, or property assessor supervisor may/shall obtain an equivalent certification from the OPLC by submitting to the licensing bureau:

- (1) ... [proof of existing certification? application form?]; and
- (2) The fee established in Plc 1002, provided if no fee is established in Plc 1002, no fee shall be charged.

Commented [GRH33]: Issue for Exec. Dir./Bd: DRA certifications are valid for 5 years; OPLC certifications will be valid for 2 years. Want to allow people to continue to practice under DRA certification? Or require them to obtain OPLC certification regardless of how much time remains on their current DRA certification? Or require them to obtain OPLC certification when they are within # years (maybe 3?) of the expiration of the DRA certification?

(b) The licensing bureau shall ... [process the application? just issue a new certificate?]

Maybe require them to get OPLC certification but waive the fee if the DRA certification has # or more years remaining? (# could be 2, 3, 4, 5?)

PART Plc 1806 CERTIFICANT OBLIGATIONS

Plc 1806.01 Certificant Obligations to Notify.

(a) Each certificant shall:

Statute appears to contemplate that existing certificants will get an OPLC certificate right away, but Adam thinks that it makes sense to allow the individuals who are currently DRA-certified to continue until their DRA-certification expires. He said "It is also my understanding that the industry at large expects their DRA-certification to last until its expiration, so it is possible that there would be some pushback if those certifications were severed "prematurely"." Suggests some form of rolling recertification->

- (1) Notify the licensing bureau within 10 working days when a change of name occurs; and
- (2) Update the OPLC's records within 10 working days when a change of contact information occurs.

(b) Each certificant shall know, and have available in the certificant's office or other place of business, information regarding how complaints can be filed with the OPLC.

(c) Each certificant shall inform the licensing bureau within 10 working days of any of the circumstances identified in Plc [307.02\(c\)](#).

(d) Each certificant shall inform the licensing bureau within 10 working days of suspension or decertification by:

- (1) Another jurisdiction that regulates assessing professionals;
- (2) The New Hampshire Association of Assessing Officials;
- (3) The International Association of Assessing Officers; or
- (4) The NH real estate appraisal board.

Plc 1806.02 Certificant Responsibilities for Renewal. Each certificant shall:

(a) Know when the certificant's certification is due to expire; and

(b) File an application for renewal prior to the expiration of the current certification in accordance with Plc ~~180#~~ if the certificant wishes to continue to work as an assessing professional in New Hampshire.

Plc 1806.03 Certified Building Measurer and Lister Duties.

(a) For revaluation or assessing services, under the guidance and oversight of a certified property assessor or certified property assessor supervisor, a certified building measurer and lister may perform:

- (1) Data collection;
- (2) Data verification; and
- (3) Cyclical inspection processes.

(b) A certified building measurer and lister shall not:

~~(1) Perform sale validation;~~

~~(2) A certified building measurer and lister shall not determine, or change, the grade or depreciation of structures; or~~

~~(3) A certified building measurer and lister shall not determine or change adjustments applied to land attributes such as views or water access.~~

Plc 1806.04 Certified Property Assessor Assistant Duties.

(a) For revaluation or assessing services, under the guidance and oversight of a certified property assessor or certified property assessor supervisor, a certified property assessor assistant may assist with:

- (1) Assessment services as defined in Plc 1802.??;
- (2) Sale validation; and

(3) The [training of a building measurer and lister](#).

Commented [GRH34]: Need to decide whether a CP PA Assistant can do training - see Qs at 1804.02, 1804.06

(b) A certified property assessor assistant shall not:

(1) [Adjust an assessment unless specifically authorized by a certified property assessor or certified property assessor supervisor;](#)

(2e) [A certified property assessor assistant shall not perform final field review as defined in Plc 1802.22;](#)

(3d) [A certified property assessor assistant shall not oversee a revaluation informal review process or conduct abatement reviews; or](#)

(4e) [A certified property assessor assistant shall not represent a municipality in the defense of assessed values, provided that a certified property assessor assistant may assist a certified property assessor or certified property assessor supervisor in such defense.](#)

Plc 1806.05 Certified Property Assessor Duties.

(a) A certified property assessor may:

(1) Perform assessing services that include:

a. The annual maintenance of assessments by using the base year data collection manual and USPAP-compliant report; and

b. The use of the computer-assisted mass appraisal system existing models and cost data established by a certified property assessor supervisor during the year of the last revaluation for new appraisals;

(2) Perform abatement reviews and the defense of value under the supervision of a certified property assessor supervisor;

(3) Perform sale validation; and

(4) Submit a signed and dated statement to the OPLC [attesting to the qualifications of a building measurer and lister, or a property assessor assistant, working under the certified property assessor's supervision to be true, accurate and correct.](#)

Commented [GRH35]: need to keep the attestations?

(b) A certified property assessor shall not adjust the cost, land, depreciation, or other computer assisted mass appraisal tables resulting in a change to the values unless specifically authorized by a certified property assessor supervisor.

(c) A certified property assessor shall not:

(1) [Establish and certify values;](#)

(2d) [A certified property assessor shall not sign the USPAP-compliant report; or](#)

(3e) [A certified property assessor shall not conduct the final field review.](#)

(f) A certified property assessor may participate in [informal hearings](#), but shall not supervise informal hearings.

Commented [GRH36]: ? - mediation? settlement discussions?

Plc 1806.06 Certified Property Assessor Supervisor Duties. A certified property assessor supervisor may:

(a) Perform and supervise all assessing services;

(b) Conduct and supervise a revaluation, cyclical revaluation, or partial update by:

- (1) Compiling the data collection manual;
- (2) Performing a market analysis for the establishment of the base values and tables for the computer-assisted mass appraisal models;
- (3) Calibrating the computer-assisted mass appraisal models;
- (4) Performing the data quality final field review of the mass appraisal results;
- (5) Conducting statistical testing;
- (6) Completing and certifying a USPAP-compliant report; and
- (7) Overseeing and supervising:
 - a. The **informal review** process;
 - b. The abatement review; and
 - c. Defense of the appraised value(s);

(c) Oversee any revaluation by assisting the municipal assessing officials to ensure that:

- (1) The revaluation is performed in accordance with applicable state statutes and administrative rules; and
- (2) The terms and conditions of the assessing services contract are adhered to; and

(d) Submit **a signed and dated statements** to the OPLC **attesting** to the qualifications at all levels of certification to be true, accurate, and correct.

Commented [GRH37]: Are we keeping these?

Plc 1806.07 Continuing Education Requirements.

(a) Each certified property assessor and certified property assessor supervisor shall complete not less than 20 hours of approved continuing education in each renewal period that includes:

- (1) A uniform standards of professional appraisal practice course or workshop; and
- (2) The **NH state statute course Part I or Part II, or the one-day state statutes update**, provided by DRA and NHA AO.

Commented [GRH38]: who provides these?

(b) Each certified property assessor assistant shall complete not less than 20 hours of **approved continuing education** in each renewal period.

Commented [GRH39]: Are there specific topics that must be covered?

(c) **Each If an approved course or workshop is taken within the 2-year renewal cycle in order to qualify for a higher level of certification, the course or workshop shall not also be counted as separate continuing education during the same renewal period.**

Commented [GRH40]: ??? Is this what is meant?

(d) Individuals seeking continuing education credit for teaching one or more approved continuing education courses shall receive full credit:

- (1) For actual hours taught up to the total credit hours required for continuing education; and
- (2) Only once during a renewal period for teaching the same course.

(e) When applying to renew a certification, the applicant shall:

(1) Certify on the renewal application that the applicable continuing education requirements have been met; and

(2) Be subject to the audit provisions of Plc [308.04](#).

(f) Any individual holding a New Hampshire Association of Assessing Officials' professional designation certificate may request to have continuing educational requirements verified in writing by the New Hampshire Association of Assessing Officials' certification committee and forwarded to the OPLC.

(f) Self-directed education from a qualified entity shall qualify as continuing education credits.

Plc 1806.08 [Request to Extend Time Period for Continuing Education](#).

(a) Any certified assessor supervisor, certified assessor, or certified assessor assistant may, prior to the expiration date of the individual's current certification, request in writing an extension of a period of time not to exceed 6 months, from the executive director for completion of their continuing education hours.

(b) The request shall state:

(1) The reason for the request; and

(2) The amount of time needed to complete the necessary continuing education courses with a proposed timetable or course already scheduled if any.

(d) The executive director shall:

(1) Review the reason for the request for reasonableness such as, but not limited to:

a. Major illness;

b. Financial hardship; or

c. Other circumstances beyond the control of the individual requesting more time that prevented the individual from completing the continuing education on time; and

(2) Notify the person within 30 days of receipt of the request that:

a. The extension has been granted; or

b. The extension has been denied and the reason(s) for the denial.

(e) Any continuing education hours earned during the period of the extension shall not apply towards continuing education hours for the certification period overlapped by the extension.

PART Plc 1807 REGISTRATION RENEWAL AND REINSTATEMENT

Plc 1807.01 [Eligibility for Registration Renewal](#). To be eligible for renewal of a certification issued under this chapter or issued by the DRA prior to the 2024 effective date of this chapter, an individual shall:

(a) Meet the qualifications stated in Plc 1804.01 and the applicable qualifications in Plc 1804.02 through Plc 1804.10;

(b) Have paid all administrative and civil penalties imposed, if any; and

(c) Meet the eligibility for renewal criteria specified in Plc [308.02](#), as applicable.

Commented [GRH41]: Q for Exec. Dir./Bd: Want to keep? Do not have in any other rules.

Plc 1807.02 Notification of Pending Certification Expiration. The OPLC shall notify individuals who have been certified under RSA 310-C and Plc 1800 or by the DRA prior to the 2024 effective date of this chapter in accordance with Plc 308.03.

Plc 1807.03 Application for Registration Renewal. A certificant who wishes to renew certification shall submit the following to the licensing bureau:

- (a) A completed “Universal Application to Renew License” dated April 2024, that provides the information required by Plc 308.06 and is signed and attested to as required by Plc 308.08;
- (b) The documentation required by Plc 308.07, as applicable; and
- (c) The application processing and licensing fee specified in Plc 1002, provided that:
 - (1) An applicant applying to renew as active military or a military spouse shall not pay the application processing and licensing fee; and
 - (2) If no application processing and licensing fee is specified in Plc 1002, then no fee shall be paid.

Plc 1807.04 Processing of Renewal Applications; Decisions.

- (a) The licensing bureau shall process the application as provided in Plc 308.09.
- (b) An applicant may withdraw the application for license renewal at any time prior to being notified of a decision under Plc 308.11 by proceeding in accordance with Plc 308.10.
- (c) The licensing bureau shall review complete applications, make decisions, and notify applicants in accordance with Plc 308.11.
- (d) The licensing bureau shall issue a renewal registration if the applicant:
 - (1) Has submitted a renewal application in accordance with Plc 1807.03; and
 - (2) Demonstrates that the applicant has met the requirements for renewal stated in:
 - a. Plc 1807.01; and
 - b. Plc 308.02.

Plc 1807.05 Challenging a Denial of Certification Renewal. An applicant who wishes to challenge the denial of an application for certification renewal shall do so as provided in Plc 308.12.

Plc 1807.06 Renewal Certifications: Issuance and Duration.

- (a) The OPLC shall issue renewal certifications to operate as an assessing professional in accordance with Plc 308.13(a).
- (b) Renewal certifications shall be valid as provided in Plc 308.13(b).

Plc 1807.07 Reinstatement of Reobtaining a Registration After Expiration, Suspension, or Revocation. The procedures in Plc 312 shall govern the reinstatementreobtaining of a registration after expiration, suspension, or revocation.

Commented [GRH42]: The new language in HB 518 is inconsistent with this; will need to change Plc 312 and ALL references to it.

PART Plc 1808 ETHICAL AND PROFESSIONAL STANDARDS

Plc 1808.01 Applicability.

(a) The standards in this part shall apply to each individual who:

(1) [Applies to be certified under RSA 310-C;](#) ~~or who~~

(2) [is certified under RSA 310-C;](#) ~~or who~~

(3) [Holds an assessing professional](#) certification from the DRA that was issued prior to the effective date of these rules and has not yet expired.

(b) Violations of these standards shall constitute unprofessional conduct that subjects the violator to disciplinary proceedings pursuant to Plc 1802 and other applicable law.

Plc 1808.02 Ethical Standards. Individuals who are subject to this chapter shall:

(a) Adhere to all applicable standards of the USPAP as defined in Plc 1802.??;

(b) Accept an assessment-related assignment only if qualified to perform the work involved;

(c) Adhere to local laws and regulations relating to the appraisal, assessment, and taxation of property within that jurisdiction;

(d) Make available all public records in their custody for public review, unless access to such records is specifically limited or prohibited by law, or the information has been obtained on a confidential basis and the law permits such information to be treated confidentially;

(e) Not make written or oral false or misleading statements in the course of performing professional duties, specifically including:

(1) Not providing inaccurate, untruthful, or misleading information to solicit assessment-related assignments or use misleading claims or promises of relief; and

(2) Not claiming or implying that they have specific qualifications unless they in fact have such qualifications; and

(f) Not engage in any activities in which they have, or may reasonably be considered by the public as having, a conflict of interest, specifically including:

(1) Not accepting an appraisal or assessment-related assignment that can reasonably be construed as being in conflict with their responsibility to their jurisdiction, employer, or client, or in which they have an unrevealed personal interest or bias;

(2) Not accepting an assignment or responsibility in which there is a personal interest, whether individually or of a member's family or close personal connection, without full disclosure of that interest; and

(3) Not accepting an assignment or participate in an activity where the member is or could reasonably be perceived as being unable to conduct the assignment or activity in an unbiased, objective manner.

Plc 1808.03 Professional Obligations. Each person subject to this chapter shall:

(a) Comply with RSA 310-C, Plc 300, and Plc 1800;

Commented [GRH43]: (b)-(f) are based on IAAO ethical standards.

- (b) Comply with any disciplinary or remedial orders issued by the executive director within the time periods specified;
- (c) Interact with colleagues and clients with honesty and integrity;
- (e) Cooperate with inspections and with lawful investigations by the executive director;
- (f) Treat all individuals with whom the person interacts in a professional capacity with respect and civility;
- (g) Maintain sexual boundaries by:
 - (1) Refraining from any behavior that exploits the assessor-client relationship in a sexual way; and
 - (2) Avoiding any behavior that is sexual or sexually demeaning, or that could be reasonably interpreted as such, even when initiated by or consented to by the patient or a colleague;
- (h) Not engage in hazing or sexual, verbal, or physical harassment of any individual when interacting in a professional capacity; and
- (i) Not discriminate based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability, or national origin.

PART Plc 1809 PROCEDURES; DISCIPLINARY PROCEEDINGS; SANCTIONS

Plc 1809.01 Rules of Practice and Procedure.

[\(a\)](#) The rules in Plc 200 [and Plc 311](#) shall govern:

- ~~(a1)~~ The receipt of misconduct complaints and the investigation thereof; [and](#)
- ~~(b2)~~ The conduct of disciplinary hearings;

[\(b\)](#) The rules in Plc 200 shall govern:

- [\(1\) The conduct of all other adjudicative and non-adjudicative proceedings;](#)
- ~~(e2)~~ Waivers of rules;
- ~~(d3)~~ Voluntary surrender of licenses; and
- ~~(e4)~~ Any other procedures not included in this chapter.

Plc 1809.02 Procedures for Disciplinary and Non-Disciplinary Remedial Proceedings and Imposing License Conditions. The procedures in Plc 311 shall govern disciplinary and non-disciplinary remedial proceedings and imposing license conditions.

~~Asb 307.02~~ Plc 1809.03 Types of Misconduct Subject to Discipline. Charges of misconduct shall include Allegations of any of the following shall result in an investigation under Plc 204:

- ~~301.09~~ [\(a\)](#) The practice of deceit-fraud as defined in [Asb 301.20](#), [Plc 1802.??](#) or bad faith as defined in [Asb 301.09](#) [Plc 1802.??](#);
- [\(b\)](#) Unsworn falsification in procuring, or attempting to procure, [DRA certification](#); or [recertification renewal as an assessing professional](#);

Commented [GRH44]: How does this relate to the definition of "misconduct" in Asb 301.36?

Asb 301.36 "Misconduct" means:
(a) A dereliction of duty;
(b) A violation of appraisal practice ethical standards, such as, but not limited to:
(1) New Hampshire assessing standards board (ASB);
(2) International Association of Assessing Officers (IAAO);
(3) New Hampshire Association of Assessing Officials (NHAAO); or
(4) Uniform standards of professional appraisal practice (USPAP);
(c) An affirmative act of misrepresentation or concealment of a material fact;
(d) Violation of assigned duties by malfeasance, misfeasance, or nonfeasance; or
(e) An act or failure to act when there is a duty to do so in reckless disregard of another's rights, committed voluntarily and intentionally.

[Source.](#) #12776, eff 5-9-19 (formerly Asb 301.15); ss by #13274, eff 10-14-21

(c) The allowance, by ~~a person an individual~~ who is a certified assessing professional with DRA certification, of the performance of work by:

- (1) An individual who is not ~~DRA-a~~ certified assessing professional; or
- (2) An individual ~~where who is not certified at the level required to do the work is above their certification level;~~

(d) ~~Negligent or willful acts performed in a manner inconsistent with the health or safety of persons under their individual's supervision;~~

(e) ~~Misconduct as defined in Asb 301.36~~ Violation of any professional or ethical standard in Plc 1808;

(f) ~~or v~~ Violation of any applicable NH property assessing statutes, ~~Asb 300~~Plc 1800, or Rev 600;

(g) The practice of sales chasing, as defined in ~~Asb 301.49~~Plc 1802.??;

(h) Suspension or decertification ~~similar to one issued under RSA 21 J:14 b, I a(a)(1)(C),~~ as an assessing professional in another jurisdiction, without reinstatement of certification;

~~(h) Breaching a duty of confidentiality;~~

~~(i) Non-compliance with an individual's right to know pursuant to RSA 91-A;~~

~~(j) Conviction within the past 5 years or since last certification of a class A misdemeanor or a felony, and failure to notify DRA of the conviction;~~

(k) Not notifying the ~~DRA~~OPLC within 10 business days of suspension or decertification from:

- (1) Another jurisdiction similar to one issued under RSA 21-J;
- (2) The New Hampshire Association of Assessing Officials;
- (3) The International Association of Assessing Officers; or
- (4) The NH real estate appraisal board; and

(l) Not including ~~any complete~~ information about suspensions or decertification ~~similar to one issued under RSA 21-J prior to becoming DRA-certified as an assessing professional in New Hampshire.~~
Source. #8399, eff 7-28-05; ss by #10093, eff 2-28-12; ss by #12776, eff 5-9-19

PART ~~Asb 308~~ SANCTIONS, SUSPENSIONS, DECERTIFICATIONS AND OTHER DISCIPLINARY ACTIONS

Plc 1809.03 Sanctions. Sanctions shall be determined by the executive director in consultation with the advisory board in accordance with Plc 311.08 through Plc 311.12.

~~Asb 308.01 Deceit fraud, Bad Faith.~~ A person who has practiced deceit fraud as defined in Asb 301.20, bad faith as defined in Asb 301.09, shall be, as the maximum penalty determined by the commissioner, decertified for a time period up to 5 years plus corrective action.
Source. #10093, eff 2-28-12; ss by #12776, eff 5-9-19

~~Asb 308.02 Unsworn Falsification.~~ A person who has practiced unsworn falsification in procuring, or attempting to procure, DRA certification shall be, as the maximum penalty determined by the commissioner, prevented from applying again up to a period of 2 years.
Source. #10093, eff 2-28-12; ss by #12776, eff 5-9-19 (formerly provision of Asb 308.01)

Commented [GRH45]: This is pretty vague/incapable of uniform application.

Commented [GRH46]: Why not just reference "Types of Misconduct" section?

Commented [GRH47]: Defined term has an "s" on "sale" -- i.e., is "sales"

Commented [GRH48]: **I-a.** The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to:
(a)(1) The establishment of the following standards for assessing officials:
(A) Certification standards;
(B) Continuing education standards;
(C) Decertification, suspension, and other disciplinary standards and sanctions; and
(D) The definition and practices which constitute sales chasing and penalties associated with knowingly committing or being party to sales chasing.
(2) The department of revenue administration shall be responsible for the enforcement of the standards adopted under subparagraph (a)(1).
(b) The forms and procedures necessary to fulfill the duties of the board consistent with board recommendations and to assure a fair opportunity for public comment.
(c) The establishment of practices and procedures for mass appraisal which shall become standards for assessing officials.
(d) The method of calculation and procedures to be used beginning July 1, 2010 to determine the amount of the residential property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a. Such rules may include consideration of whether or not subsidies used to develop the properties, including tax credits, grants, and below-rate financing, should be included in the assessment determination.

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Commented [GRH49]: (h) and (i) covered by (e) violation of professional stds

Commented [GRH50]: ?? Can any assessor be asked for records under 91-A?

Commented [GRH51R50]: Yes; in NHAEO ethical stds

Commented [GRH52]: info now required by Universal Application

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~~Asb 308.03 Work Performance. A person with current DRA certification, who delegates work to either an individual who is not DRA certified or an individual where the work is above their certification level shall be, as the maximum penalty determined by the commissioner, suspended up to a time period of 3 months.~~

~~Source. #10093, eff 2-28-12; ss by #12776, eff 5-9-19 (formerly Asb 308.02)~~

~~Asb 308.04 Negligence. A person with DRA certification who performs negligent or willful acts in a manner inconsistent with the health or safety of persons under the person's supervision shall be, as the maximum penalty determined by the commissioner, suspended for a time period of up to 5 years plus corrective action.~~

~~Source. #10093, eff 2-28-12; ss by #12776, eff 5-9-19~~

~~Asb 308.05 Misconduct, Statute or Rule Violations. The penalty for misconduct that affects the practice of assessing or violation of any NH applicable property assessing statutes, Asb 300 or Rev 600 rules shall be, as the maximum penalty determined by the commissioner, decertification for a time period up to 5 years plus corrective action.~~

~~Source. #10093, eff 2-28-12; ss by #12776, eff 5-9-19~~

~~Asb 308.06 Sales Chasing. A person with DRA certification who performs sales chasing shall be, as the maximum penalty determined by the commissioner, decertification for a time period up to 5 years plus corrective action.~~

~~Source. #12776, eff 5-9-19~~

~~Asb 308.07 Other Jurisdictions. Suspension or decertification similar to one issued under RSA 21-J:14 g, in another jurisdiction, without reinstatement of certification, shall be, as the maximum penalty determined by the commissioner, decertification for a time period up to 5 years plus corrective action.~~

~~Source. #10093, eff 2-28-12 ss by #12776, eff 5-9-19 (formerly Asb 308.06)~~

~~Asb 308.08 Breach of Confidentiality. The penalty for breaching duty of confidentiality shall be, as the maximum penalty determined by the commissioner, decertification for a time period up to 5 years plus corrective action.~~

~~Source. #10093, eff 2-28-12; ss by #12776, eff 5-9-19 (formerly Asb 308.07)~~

~~Asb 308.09 Right to Know. Non-compliance with an individual's right to know pursuant to RSA 91-A, shall be, as the maximum penalty determined by the commissioner, suspension for a time period up to 6 months.~~

~~Source. #10093, eff 2-28-12; ss by #12776, eff 5-9-19 (formerly Asb 308.08)~~

~~Asb 308.10 Past Convictions. The penalty for a conviction within the past 5 years or since last certification shall be, as the maximum penalty determined by the commissioner:~~

~~(a) Suspension up to 5 years for a Class A misdemeanor; and~~

~~(b) Decertification for a felony.~~

~~Source. #10093, eff 2-28-12; ss by #12776, eff 5-9-19 (formerly Asb 308.09)~~

~~Asb 308.11 Notifying the DRA. A DRA certified person who does not notify the DRA within 10 business days of suspension or decertification similar to one issued under RSA 21-J:14 g, the New Hampshire association of assessing officials, the international association of assessing officers, or the NH real estate appraisal board, shall be, as the maximum penalty determined by the commissioner, decertification for a time period up to 5 years plus corrective action.~~

~~Source. #10093, eff 2-28-12; ss by #12776, eff 5-9-19 (formerly Asb 308.10)~~

~~Asb 308.12 Non-Reporting. A person who does not include any information about suspensions or decertification similar to one issued under RSA 21-J:14-g prior to becoming DRA-certified shall be prohibited from applying for certification for up to 2 years.~~

~~Source. #10093, eff 2-28-12; ss by #12776, eff 5-9-19 (formerly Asb 308.11)~~

~~Asb 308.13 Commissioner's Determination. In determining the penalty to be imposed under Asb 308.01 through Asb 308.12, the commissioner shall utilize the following factors:~~

- ~~(a) The DRA certification level and years of experience;~~
- ~~(b) Whether the offense is a first time occurrence;~~
- ~~(c) Whether the offense is one in a series of first time offenses;~~
- ~~(d) Whether the offense is a repeat of the same offense;~~
- ~~(e) Whether one or more offenses were committed either at the same time or during the time period between when the complaint of misconduct was received and the commissioner's determination;~~
- ~~(f) Other action such as, but not limited to, requiring successful completion of a course or class; and~~
- ~~(g) Any further information that would be helpful in reaching a determination.~~

~~Source. #12776, eff 5-9-19; ss by #12776, eff 5-9-19 (formerly Asb 308.12)~~

~~Asb 308.14 Discipline Imposed. Discipline imposed upon a DRA-certified person under Asb 308 shall be intended to be the minimum sanction or sanctions, both in type and extent, that the commissioner believes will, based upon the unique facts and circumstances of each act of misconduct:~~

- ~~(a) Protect the public; and~~
- ~~(b) Deter both the DRA-certified person charged and any other DRA-certified person from engaging in such misconduct in the future.~~

~~Source. #12776, eff 5-9-19; ss by #12776, eff 5-9-19 (formerly Asb 308.13)~~

~~Asb 308.15 Public Disclosure. Notwithstanding any other confidentiality requirement of rule or law, all findings and decisions denoting the amount and type of discipline imposed shall be made available to the public.~~

~~Source. #12776, eff 5-9-19~~

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule	State Statute(s) Implemented
Plc 1800 (see below for specific provisions)	RSA 310; RSA 310-C
Plc 1803 [board]	RSA 310-C:1
Plc 1804 [qualifications for initial cert]	RSA 310-C:6-8
Plc 1805 [initial applications]	RSA 310:4, II(c); RSA 310-C:2, I & 5
Plc 1806 [obligations; CE; duties]	RSA 310-C:11 7
Plc 1807 [renewal; reinstatement]	RSA 310:8; RSA 310:10
Plc 1808 [ethical/professional stds]	RSA 310-C:17, I(e)
Pl 1809 [procedures; discipline]	RSA 310:4, II(d); RSA 310:9-14