

ASSESSORS CERTIFICATION ACT - OMNIBUS AMENDMENTS

Act of Oct. 29, 2020, P.L. 731, No. 88

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No. 2020-88

HB 1033

AN ACT

Amending the act of April 16, 1992 (P.L.155, No.28), entitled "An act providing for the certification and recertification of assessors; establishing eligibility and training requirements; defining the powers and duties of the State Board of Certified Real Estate Appraisers relating to training, certification and recertification of assessors; and authorizing the board to establish fees," further providing for definitions and for duties of board; repealing provisions relating to qualifications; further providing for certification; providing for employees of political subdivisions; further providing for disciplinary and correction measures and for unlawful practice; repealing provisions relating to nonapplicability; and providing for assessors in counties of the first class.

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

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

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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

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

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

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

"Revaluation company personnel." Persons employed by a revaluation company, or by a contractor of a county or a revaluation company, and directly responsible for the valuation

of real property or the development of a property valuation model.

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

Section 4. Duties of board.

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

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

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(d) Continuing education.--[An assessor] **A Certified Pennsylvania Evaluator** applying for renewal of certification shall submit proof to the board that, during the two years immediately preceding renewal, the [assessor] **individual** has satisfactorily completed [a minimum of 20] **the required minimum** hours of continuing education relating to assessment and appraisal [practices, provided that, for the 1993 renewal, an assessor shall be required to complete only ten hours of continuing education.] **practice**. The board shall approve continuing education courses and providers **and set the required minimum hours** pursuant to regulations promulgated by the board.

Section 3. Section 5 of the act is repealed:
[Section 5. Qualifications.]

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

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

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

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

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

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

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

Section 6. [Certification] **Qualifications for certification.**

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

(b) Application.--Application for certification shall be made to the board by completion of the board's prescribed application form and shall be accompanied by the appropriate fee established by the board. **An applicant shall:**

(1) **(Reserved).**

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

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

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

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

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Section 5. The act is amended by adding a section to read:
Section 6.1. Employees of political subdivisions.

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

(b) **Employee duties.--An employee may assist in data collection and fulfill all other duties assigned by the political subdivision or official, except that the employee may not value real property unless certified in accordance with section 6.**

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

Section 7. Disciplinary and correction measures.

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

* * *

(4) **Being convicted of or pleading guilty to a crime [which is substantially related to the qualifications, functions and duties of a person developing real property assessments.] that directly relates to or has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the development of real property assessments.**

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

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

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

Section 8. **Unlawful practice.**

(a) **Prohibition on ad valorem tax valuations.--A person may not perform valuations of real property for ad valorem tax purposes[, except as provided by the three-year grace period**

under section 4(a),] unless the person is currently certified by the board as a Certified Pennsylvania Evaluator.

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

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

- (1) A current certificate holder who violates a provision of this act.**
- (2) A person who holds himself out as a Certified Pennsylvania Evaluator without being so certified under this act.**
- (3) A person who violates the prohibitions in subsections (a) and (a.1).**

Section 8. Section 11 of the act is repealed:

[Section 11. Nonapplicability.

This act shall not apply to counties of the first class.]

Section 9. The act is amended by adding a section to read:

Section 11.1. Assessors in counties of the first class.

An assessor who is employed by a county of the first class on the effective date of this section shall have three years from the effective date of this section to become certified under this act.

Section 10. This act shall take effect as follows:

- (1) This section shall take effect immediately.
- (2) The repeal of section 11 of the act and the addition of section 11.1 of the act shall take effect in 60 days.
- (3) The remainder of this act shall take effect in 180 days.

APPROVED--The 29th day of October, A.D. 2020.

TOM WOLF