

**Guidance regarding effect of regulatory suspensions effectuated by
Governor Reynold's Proclamation of Disaster Emergency,
dated April 2, 2020, and providing for Professional Licensure Relief**

On Thursday, April 2, 2020, Governor Reynolds issued A Proclamation of Disaster Emergency providing for, among other things, Professional Licensure Relief as a result of the outbreak of COVID-19. Proclamation of Disaster Emergency, §§ 3–15 (April 2, 2020), <https://governor.iowa.gov/sites/default/files/documents/Public%20Health%20Disaster%20Proclamation%20-%202020.04.02.pdf>. The Proclamation provided relief by, among other things, suspending various regulatory requirements relating to in-person continuing education, licensure renewal deadlines, background checks as a condition of initial licensure, and certain examination deadlines. On Monday, April 27, 2020, Governor Kim Reynolds issued an updated Proclamation continuing the Disaster Emergency until May 27, 2020, and extending the regulatory requirements relating to in-person continuing education, licensure renewal deadlines, background checks as a condition of initial licensure, and certain examination deadlines through that same time period. Proclamation of Disaster Emergency [hereinafter *Proclamation*], §§ 79–80, 82, 88, 176 (April 27, 2020), <https://governor.iowa.gov/sites/default/files/documents/Public%20Health%20Disaster%20Proclamation%20-%202020.04.02.pdf>. Pursuant to the Proclamation, Governor Reynolds directed individual licensing boards to “provide additional guidance to licensees regarding the effect of these suspensions.” *Id.* Notwithstanding these suspensions at the state level, overarching federal requirements governing and applicable to appraisal regulatory programs across the country, including those set forth in the Appraisal Qualifications Board Criteria (“AQB Criteria”) and Appraisal Subcommittee Policy Statements (“ASC Policy Statements”), place limits on the particular state regulatory provisions state boards may suspend or waive without jeopardizing their compliance with applicable national requirements.

In light of and consistent with the foregoing, the Iowa Real Estate Appraiser Examining Board (“Board”) hereby issues the following Guidance regarding the effect of these suspensions, taking into account limitations imposed by applicable federal requirements, including the AQB Criteria and ASC Policy Statements.

1. Pursuant to SECTION EIGHTY of the Proclamation, Governor Reynolds temporarily suspended the regulatory provisions of Iowa Code chapter 543D and corresponding implementing regulations to the extent they set an expiration date or renewal requirement for a professional license that expires during the duration of the Proclamation. Currently, the Proclamation is set to expire on May 27, 2020. Because appraisal credentials are not set to expire until June 30, 2020—after the current expiration date of the Proclamation—**current renewal schedules and deadlines remain unaltered for 2020**. If the expiration date of the Proclamation is further extended by subsequent order of the Governor, the Board will issue supplemental guidance explaining the effect of any such extension at that time.
2. Pursuant to SECTION SEVENTY-NINE of the Proclamation, Governor Reynolds temporarily suspended the regulatory provisions of Iowa Code chapter 543D and corresponding implementing regulations to the extent they impose requirements for in-person continuing education as a condition of professional license renewal or impose continuing education deadlines or requirements that are unable to be satisfied due to COVID-19. In addition, the ASC is working with states to allow a 90-day extension to complete required continuing education, as authorized by the Criteria (Section III.F.13) when a state declares a disaster. For appraisers, this means:

- **As noted above, biennial renewal deadlines currently remain unaltered for 2020.** If your license or registration is up for renewal this renewal cycle, you still have between May 15 through June 30 of 2020 to submit a fully complete and sufficient renewal application. However, if your license or registration is up for renewal this cycle, **you will have an additional ninety (90) days (until September 28, 2020)** past the renewal deadline of June 30 to take and obtain the continuing education that would have otherwise been due at the time of your renewal if you were unable to obtain the required continuing education by the renewal deadline **due to circumstances related to COVID-19** (“90-Day Allowance”).
 - To the extent possible, appraisers are encouraged to take distance education courses and try to meet all continuing education requirements in accordance with the typical renewal deadline and continuing education requirements. **There is currently no limit on the number of continuing education hours that may be obtained through distance education.**
 - However, if not feasible, and if you need to take advantage of the 90-Day Allowance, to do so you must:
 - Submit a renewal application between May 15 through June 30. You will be required to select the 90-Day Allowance option in Section 3, Continuing Education, of the Board’s electronic licensing system where it asks how you are providing your CE Unit requirements.
 - Notify the Board’s Executive Officer that you will need to utilize the 90-Day Allowance by emailing Brandy.March@iowa.gov using the subject line: 90-Day Allowance.
 - Maintain a copy of any supporting documentation justifying the need for the 90-Day Allowance, as you may be required to supply the Board with these materials as part of the allowance process. For example purposes only, supporting documentation may include but is not limited to: emails from course providers showing a previously scheduled course was cancelled due to circumstances related to COVID-19; a note from a physician documenting your incapacitation or similar circumstance.
 - Whether a licensee was unable to obtain the required continuing education by the renewal deadline due to circumstances related to COVID-19 and whether the 90-Day Allowance should be granted may be initially determined by the Board’s Executive Officer, subject to any applicable right to appeal. *See Iowa Admin. Code r. 193F—20.39 (Hearing on license denial).* The Board will be as flexible as possible and work with licensees to accommodate delays and extenuating circumstances during this difficult time.
3. Pursuant to SECTION EIGHTY-TWO of the Proclamation, Governor Reynolds temporarily suspended the regulatory provisions of Iowa Code 543D.22 and corresponding implementing regulations to the extent they require the completion of background checks for initial applicants as a condition of obtaining professional licensure. Governor Reynolds further directed all licensing boards to, upon the expiration of the Proclamation, conduct the otherwise required background checks for those applicants and take any necessary action resulting from completion of those checks, up to and including revocation of licensure. The Board has received reports that local police precincts are not currently facilitating finger-printing processes necessary for the

Board to process federal background checks currently required for initial licensure. For appraisers, this means:

- a. During the duration of the Proclamation, currently through May 27, 2020, unless and until further extended by subsequent order of the Governor, applicants for initial registration or licensure may obtain initial licensure without completing otherwise required background check processes, provided that:
 - i. All other licensure requirements are complete and the applicant would otherwise be entitled to licensure under applicable laws and rules enforced and administered by the Board.
 - ii. During the duration of the Proclamation and suspension of background check requirements:
 1. Applicants must supply the Board with a list of all cities and states in which the applicant has lived since the age of 18 so the Board's Executive Officer may conduct an online search through any court systems to ensure applicant's background does not call into question the public trust or safety; and
 2. Applicants must supply the Board with an affidavit identifying and attesting to any and all prior criminal convictions, both felony and misdemeanor, alike, and including any plea of guilty or nolo contendere, including Alford pleas, or finding of guilt whether or not judgment or sentence is deferred, and whether or not the conviction is on appeal.
 - iii. After the expiration of the Proclamation and reinstatement of background check requirements, any applicant who was granted a license without having undergone a background check by operation of the Proclamation and this Guidance:
 1. Shall within thirty (30) days of the expiration of the Proclamation, submit any and all fees, forms, waivers, or other documents, including completed fingerprinting cards, necessary for the Board to conduct the background checks that would have otherwise been conducted at the time of initial licensure, but which were not conducted as a result of the Proclamation and this Guidance. Failure of a licensee to complete the required background check processes within the thirty (30) days may result in disciplinary action, including but not limited to revocation; and
 2. May be subject to discipline, including but not limited to revocation, if it is later discovered that any information provided to the Board in connection with processing an application for initial licensure, including in connection with any of the items required and provided in connection with paragraph 3.a.ii, above, was false, misleading, or fraudulent in nature, or if it subsequently determined that the licensee has a criminal history that calls into question the public trust or safety pursuant to and in accordance with the standards established by the statutes and rules administered by the Board.

4. Pursuant to SECTION EIGHTY-EIGHT of the Proclamation, Governor Reynolds temporarily suspended the regulatory provisions of Iowa Code § 543D.8 and Iowa Admin. Code r 193F-3.2, 193F-5.3, and 193F-6.3 and any other implementing administrative rules establishing examination deadlines as a condition for initial licensure for appraisers. However, in conducting further due diligence, the Board has determined that applicable exam deadlines are required by the AQB Criteria, and that the Board does not have the authority to suspend or waive these regulatory provisions. Accordingly, these regulatory provisions remain in full force and effect, meaning applicants for initial licensure who have passed an examination must obtain the related appraiser credential within 24 months after passing the examination, or the result loses its validity to support issuance of an appraiser credential.
5. Notwithstanding anything in this Guidance to the contrary: To the extent any provision in this Guidance is inconsistent with a provision in the Proclamation, the provision of the Proclamation shall prevail. To the extent any provision in this Guidance is inconsistent with a provision of the AQB Criteria or ASC Policy Statements, the AQB Criteria or ASC Policy Statements shall prevail.
6. Unless specifically included or addressed within this Guidance, all other regulatory requirements enforced or administered by the Board shall remain in full force and effect. In addition, other than the requirements specifically identified and addressed in this Guidance, nothing contained in this Guidance shall be construed as an exemption from any other portion of the Iowa Code or Iowa Administrative Code.
7. If additional allowances from Board rules outside of the scope of the rules or issues addressed by this Guidance are required due to circumstances relating to COVID-19, such allowances shall be handled as individual petitions for waiver or variance from Board rules pursuant to and in accordance with 193F Iowa Administrative Code chapter 18.
8. The provisions of this Guidance shall be effective immediately, as of the date of signature, below, and its duration shall be coterminous with the duration of the Proclamation, including any extensions thereto, unless and solely to the extent otherwise stated herein or unless otherwise extended by subsequent order of the Board in a manner consistent with and permitted by the Proclamation.

Issued this 29th day of April, 2020

Iowa Real Estate Appraiser Examining Board:

Fred Greder bm
Fred Greder, Board Chair

4/29/2020
Date