

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Rea 302.01

<p>1. Agency Name & Address:</p> <p>NH Real Estate Commission State House Annex 25 Capitol Street, Rm 434 Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 331-A:7, III; 25, VIII</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u> X </u></p>
--	--

5. Short Title: **Programs of Study Accreditation and Re-accreditation**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

This rule establishes the qualifications for accreditation of pre-licensing, core and elective continuing education instructors, and the time period in which an individual or firm must apply for re-accreditation of pre-licensing and continuing education courses. This amendment changes the qualifications required for accreditation of pre-licensing, core and elective continuing education instructors.

6. (b) Brief description of the groups affected:

Real estate course providers.

RULEMAKING NOTICE FORM - Page 2

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	STATUTE
Rea 302.01	RSA 331-A:20; 25, VIII

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Beth A. Edes** Title: **Executive Director**
 Address: **NH Real Estate Commission** Phone #: **(603) 271-2701**
State House Annex Fax#: **(603) 271-1039**
25 Capitol Street, Room 434 E-mail: **Bedes@nhrec.state.nh.us**
Concord, New Hampshire 03301 TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **May 19, 2009 at 11:30 a.m. or at the end of the hearing, whichever comes later.**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **May 19, 2009 11:00 a.m.**

Place: **New Hampshire Real Estate Commission**
State House Annex
25 Capitol Street, Room 425
Concord, New Hampshire 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **FIS 09:054** , dated **April 14, 2009**

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **This proposed rule amendment does not violate the New Hampshire Constitution, Part I, Article 28-a. This rule amendment does not mandate any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by that subdivision.**

LBAO
FIS 09:054
04/14/09

Fiscal Impact Statement for New Hampshire Real Estate Commission rules governing Programs of Study Accreditation and Re-accreditation. [Rea 302.01]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may increase costs for state citizens and independently owned businesses by an indeterminable amount.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

This rule establishes the qualifications for accreditation of pre-licensing, core and elective continuing education instructors, and the time period in which an individual or firm must apply for re-accreditation of pre-licensing and continuing education courses. There is no impact on state general or special funds. Citizens and independently owned businesses may incur increased costs of an indeterminable amount. See B. and C. below.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

To the extent State citizens do not meet the new qualification requirements and must pay to obtain experience or education required to qualify for accreditation, costs for these individuals may increase. This requirement only applies to original accreditation and would not apply to instructors who are currently accredited. There is no cost to political subdivisions.

C. To independently owned businesses:

To the extent course providers pay to assist new instructors in obtaining experience or education required to qualify for accreditation, costs for these independently owned businesses may increase. This requirement only applies to original accreditation and would not apply to instructors who are currently accredited.

Re-adopt with amendment Rea 302.01, effective 6-28-01 (Document #7520) to read as follows:

Rea 302.01 Programs of Study Accreditation and Re-accreditation.

(a) Any individual applying for accreditation or any corporation applying for accreditation to instruct a real estate *pre-licensing or continuing education* course shall submit to the commission documents substantiating the applicant's qualifications to instruct such course, including, but not limited to (b) *and* (c) below. The applicant shall be scheduled to appear before the commission to address any questions the commission has prior to the commission deciding whether to approve or deny accreditation.

(b) All individuals ~~or corporations~~ applying for accreditation shall ~~complete at least 72 hours of course teaching of real estate related subjects in New Hampshire before requesting accreditation before the commission.~~ *as a pre-licensing or core continuing education instructor shall demonstrate the following:*

(1) Brokerage experience qualifications or other qualifications found by the commission to be equivalent to the following:

a. An active broker license with 3 years of full-time experience in real estate brokerage within the past 5 years, 2 of which must have been in New Hampshire within the previous 3 years from the date of application; and

(2) Teaching experience qualifications or other qualifications found by the commission to be equivalent to the following:

a. A bachelor's degree or higher in the field of education from an accredited college, university, or institute of higher learning within 5 years prior to the date of application; or

b. A minimum of 150 hours of course teaching, speaking, or presentation experience within 2 years prior to the date of application; and

(3) The following demonstration of subject matter knowledge and good teaching skills:

a. An applicant for pre-licensing instructor accreditation shall submit a one-hour unedited video or DVD recording which depicts the applicant teaching New Hampshire state specific pre-licensing material.

b. An applicant for core continuing education instructor accreditation shall submit an unedited video or DVD recording which depicts the applicant teaching a New Hampshire core continuing education course.

(c) All individuals applying for accreditation as an elective continuing education instructor shall demonstrate the following:

(1) Experience qualifications or other qualifications found by the commission to be equivalent to the following:

a. A bachelor's degree or higher from an accredited college, university or institute of higher learning with coursework related to the field of the subject matter of the course within 5 years prior to the date of application; or

b. Three years full-time work experience or teaching experience within the previous 5 years of the date of application that is related to the field of the subject matter of the course; and

(2) The following evidence of teaching experience or ability qualifications or other qualifications found by the commission to be equivalent to the following:

a. A bachelor's degree or higher in the field of education from an accredited college, university or institute of higher learning within 5 years prior to the date of application; or

b. A minimum of 15 hours of course teaching, speaking or presentation experience within 2 years prior to the date of application; or

c. Submission of a one-hour unedited video or DVD recording which demonstrates that the applicant possesses good teaching skills in the subject matter to be taught.

(e)(d) All individuals or ~~corporations~~ firms shall apply for re-accreditation of pre-licensing, core, and elective continuing education courses within one year from the date of original accreditation or re-accreditation.