



COLORADO

Department of
Regulatory Agencies

Division of Real Estate

CODE OF COLORADO REGULATIONS
Division of Real Estate

4 CCR 725-2

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
BOARD OF REAL ESTATE APPRAISERS
4 CCR 725-2**

**RULES GOVERNING THE PRACTICE OF REAL ESTATE APPRAISERS OF
THE BOARD OF REAL ESTATE APPRAISERS**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
September 1, 2022, at 9:00 AM MST**

**Division of Real Estate Office
1560 Broadway
Denver, CO 80202**

VIRTUAL MEETING REGISTRATION LINK:

https://us06web.zoom.us/webinar/register/WN_M0oMGg7JSxaGpxtvI0PSzA

Pursuant to and in compliance with Title 12, Article 10 and Title 24, Article 4, C.R.S., as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Board of Real Estate Appraisers (“Board”) to promulgate rules, to amend, repeal, or repeal and re-enact the existing rules of the Board.

The hearing will be conducted in a virtual setting. All interested parties are urged to attend this public hearing by registering for the webinar on the Division’s website at www.dre.colorado.gov and to submit written comments concerning the proposed amended rules in advance, if possible, for consideration.

To facilitate the review of comments by the Board, all interested parties are strongly encouraged to submit their written comments to Eric Turner via email at eric.turner@state.co.us on or before 5:00 p.m. on August 22, 2022. Any written comments not received by August 22, 2022, may be submitted via public testimony at the hearing on September 1, 2022.

STATEMENT OF BASIS

The statutory basis for the rules governing the practice of real estate appraisers of the Board of Real Estate Appraisers is Part 6 of Title 12, Article 10, Colorado Revised Statutes, as amended. The specific authority under which the Board shall establish these rules is set forth in sections 12-10-604(1)(a)(I) and 12-10-606(7)(a) and (b), C.R.S.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the statute and the provisions of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 as amended.

SPECIFIC PURPOSE OF RULEMAKING

The specific purpose of this rulemaking is to propose new and amended rules with respect to new statutory provisions found in House Bill 22-1261 (Sunset Board of Real Estate Appraisers). The rulemaking incorporates requirements when licensed or certified appraisers may perform evaluations.

PROPOSED NEW AND AMENDED RULES

Deleted material shown ~~struck through~~; new material is indicated by underline. Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Board at www.dre.colorado.gov.

Proposed New and Amended Rules

CHAPTER 1: DEFINITIONS

1.10 Uniform Standards of Professional Appraisal Practice (USPAP): has the same meaning as found in section 12-10-602(10), C.R.S. ~~Those standards of professional practice promulgated by the ASB of TAF. Pursuant to section 12-10-613(1)(g), C.R.S., as amended, the Board adopts, and incorporates by reference in compliance with section 24-4-103(12.5), C.R.S., as the generally accepted standards of professional appraisal practice the Definitions, Preamble, Rules, Standards, and Standards Rules of the USPAP as promulgated by the ASB of TAF on January 30, 1989 and amended through April 5, 2019 and known as the 2020-2021 edition. Amendments to the USPAP subsequent to April 5, 2019 are not included in this Board Rule 1.10. A certified copy of the USPAP is on file and available for public inspection at the Office of the Board at 1560 Broadway, Suite 925, Denver, Colorado 80202. Copies of the USPAP adopted under this Rule may be examined at any state publications depository library. The 2020-2021 edition of the USPAP may be examined at the Internet website of TAF at www.appraisalfoundation.org, and copies may be ordered through that mechanism. TAF may also be contacted at 1155 15th Street, NW, Suite 1111, Washington, DC 20005, or by telephone at (202) 347-7722 or by telefax at (202) 347-7727.~~

1.62 Evaluation: has the same meaning as found in section 12-10-602(5.5), C.R.S.

CHAPTER 11: STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

11.1 ~~The current edition of USPAP will be in effect pursuant to 12-10-602(10), C.R.S. The USPAP was adopted and incorporated by reference in Board Rule 1.10. The 2018-2019 edition of the USPAP, incorporating the amendments made through February 3, 2017 will remain in effect through December 31, 2019. Beginning January 1, 2020, the 2020-2021 edition of the USPAP will be in effect.~~

11.4 Licensed and certified appraisers performing evaluations in accordance with section 12-10-606(7)(a), C.R.S., must include the following disclaimer on the first page of the report: "This is an evaluation not subject to compliance with Standards 1 and 2 of the Uniform Standards of Professional Appraisal Practice." Licensed and certified appraisers performing an evaluation must comply with the Ethics, Record-Keeping, Competency, and Scope-of-Work Rules of the USPAP.

A hearing is scheduled for Thursday, September 1, 2022, at 9 a.m. and will only be conducted via Zoom Webinar. All interested and affected parties must register to attend the hearing through the link provided below.

https://us06web.zoom.us/webinar/register/WN_M0oMGg7JSxaGpxtvl0PSzA

Any interested and affected persons may participate in the rulemaking through submission of written data, views, and arguments to the Division of Real Estate. Persons are requested to submit data, views, and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views, and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.
