

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1033 Session of  
2019

---

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

---

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 5, 2019

---

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.

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

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

20 Section 2. Definitions.

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

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

3 \* \* \*

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

11 \* \* \*

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

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

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

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

30 Section 4. Duties of board.

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

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

21 \* \* \*

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

1 continuing education courses and providers and set the required  
2 minimum hours pursuant to regulations promulgated by the board.

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

4 [Section 5. Qualifications.

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

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

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

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

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

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

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

23 Section 6. [Certification] Qualifications for certification.

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

28 (b) Application.--Application for certification shall be  
29 made to the board by completion of the board's prescribed  
30 application form and shall be accompanied by the appropriate fee

1 established by the board. An applicant shall:

2 (1) Be of good moral character.

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

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

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

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

18 \* \* \*

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

20 Section 6.1. Employees of political subdivisions.

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

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

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

3 Section 7. Disciplinary and correction measures.

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

7 \* \* \*

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

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

15 \* \* \*

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

18 Section 8. Unlawful practice.

19 (a) Prohibition on ad valorem tax valuations.--A person may  
20 not perform valuations of real property for ad valorem tax  
21 purposes[, except as provided by the three-year grace period  
22 under section 4(a),] unless the person is currently certified by  
23 the board as a Certified Pennsylvania Evaluator.

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

29 \* \* \*

30 (e) Civil penalty.--In addition to any other civil remedy or

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

18       (1) A current certificate holder who violates a  
19 provision of this act.

20       (2) A person who holds himself out as a Certified  
21 Pennsylvania Evaluator without being so certified under this  
22 act.

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

25 Section 8. This act shall take effect in 180 days.