

' 153.9 Applications

The Texas Appraiser Licensing and Certification Board adopts amendments to ' 153.9 concerning Applications by adding new subsections on an emergency basis.

The amendments concern the time period for satisfaction of application requirements for persons who reside or whose principal place of business is in Angelina, Austin, Brazoria, Chambers, Cherokee, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Washington Counties and who were significantly affected by Hurricane Ike.

The amendments outline the conditions under which the board will extend the expiration date of the application for a period of four months in order to complete any examination requirement. The provisions do not apply to any application that expired prior to September 7, 2008.

As a result of the proclamations by the Governor of the State of Texas dated September 7, and 12, 2008, declaring a state of emergency due to Hurricane Ike, the Texas Appraiser Licensing and Certification Board has determined that the conditions outlined in '2001.034 of the Texas Government Code concerning emergency rulemaking have been satisfied to adopt amendments to ' 535.51 concerning General Requirements for applicants for a salesperson or broker license residing or whose principal place of business is in the Texas counties detailed above and who were significantly affected by Hurricane Ike.

The amendments are adopted on an emergency basis under Texas Appraiser Licensing and Certification Act (the Act), Texas Occupations Code, ' 1103.151, which authorizes the Texas Appraiser Licensing and Certification Board to make and enforce all rules and regulations necessary for the performance of its duties and to establish standards of conduct and ethics for its licensees in keeping with the purpose and intent of the Act to insure compliance with the provisions of the Act.

The statute affected by this adoption is Texas Occupations Code, Chapters 1103. No other statute, code or article is affected by the adopted amendments.

§153.9. Applications

(a) -(h) No change.

(i) By the proclamation issued September 7, 2008, and amended September 12, 2008, by the Governor of the State of Texas and notwithstanding any provisions of the Act or Rules to the contrary, the Board may extend the expiration date of an application for a license, certification, or approval for an existing applicant who satisfies the following criteria:

(1) The applicant resides or has a primary place of business in Angelina, Austin, Brazoria, Chambers, Cherokee, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton,

Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, or Washington County and was significantly impacted by Hurricane Ike;

(2) As a result of the disaster, the applicant is unable to satisfy any examination requirement within one year of the date the application was received by the Board; and

(3) The existing application expires on or before February 28, 2009.

(j) If an applicant meets the criteria in subsection (i) of this section, the expiration date of the application is extended for an additional four month period and the applicant must complete all requirements within such four month period or the application shall be considered void and subject to no further evaluation or processing.

(k) Subsections (i) and (j) do not apply to an application that expired prior to September 7, 2008.

' 153.17 Renewal or Extension of Certification and License or Renewal of Trainee Approval

The Texas Appraiser Licensing and Certification Board adopts amendments to '153.17 concerning Renewal or Extension of Certification and License or Renewal of Trainee Approval by adding new subsections on an emergency basis.

The amendments concern satisfaction of Appraiser Continuing Education (ACE); payment of renewal fees, including national registry fees, and other renewal requirements for licensed and certified appraisers and appraiser trainees (licensees) who reside or whose principal place of business is in Angelina, Austin, Brazoria, Chambers, Cherokee, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Washington Counties and who were significantly affected by Hurricane Ike.

The amendments outline the conditions under which the board will defer the renewal requirements for licensees who are unable to timely renew and otherwise meet all renewal requirements for an active license because of Hurricane Ike. The amendments permit affected licensees to take up to four months to complete all of the renewal requirements under Chapter 1103 of the Occupations Code. The extension option will be available only for licensees who satisfy the criteria in the rule and whose licenses expire between September 30, 2008 and February 28, 2009. For licenses that expire after that period, the license renewal is subject to the Act and existing Rules. If a licensee fails to pay the renewal fees within the four month period, the license will expire at the end of the four month period. If a licensee fails to complete ACE requirements, the license will go inactive at the end of the four month period until such time that the licensee meets all renewal requirements.

As a result of the proclamations by the Governor of the State of Texas dated September 7, and 12, 2008, declaring a state of emergency due to Hurricane Ike, the Texas Appraiser Licensing and Certification Board has determined that the conditions outlined in '2001.034 of the Texas Government Code concerning emergency rulemaking have been satisfied to adopt amendments to '153.17 concerning Renewal or Extension of Certification and License or Renewal of Trainee Approval for licensees residing in or whose principal place of business is in any of the Texas counties detailed above who were significantly affected by Hurricane Ike. The amendments are adopted on an emergency basis under Texas Appraiser Licensing and Certification Act (the Act), Texas Occupations Code, '11033.151, which authorizes the Texas Appraiser Licensing and Certification Board to make and enforce all rules and regulations necessary for the performance of its duties and to establish standards of conduct and ethics for its licensees in keeping with the purpose and intent of the Act to insure compliance with the provisions of the Act.

The statute affected by this adoption is Texas Occupations Code, Chapter 1103. No other statute, code or article is affected by the adopted amendments.

§153.17. Renewal or Extension of Certification and License or Renewal of Trainee Approval

(a) -(e) No change.

(f) Renewal requirements for a license or registration significantly impacted by Hurricane Ike. By the proclamation issued September 7, 2008, and amended September 12, 2008, by the Governor of the State of Texas and notwithstanding any provisions of the Act or Rules to the contrary, the Board may defer the renewal requirements for a current license, certification, or approval and maintain the license or certification on active status for a licensed or certified appraiser or trainee (licensee) who satisfies the following criteria:

(1) The licensee resides or has a primary place of business in Angelina, Austin, Brazoria, Chambers, Cherokee, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, or Washington County and was significantly impacted by Hurricane Ike;

(2) As a result of the disaster, the licensee is unable to perform one or more of the following renewal requirements before the original expiration date of the current license:

(A) complete all applicable appraiser continuing education requirements; or

(B) pay renewal fees, including federal registry fees; and

(3) The original expiration date of the current license, certification, or approval is between September 30, 2008 and February 28, 2009.

(g) If a licensee subject to subsection (f) of this section is unable to perform any renewal requirement prior to the original expiration date of the current license, certification, or approval, the license or certification is extended for an additional four month period and the licensee must complete all requirements within such four month period.

(h) If a licensee subject to subsection (f) fails to file the required renewal application and pay the required fees on or before the end of the four month period, the license will expire at the end of the four month period. If, on or before the end of the four month period a licensee has filed the required renewal application and paid the required renewal fees but has failed to complete all ACE requirements, the license will revert to inactive status at the end of the four month period until such time that the licensee completes all renewal requirements.

(i) A license, certification, or approval that is renewed under subsection (f) expires 24 months after the original expiration date of the current license, certification, or approval. ACE courses completed after the original expiration date of the current license, certification, or approval under this provision may not be applied to meet ACE requirements for the following renewal of the license, certification, or approval.