

[First Reprint]
SENATE, No. 2316

STATE OF NEW JERSEY

INTRODUCED DECEMBER 11, 1997

By Senator CONNORS

1 AN ACT concerning real estate appraisers and amending and
2 supplementing P.L.1991, c.68.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 7 of P.L.1991, c.68 (C.45:14F-7) is amended to read as
8 follows:

9 7. The provisions of this act shall not apply to any person who is:

10 a. a real estate appraiser licensed or certified in another state in
11 compliance with federal requirements while on temporary assignment
12 appraising real property located in this State [as part of a federally
13 related transaction], however, such appraiser shall be subject to
14 registration requirements promulgated by the board; or

15 b. a tax assessor or an assistant tax assessor holding a valid tax
16 assessor certificate employed by a county or municipal government or
17 any political subdivision thereof whose appraisal activities are limited
18 to appraisals in the course of his employment ; or

19 c. a State employee (1) whose appraisal activities are limited to
20 appraisals of parcels of property to be acquired for a public purpose
21 with a fair market value, including damages to the remainder, if any,
22 of each parcel to be acquired of not more than \$25,000,
23 notwithstanding the total value of the property in which the parcel is
24 located that is owned by the prospective condemnee whose property
25 is to be taken; and (2) whose appraisal activities are limited to
26 appraisals in the course of his employment.

27 (cf: P.L.1991, c.68, s.7)

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29 2. Section 21 of P.L.1991, c.68 (C.45:14F-21) is amended to read
30 as follows:

31 21. a. A person who is not certified pursuant to the provisions of

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCO committee amendments adopted December 11, 1997.

1 this act shall not describe or refer to any appraisal or other evaluation
2 which he performs on real estate located in this State as "a certified
3 appraisal."

4 b. A person who is not licensed pursuant to the provisions of this
5 act shall not describe or refer to any appraisal or other evaluation
6 which he performs on real estate located in this State as "a licensed
7 appraisal."

8 c. [Except as otherwise provided in subsection e. of this section,
9 no] No person other than a State licensed real estate appraiser, a State
10 certified real estate appraiser or a person who assists in the
11 preparation of an appraisal under the direct supervision of a State
12 licensed or certified appraiser shall perform or offer to perform an
13 appraisal assignment in regard to real estate located in this State
14 including, but not limited to, any transaction involving a third party,
15 person, government or quasi-governmental body, court, quasi-judicial
16 body or financial institution.

17 Nothing in P.L.1991, c.68 (C.45:14F-1 et seq.) shall be construed
18 to preclude a person not licensed or certified pursuant to this act from
19 giving or offering to give, for a fee or otherwise, counsel and advice
20 on pricing, listing, selling and use of real property, directly to a
21 property owner or prospective purchaser if the intended use of the
22 counsel or advice is solely for the individual knowledge of or use by
23 the property owner or prospective purchaser.

24 d. Nothing in this act shall be construed to preclude a person not
25 certified or licensed pursuant to this act from assisting in the
26 preparation of an appraisal to the extent permitted under subsection
27 (d) of section 1122 of Title XI of Pub. L.101-73 (12 U.S.C. 3351(d)).

28 e. [(1) An appraisal of real estate in this State with a value of
29 \$150,000 or less may be performed by a person who is not a State
30 certified real estate appraiser or a State licensed real estate appraiser.

31 (2) An appraisal of real estate in this State, other than an appraisal
32 for a federally related transaction, may be performed by a person who
33 is not a State certified real estate appraiser or a State licensed real
34 estate appraiser if the person for whom it is performed is using the
35 appraisal as information in making his or its own personal or business
36 decisions.] (Deleted by amendment, P.L. .c.) (now pending before
37 the Legislature as this bill).

38 (cf: P.L.1995, c.349, s.2)

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40 3. (New section) a. An applicant for licensure or certification
41 under P.L.1991, c.68 (C.45:14F-1 et seq.) shall not be eligible for
42 licensure or certification, as the case may be, and any holder of a
43 license or certification under P.L.1991, c.68 (C.45:14F-1 et seq.) shall
44 have his license or certification revoked if the State Real Estate
45 Appraiser Board determines, consistent with the requirements and
46 standards of this section and section 4 of P.L. , c. (C.)

1 (now pending before the Legislature as this bill), that criminal history
2 record information exists on file in the Federal Bureau of
3 Investigation, Identification Division, or in the State Bureau of
4 Identification in the Division of State Police, which would disqualify
5 that individual from being licensed or certified. An applicant or a
6 holder of a license or certification shall be disqualified from licensure
7 or certification if that individual's criminal history record check reveals
8 a record of conviction of any of the following crimes and offenses:

- 9 (1) In New Jersey, any crime or disorderly persons offense:
10 (a) Involving danger to the person, meaning those crimes and
11 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
12 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.,
13 or N.J.S.2C:15-1 et seq.; or
14 (b) Involving theft as set forth in chapter 20 of Title 2C of the New
15 Jersey Statutes; or
16 (c) Involving any controlled dangerous substances or controlled
17 substance analog as set forth in chapter 35 of Title 2C of the New
18 Jersey Statutes except as set forth in paragraph (4) of subsection a. of
19 N.J.S.2C:35-10.

20 (2) In any other state or jurisdiction, conduct which, if committed
21 in New Jersey, would constitute any of the crimes or disorderly
22 persons offenses described in paragraph (1) of this subsection.

23 b. Notwithstanding the provisions of subsection a. of this section,
24 no individual shall be disqualified from licensure or certification on the
25 basis of any conviction disclosed by a criminal history record check
26 performed pursuant to this section if the individual has affirmatively
27 demonstrated to the board clear and convincing evidence of his
28 rehabilitation. In determining whether an individual has affirmatively
29 demonstrated rehabilitation, the following factors shall be considered:

- 30 (1) The nature and responsibility of the position which the
31 convicted individual would hold;
32 (2) The nature and seriousness of the offense;
33 (3) The circumstances under which the offense occurred;
34 (4) The date of the offense;
35 (5) The age of the individual when the offense was committed;
36 (6) Whether the offense was an isolated or repeated incident;
37 (7) Any social conditions which may have contributed to the
38 offense; and
39 (8) Any evidence of rehabilitation, including good conduct in
40 prison or in the community, counseling or psychiatric treatment
41 received, acquisition of additional academic or vocational schooling,
42 successful participation in correctional work-release programs, or the
43 recommendation of persons who have had the individual under their
44 supervision.

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46 4. (New section) a. An applicant and holder of a license or

1 certificate shall submit to the board his name, address and fingerprints
 2 taken on standard fingerprint cards by a State or municipal law
 3 enforcement agency. The board is authorized to exchange fingerprint
 4 data with and receive criminal history record information from the
 5 Federal Bureau of Investigation and the Division of State Police for
 6 use in making the determinations required by section 3 of
 7 P.L. , c. (C.) (now pending before the Legislature as this
 8 bill).

9 b. Upon receipt of the criminal history record information for a
 10 person from the Federal Bureau of Investigation or the Division of
 11 State Police, the board shall notify the applicant, licensee or certified
 12 individual, as applicable, in writing, of the person's qualification or
 13 disqualification for licensure or certification under section 3 of
 14 P.L. , c. (C.) (now pending before the Legislature as this
 15 bill). If the applicant, licensee or certified individual, as applicable, is
 16 disqualified, the conviction or convictions which constitute the basis
 17 for the disqualification shall be identified in the written notice.

18 c. The applicant, licensee or certified individual, as the case may
 19 be, shall have 30 days from the date of written notice of
 20 disqualification to petition the board for a hearing on the accuracy of
 21 the criminal history record information or to establish his rehabilitation
 22 under subsection b. of section 3 of P.L. , c. (C.) (now
 23 pending before the Legislature as this bill). The board may refer any
 24 case arising hereunder to the Office of Administrative Law for
 25 administrative proceedings pursuant to P.L.1968, c.410 (C.52:14B-1
 26 et seq.).

27 d. The board shall not maintain any individual's criminal history
 28 record information or evidence of rehabilitation submitted under this
 29 section for more than six months from the date of a final determination
 30 by the board as to the individual's qualification or disqualification to
 31 be licensed or certified pursuant to the provisions of this section and
 32 section 3 of this amendatory and supplementary act.

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34 ¹[5. (New section) The Director of the Division of Consumer
 35 Affairs in the Department of Law and Public Safety shall establish a
 36 toll-free hotline telephone number for persons to call with inquiries
 37 concerning the licensure status of a real estate appraiser, including
 38 information concerning any disciplinary actions or complaints filed
 39 against the appraiser.]¹

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41 ¹[6.] 5.¹ This act shall take effect on the 180th day after enactment.

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45 Revises various provisions of the "Real Estate Appraisers Act."