

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1033 Session of 2019

INTRODUCED BY MOUL, JAMES, EVERETT, FREEMAN, SAPPEY AND KORTZ, APRIL 5, 2019

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 19, 2020

AN ACT

1 Amending the act of April 16, 1992 (P.L.155, No.28), entitled
2 "An act providing for the certification and recertification
3 of assessors; establishing eligibility and training
4 requirements; defining the powers and duties of the State
5 Board of Certified Real Estate Appraisers relating to
6 training, certification and recertification of assessors; and
7 authorizing the board to establish fees," further providing
8 for definitions and for duties of board; repealing provisions
9 relating to qualifications; further providing for
10 certification; providing for employees of political
11 subdivisions; and further providing for disciplinary and
12 correction measures and for unlawful practice; REPEALING
13 PROVISIONS RELATING TO NONAPPLICABILITY; AND PROVIDING FOR
14 ASSESSORS IN COUNTIES OF THE FIRST CLASS.

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15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The definitions of "assessor," "Certified
18 Pennsylvania Evaluator" and "revaluation company" in section 2
19 of the act of April 16, 1992 (P.L.155, No.28), known as the
20 Assessors Certification Act, are amended and the section is
21 amended by adding definitions to read:

22 Section 2. Definitions.

23 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 ["Assessor." Any person responsible for the valuation of
4 real property for ad valorem taxation purposes.]

5 * * *

6 "Certified Pennsylvania Evaluator." An individual [who has
7 completed a minimum of 90 hours of basic courses of study
8 covering the appraisal assessing profession and has successfully
9 completed a comprehensive examination covering all phases of the
10 appraisal process and the assessment function established by the
11 assessment statutes of this Commonwealth] holding a valid
12 certificate issued in accordance with section 6.

13 * * *

14 "Property valuation model." A model that expresses the
15 forces of supply and demand at work in the local market and
16 seeks to explain or predict the market value of properties from
17 the available real estate data based on the sales comparison,
18 cost and income approaches to value. The term shall include
19 those models developed for use in mass appraisals that value a
20 universe of properties as of a given date using standard
21 methodology, employ common data and allow for statistical
22 testing.

23 "Revaluation company." A mass appraisal company[.]
24 conducting appraisals of real property within this Commonwealth.

25 "Revaluation company personnel." Persons employed by a
26 revaluation company, or by a contractor of a county or a
27 revaluation company, and directly responsible for the valuation
28 of real property or the development of a property valuation
29 model.

30 Section 2. Section 4(a), (b) and (d) of the act are amended

1 to read:

2 Section 4. Duties of board.

3 (a) Certification [of assessors].--It shall be the duty of
4 the board to certify [all assessors] any person responsible for
5 the valuation of real property for ad valorem taxation purposes
6 and revaluation company personnel in this Commonwealth. [Any
7 assessor employed on or before March 16, 1992, but not holding
8 the title of Certified Pennsylvania Evaluator shall have three
9 years from the effective date of employment as an assessor to
10 obtain certification by the board. Any assessor employed after
11 March 16, 1992, shall obtain certification within a period of
12 three years from the effective date of employment as an
13 assessor.]

14 (b) Qualification of revaluation company personnel.--Any
15 person employed by a revaluation company who is directly
16 responsible for the valuation of real property shall have met
17 the educational requirements of this act or successfully
18 completed educational courses equal to the minimum
19 qualifications established by the board. Failure to meet the
20 requirements contained in this section will prohibit that person
21 from determining the value of real property in this
22 Commonwealth.]

23 * * *

24 (d) Continuing education.--[An assessor] A Certified
25 Pennsylvania Evaluator applying for renewal of certification
26 shall submit proof to the board that, during the two years
27 immediately preceding renewal, the [assessor] individual has
28 satisfactorily completed [a minimum of 20] the required minimum
29 hours of continuing education relating to assessment and
30 appraisal [practices, provided that, for the 1993 renewal, an

1 assessor shall be required to complete only ten hours of
2 continuing education.] practice. The board shall approve
3 continuing education courses and providers and set the required
4 minimum hours pursuant to regulations promulgated by the board.

5 Section 3. Section 5 of the act is repealed:

6 [Section 5. Qualifications.

7 (a) General rule.--All assessors in this Commonwealth shall
8 meet the requirements enumerated in subsection (b).

9 (b) Requirements.--An applicant shall meet the following
10 requirements:

11 (1) The applicant shall have a high school diploma, or
12 its equivalent, or two years of assessing experience.

13 (2) The applicant shall be at least 18 years of age.

14 (3) The applicant shall be a resident of this
15 Commonwealth for at least six months.

16 (4) The applicant shall have successfully completed a
17 minimum of 90 hours of the basic courses of study approved by
18 the board covering the appraisal assessing profession or any
19 other professional courses acceptable to the board. At the
20 discretion of the county commissioners, the county may
21 reimburse county assessors for the costs of completing the
22 courses of study required by this subsection.]

23 Section 4. Section 6 heading, (a) and (b) of the act are
24 amended to read:

25 Section 6. [~~Certification~~] Qualifications for certification.

26 (a) Requirement.--[~~All assessors~~] All persons responsible
27 for the valuation of real property for ad valorem taxation
28 purposes in this Commonwealth and all revaluation company
29 personnel shall be certified under this act.

30 (b) Application.--Application for certification shall be

1 made to the board by completion of the board's prescribed
2 application form and shall be accompanied by the appropriate fee
3 established by the board. An applicant shall:

4 (1) ~~Be of good moral character~~ (RESERVED). <--

5 (2) Have a high school diploma, or its equivalent, or
6 two years of assessing experience.

7 (3) Be at least 18 years of age.

8 (4) Be a resident of this Commonwealth for at least six
9 months. This paragraph does not apply to revaluation company
10 personnel.

11 (5) Have successfully completed a minimum of 90 hours of
12 the basic courses of study approved by the board covering the
13 appraisal assessing profession or any other professional
14 courses acceptable to the board. The basic course of study
15 shall include instruction on judicial interpretation of the
16 uniformity clause of the Constitution of Pennsylvania. At the
17 discretion of the county commissioners of a county, the
18 county may reimburse county assessors for the costs of
19 completing the courses of study required by this subsection.

20 * * *

21 Section 5. The act is amended by adding a section to read:

22 Section 6.1. Employees of political subdivisions.

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

28 (b) Employee duties.--An employee may assist in data
29 collection and fulfill all other duties assigned by the
30 political subdivision or official, except that the employee may

1 not value real property unless certified in accordance with
2 section 6.

3 Section 6. Section ~~7(a)-(10)~~ 7(A) (4), (10) and (11) of the <--
4 act are amended to read:

5 Section 7. Disciplinary and correction measures.

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

9 * * *

10 (4) BEING CONVICTED OF OR PLEADING GUILTY TO A CRIME <--
11 [WHICH IS SUBSTANTIALLY RELATED TO THE QUALIFICATIONS,
12 FUNCTIONS AND DUTIES OF A PERSON DEVELOPING REAL PROPERTY
13 ASSESSMENTS.] THAT DIRECTLY RELATES TO OR HAS A DIRECT
14 BEARING ON THE FITNESS OR ABILITY TO PERFORM ONE OR MORE OF
15 THE DUTIES OR RESPONSIBILITIES NECESSARILY RELATED TO THE
16 DEVELOPMENT OF REAL PROPERTY ASSESSMENTS.

17 * * *

18 (10) Violating the confidential nature of records to
19 which the [assessor] certificate holder gained access through
20 employment or engagement as an assessor.

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

25 * * *

26 Section 7. Section 8(a) and (e) of the act are amended and
27 the section is amended by adding a subsection to read:

28 Section 8. Unlawful practice.

29 (a) Prohibition on ad valorem tax valuations.--A person may
30 not perform valuations of real property for ad valorem tax

1 purposes[, except as provided by the three-year grace period
2 under section 4(a),] unless the person is currently certified by
3 the board as a Certified Pennsylvania Evaluator.

4 (a.1) Revaluation company personnel.--No revaluation company
5 personnel shall determine the value of real property in this
6 Commonwealth or develop property valuation models for use in
7 this Commonwealth unless currently certified by the board as a
8 Certified Pennsylvania Evaluator.

9 * * *

10 (e) Civil penalty.--In addition to any other civil remedy or
11 criminal penalty provided in this act, the board, by a vote of
12 the majority of the maximum number of the authorized membership
13 of the board as provided by law or by a vote of the majority of
14 the duly qualified and confirmed membership or a minimum of
15 three members, whichever is greater, may, after affording an
16 accused party the opportunity for a hearing as provided in 2
17 Pa.C.S. (relating to administrative law and procedure), levy a
18 civil penalty of up to \$1,000 on [any current certificate holder
19 who violates any provision of this act or on any person who
20 holds himself or herself out as a Certified Pennsylvania
21 Evaluator or performs valuations of real property for ad valorem
22 tax purposes for which certification as a Certified Pennsylvania
23 Evaluator is required without being so certified pursuant to
24 this act. The board shall levy this penalty only after affording
25 the accused party the opportunity for a hearing, as provided in
26 2 Pa.C.S. (relating to administrative law and procedure).] any
27 of the following:

28 (1) A current certificate holder who violates a
29 provision of this act.

30 (2) A person who holds himself out as a Certified

1 Pennsylvania Evaluator without being so certified under this
2 act.

3 (3) A person who violates the prohibitions in
4 subsections (a) and (a.1).

5 ~~Section 8. This act shall take effect in 180 days.~~ <--

6 SECTION 8 SECTION 11 OF THE ACT IS REPEALED: <--

7 [SECTION 11. NONAPPLICABILITY.

8 THIS ACT SHALL NOT APPLY TO COUNTIES OF THE FIRST CLASS.]

9 SECTION 9. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

10 SECTION 11.1. ASSESSORS IN COUNTIES OF THE FIRST CLASS.

11 AN ASSESSOR WHO IS EMPLOYED BY A COUNTY OF THE FIRST CLASS ON
12 THE EFFECTIVE DATE OF THIS SECTION SHALL HAVE THREE YEARS FROM
13 THE EFFECTIVE DATE OF THIS SECTION TO BECOME CERTIFIED UNDER
14 THIS ACT.

15 SECTION 10. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

16 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

17 (2) THE REPEAL OF SECTION 11 OF THE ACT AND THE ADDITION
18 OF SECTION 11.1 OF THE ACT SHALL TAKE EFFECT IN 60 DAYS.

19 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 180
20 DAYS.