

Assessing Standards Board
Regular Board Meeting

Approved as written

DATE: January 6, 2023

TIME: 1:00 p.m.

LOCATION: Department of Revenue – Training Room, 109 Pleasant Street, Concord

BOARD MEMBERS

(E) Excused absence.

Senator James Gray	<i>Municipal Official, Towns >3,000</i>
Senator Rebecca Perkins-Kwoka	Robert Edwards, Municipal Official, <3,000
Representative Peter Schmidt	David Marazoff, NHAAO, At-Large Member <i>(E)</i>
Representative Tony Piemonte <i>(E)</i>	Loren Martin, NHAAO, Towns, <3,000
Betsey Patten, Public Member, Chair	Joe Lessard, NHAAO, Towns >3,000
Robert Gagne, NHAAO, City Official	Tom Thomson, Public Member
Sam Greene, NHDRA Commissioner, Designee	<i>Vacant, Public Member</i>
Jim Wheeler, Municipal Official, City, Designee	

MEMBERS of the PUBLIC

Tom Hughes, Moultonborough	Stephanie Shurtleff, Preti Flaherty
Kris Fowler, NH DRA	

Chair Patten convened the meeting at 1:00 p.m.

Introductions of the Board followed.

Election of Officers

Mr. Gagne *nominated Betsey Patten as Chair; seconded by* Mr. Thomson. No other nominations were made. Mr. Gagne *moved to close nominations; seconded by* Mr. Lessard. Motion to close nominations passed unanimously. *The motion to re-elect Betsey Patten as Chair passed unanimously.*

Mr. Thomson *nominated Bob Gagne as Vice Chair; seconded by* Mr. Lessard. Mr. Wheeler *moved to close nominations; seconded by* Mr. Lessard. Motion to close nominations passed unanimously. *The motion to re-elect Mr. Gagne as Vice Chair passed unanimously.*

Minutes

Mr. Lessard *motioned to accept the minutes of the December 9, 2022, regular board meeting;* Mr. Edwards *seconded the motion.* No Discussion. Chair Patten called the motion to approve the minutes of December 9, 2022, as written. *Motion passed unanimously.*

Communications

Mr. Tom Hughes brought forth a concern with the term “full reassessment” used in the proposed legislation brought forth by the HB 411 Study Commission on the Equalization Rate Used for Abatements.

Proposed language:

“If an abatement is granted under RSA 76:16, RSA 76:16-a or RSA 76:17, with a determination of market value, the market value of the property for a given tax year shall be equalized by multiplying the market value of the property by the previous tax year’s median ratio as determined by the Department of Revenue Administration under RSA 21-J:3. The market value of the property shall be equalized at 100% in any tax year for which the municipality conducts a **full reassessment** in accordance with RSA 75:1 and RSA 75:8-a.”

Mr. Hughes explained that the definitions relating to the types of value updates in both the Asb 300 and Rev 600 rules, which are identical, are very confusing. As an experienced assessor, he finds them difficult to understand, interpret and explain to taxpayers and suggests changing “full reassessment” to a more appropriate term such as “revaluation.”

There was discussion about the differences in the types of value updates and the scope of work in each and how the word “full” was unnecessary. A revaluation means a change in the base year that effects all properties, which is included in the terms above, the difference is the scope of work involved in each process..

It was clarified that the proposed language did not originate from the ASB; it was proposed by the study commission. There was some opposition to the proposed language and a subcommittee was created to discuss it in more detail. After hearing from Scott Bartlett, who was on the study commission and Attorney Chris Boldt, who closely followed the commission, and a more in-depth discussion, the subcommittee agreed to recommend to the Board, to support the proposed language, which they did. The LSR is now House Bill (HB) 202, and any change(s) would need to be made during hearings.

Ms. Martin *motioned to support changing the term “full reassessment” to “revaluation” in HB 202*; Mr. Lessard *seconded the motion*. Chair Patten called the motion. Representative Schmidt abstained. All others approved. *Motion passed with majority vote.*

Mr. Lessard *motioned to support HB 202, with the language change*; Mr. Edwards *seconded the motion*. Chair Patten called the motion. Representative Schmidt abstained. All others approved. *Motion passed with majority vote.*

Chair Patten indicated she would reach out to the sponsors of the bill with the Board’s support of this change however it would be important for individuals to attend the hearings to support and explain, if necessary, the reason for the change. This could also be submitted in writing to the bill sponsors as well.

With regards to the definitions, the Rev rules are due to be updated in 2024 and Mr. Greene welcomed input for that process. The Asb 300 rules relating to the certification of assessors, including the definitions, is moving to the Office of Professional Licensure and Certification (OPLC) sometime this year and may be changed.

Status of the Commission to Study the Assessing Power Generation and Transmission

The bill anticipated to be submitted by former Representative Abrami to continue the study commission was not filed. Senator Tim Lang has submitted LSR 2023-0878 to reauthorize the study commission.

OPLC / DRA Update

Mr. Greene reported that the OPLC and DRA have met twice relating to the transfer of records. There is a significant difference in the recordkeeping of the DRA, who keeps hard copies of all documents, versus the OPLC who keeps 4-years of electronic records. The transfer of records is anticipated to be completed by July.

There was a question about the membership of the new board and how interested individuals might apply for positions. There was no definitive answer available at this time.

Rules Subcommittee Update

A copy of the full set of Asb rules and summary of proposed changes is attached to the end of the minutes.

Ms. Martin reviewed the rule changes the subcommittee voted to recommend to the Board. There were a couple of grammatical changes, implementation of rules that the Board had approved at previous meetings for rulemaking that were inadvertently not included the rulemaking effort, a couple of new changes to reorganize rules that were incorrectly placed, identifying the “comprehensive” exam as the CNHA exam, changing the time to file a background check from within 30-days to 60-days and increasing the filing period to file a PA-71 from 180-days to 360 days..

Mr. Gagne ***motioned to approve the proposed changes and move into rulemaking***; Mr. Lessard ***seconded the motion***. No discussion. Chair Patten called the motion. Representative Schmidt abstained. All others approved. ***Motion passed with majority vote.***

Task List

A review of the task list was completed. Mr. Thomson reiterated the purpose of the creation and importance of RSA 76:21, which came from a personal experience of a family member who lost their home to fire in the summer but had to pay taxes on the property for the entire year. The original bill was to help in those situations which extended from fire to any natural disaster. He worked with Jeannie Forester to file the bill and brought to the ASB to assist with language. He hopes the court determines that not being able to rent rooms causing a decrease in revenue due to COVID does not meet the intent of this statute. It was also suggested that maybe clarification needs to be added to the statute to distinguish “physical” damage” from non-physical damage.

Removed

1. Rules change to increase PA-71 filing period from 6 months to 12 months – Done
2. Legislative change relating to appointment of Board members – it was decided there wasn't a change that could improve the process

Renumbered

1. RSA 72:8-c Propose legislation to add a % of value to assess the use of rights-of-ways
2. RSA 76:21 Prorated Damaged Buildings – Awaiting Supreme Court Decision relating to hospitality properties
3. Review of payments in lieu of taxes

Meeting Schedule

Next Regular Board Meeting

- At the Call of the Chair

Subcommittee to Review Assessment Review Standards

- Friday, January 20, 2023, at 11:00 a.m. at DRA

Mr. Lessard *motioned to adjourn*; Mr. Thomson *seconded the motion. Motion passed unanimously.*

Chair Patten adjourned the meeting at 10:52 p.m.

Respectfully submitted,

Stephanie Martel, ASB Clerk
Municipal and Property Division
NH Department of Revenue Administration

All meetings are recorded and available upon request.

Documentation relative to the Assessing Standards Board may be submitted, requested or reviewed by:

Telephone: (603) 230-5096
Facsimile: (603) 230-5947
Web: www.revenue.nh.gov
E-mail: asb@dra.nh.gov

In person at:
109 Pleasant Street, Concord

In writing to:
NH Department of Revenue
Assessing Standards Board
PO Box 487
Concord, NH 03302-0487

The entire set of Asb rules (Asb 100, Asb 200 and Asb 300) was provided to the Board. The proposed changes in Asb 300 begin on Page 7.

Page 7

- Line 366 – Add a period after number 3.
- Line 374 – replace [~~at~~] with *in*

Page 11

- Line 593-594 remove b. IAAO Course 452 from (b)(2)
- Lines 596 and 598 – Re-sequence [~~e and d~~] to b. and c.
- Lines 600-602 – Added (3) *IAAO Course 452 as a separate requirement*
- Line 604 forward – Re-sequenced forward

Page 12

- Line 641 – Added exam requirement reference (7)
(a) In lieu of the requirements in (b)(1), [~~and~~] (2), **and (7)** below, a DRA-certified property assessor

Page 13

- Line 701 – Replaced [~~a comprehensive~~] **with the certified New Hampshire assessor's (CNHA) exam**

Page 14

- Lines 742-744 - Added the following after (d)
(e) Any DRA-certified property assessor supervisor who does not hold a CNHA designation will be required to take the CNHA exam to recertify at the same level within 5 years of the rule being adopted.

Page 16

- Line 867 – Remove [~~DRA-certified property assessor assistant~~]
- Lines 876-884 – ***Added (b) new language and phase in for assessor assistant continuing education***

Page 18

- Line 953 – Changed [~~30~~] to **60** days

Page 20

- Line 1048 – Changed [~~180~~] to **360** days

CHAPTER Asb 300 CERTIFICATION OF ASSESSORS

PART Asb 301 DEFINITIONS

Asb 301.01 “Abatement review” means to make an assessment recommendation to the municipal assessing officials or to make a change to an assessment that is in response to an abatement request from a taxpayer.

Asb 301.02 “Appraisal” means the act or process of developing a market value estimate of property which will be used as the basis for valuation, fulfilling a municipality’s statutory duties relative to property tax administration including, but not limited to those pursuant to RSA 75:1.

Asb 301.03 “Appraisal work” means the act or process of developing and making a market value estimate of property, or an adjustment to an assessment, which shall be used as the basis for the valuation of a municipality in accordance with statutory requirements including, but not limited to, those pursuant to RSA 75:1.

Asb 301.04 “Appraiser” means any person, firm, company, or corporation who makes an appraisal, an assessment, or provides appraisal work and meets one of the following conditions:

(a) Is certified by the department of revenue administration (DRA) in accordance with RSA 21-J:14-f; or

(b) Is statutorily given the authority to appraise property pursuant to RSA 75:1, RSA 81:1, RSA 41:2-g, or RSA 48:13.

Asb 301.05 “Approved continuing education” means:

(a) Completing all requirements of a course or workshop with designated credit hours pertaining to appraisal of real estate for tax purposes offered or approved by, but not limited to:

- (1) International Association of Assessing Officers;
- (2) American Society of Appraisers;
- (3) American Society of Farm Managers and Rural Appraisers;
- (4) Appraisal Institute;
- (5) International Right of Way Association;
- (6) National Association of Independent Fee Appraisers;
- (7) Lincoln Institute;
- (8) New Hampshire Association of Assessing Officials;
- (9) New Hampshire real estate appraisal board; or
- (10) The DRA; or

(b) Teaching a course or workshop as specified in (a) above.

Asb 301.06 “Assessing services” means the making of appraisals, reappraisals, assessments, or providing other services on behalf of municipal assessing officials for the statutory administration of property valuation and assessment including, but not limited to those pursuant to RSA 75:1.

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Asb 301.07 “Assessment” means an estimate of the quality, amount, size, features, or worth of real estate which is used as a basis for a municipalities’ valuation in accordance with statutory requirements including, but not limited to those pursuant to RSA 75:1.

Asb 301.08 “Assessor” means any person, who is certified by the DRA as an assessor assistant, assessor, or assessor supervisor, who works on behalf of a municipality to:

- (a) Value real estate for ad valorem tax purposes;
- (b) Provide appraisal work; or
- (c) Provide assessing services.

Asb 301.09 “Bad faith” means dishonesty of belief or purpose, evasion of the spirit of the bargain, lack of diligence, willful rendering of an imperfect performance, abuse of a power to specify terms and interference with, or failure to cooperate in, the other party’s performance.

Asb 301.10 “Certification” means the process of applying for and meeting the experience and education requirements for the level of approval sought pursuant to RSA 21-J:14-f.

Asb 301.11 “Commissioner” means the commissioner of the department of revenue administration or the commissioner’s designee.

Asb 301.12 “Commissioner’s review and determination” means the DRA review of factors relevant to a charge of misconduct pursuant to Asb 308.13, and the disciplinary action taken by the DRA pursuant to Asb 308.14 and RSA 21-J:14-g, against any person, for failure to comply with the rules adopted by the assessing standards board (ASB) pursuant to RSA 21-J:14-f, II.

Asb 301.13 "Company" means the person, contractor, firm, or corporation with which the municipality has proposed or executed a contract or agreement for assessing services.

Asb 301.14 “Complainant” means a person who has filed a written charge of misconduct.

Asb 301.15 “Contract” means any agreement between the municipality and the contractor for making appraisals, reappraisals, assessments, or for appraisal work on behalf of a municipality within the state of New Hampshire.

Asb 301.16 “Contractor” means the person, firm, company, or corporation with which the municipality has executed a contract or agreement for assessing services.

Asb 301.17 “Cyclical inspection” means the process of a systematic measure and listing of all properties within a municipality over a specified period of time. The term includes “data collection” and “data verification.”

Asb 301.18 “Cyclical revaluation” means the process of combining a full statistical revaluation of the entire municipality with a cyclical inspection process.

Asb 301.19 “Data collection” means the inspection, measuring, or listing of property within a municipality. The term includes data verification.

Asb 301.20 “Deceit-fraud” means an intentional act of:

- (a) Deception in order to secure an unlawful gain;
- (b) Deception pertaining to contractual procurement or fulfillment; or

112
113 (c) Concealment of, or making a false impression of, a material fact, including when attempting to
114 procure DRA certification at any level.

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116 Asb 301.21 “Decertification” means the action taken, pursuant to RSA 21-J:14-g, I, by the
117 commissioner to remove a person’s DRA certification.

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119 Asb 301.22 “Department (DRA)” means the New Hampshire department of revenue
120 administration, 109 Pleasant Street, Concord NH.

121
122 Asb 301.23 “Equivalent” means a determination by the DRA that:

123
124 (a) The individuals’ educational and professional work experience meets, or exceeds, all of the
125 requirements to be a DRA-certified building measurer and lister or a DRA-certified property assessor
126 assistant; or

127
128 (b) A course meets the core education curriculum requirements.

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130 Asb 301.24 “Ethics” means the moral principles, values, and standards that govern the professional
131 conduct in appraisal practice. The term includes “ethical”.

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133 Asb 301.25 “Executed” means to transact, agree to, carry into effect, sign or act upon a contract or
134 agreement to perform assessing services for a municipality. The term includes “executing”.

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136 Asb 301.26 “Final field review” means the final comprehensive review of newly established values
137 utilizing a parcel by parcel field review for the entire municipality, the affected property, or the classes of
138 property to:

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140 (a) Ensure that the properties are valued at their highest and best use, and, as applicable, appraised
141 pursuant to RSA 75:1;

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143 (b) Ensure that the appraised values are proportionate and equitable; and

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145 (c) Identify and correct any mechanical errors, inconsistencies, unusual features, or value
146 influencing factors.

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148 Asb 301.27 “Full revaluation” means the revaluation of all taxable and nontaxable properties in a
149 municipality, with a complete measure and listing of all taxable and nontaxable properties to occur at the
150 same time of the establishment of the new base year, to arrive at full and true value as of April 1. The
151 term includes “full reappraisal” and “full reassessment.”

152
153 Asb 301.28 “Full statistical revaluation” means the process of a revaluation of all taxable and
154 nontaxable properties in a municipality, using existing property data, to arrive at full and true value as of
155 April 1. The term includes “statistical update” and “statistical reassessment.”

156
157 Asb 301.29 “Improvement” means any physical change to either land or to buildings that might
158 affect value.

159
160 Asb 301.30 “In-house assessor” means an appraiser that has been hired to perform appraisal work
161 as an employee of the municipality.

162
163 Asb 301.31 “Listing” means recording a description of the interior, exterior, and attributes of any
164 improvements or the recording of the description of land features and attributes. The term includes “list”.

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166 Asb 301.32 “Malfeasance” means an intentional act which is unlawful.
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168 Asb 301.33 “Market analysis” means the study and processes utilized to determine the response of
169 buyers and sellers of real estate, in a geographic area, to various data elements through the analysis of cost
170 data, income data, and sale transactions in the performance of mass appraisal.
171

172 Asb 301.34 "Mass appraisal" means the utilization of standard commonly recognized techniques to
173 value a group of properties as of a given date, using standard appraisal methods, employing common data
174 and providing for statistical testing.
175

176 Asb 301.35 "Measure" means the physical inspection, verification, recording, or sketching of the
177 exterior dimensions and attributes of any improvements made to a property.
178

179 Asb 301.36 “Misconduct” means:

180 (a) A dereliction of duty;

181 (b) A violation of appraisal practice ethical standards, such as, but not limited to:

182 (1) New Hampshire assessing standards board (ASB);

183 (2) International Association of Assessing Officers (IAAO);

184 (3) New Hampshire Association of Assessing Officials (NHAAO); or

185 (4) Uniform standards of professional appraisal practice (USPAP);

186 (c) An affirmative act of misrepresentation or concealment of a material fact;

187 (d) Violation of assigned duties by malfeasance, misfeasance, or nonfeasance; or

188 (e) An act or failure to act when there is a duty to do so in reckless disregard of another’s rights,
189 committed voluntarily and intentionally.
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191 Asb 301.37 “Misfeasance” means the improper execution of an act of lawful duty, or contractual
192 obligation, which infringes upon the rights and privileges of third persons.
193

194 Asb 301.38 “Municipal assessing officials” means those charged by law with the duty of assessing
195 taxes and being the:
196

197 (a) Governing body of a municipality;

198 (b) Board of assessors or selectmen of a municipality; or

199 (c) County commissioners of an unincorporated place.
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201 Asb 301.39 “Municipality” means a city, town, or unincorporated place.
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203 Asb 301.40 “Nonfeasance” means the total omission or total neglect of a required duty.
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205 Asb 301.41 “On-line course” means those courses offered by qualified entities by way of the
206 internet in a non-classroom setting.
207

208 Asb 301.42 “Partial update” means the process of analyzing market sales throughout the entire
209 municipality to identify and implement needed value changes to the affected areas, or classes of property,
210 to bring those properties to the municipality’s general level of assessment utilizing the existing base tax
211 year and providing an addendum to the existing USPAP-compliant report. The term includes “partial
212 revaluation.”
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225 Asb 301.43 “Qualified entities” means instructional providers approved by the DRA.
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227 Asb 301.44 “Recertification” means written notification to the DRA that the applicant wishes to
228 remain certified at their approved level, or recertified to another level, by providing any necessary
229 documentation as required by the Asb 300 rules.
230

231 Asb 301.45 “Respondent” means a DRA-certified person against whom a charge of misconduct
232 has been filed.
233

234 Asb 301.46 “Requirements of a course” to obtain certification by the DRA means
235 successful completion of a classroom, live on-line or self-study course, which is determined by the DRA
236 to meet the educational criteria, offered by qualified entities.
237

238 Asb 301.47 “Revaluation” means the act of re-estimating the worth of real estate of the
239 entire municipality using standard appraisal methods, calibration of the computer assisted mass appraisal
240 (CAMA) tables and models, establishment of a new base year with a USPAP-compliant report,
241 and providing for statistical testing whether by either:
242

243 (a) A full revaluation; or
244

245 (b) A full statistical revaluation. The term includes “reappraisal,” “reassessment,” and “value
246 anew.”
247

248 Asb 301.48 “Revaluation experience” means the number of years of work experience in the mass
249 appraisal process as required by Asb 303 where applicable.
250

251 Asb 301.49 “Sales chasing” means the practice of knowingly changing an individual property
252 assessment to or near to the recent selling price of that property thereby manipulating equalization ratio
253 study results.
254

255 Asb 301.50 “Sale validation” means the process of verifying a real estate sale transaction to
256 determine whether the sale was a valid or an invalid indicator of the market value of the sold property.
257 The term includes “sale verification” and “sale qualification.”
258

259 Asb 301.51 “Sanction” means a level of disciplinary action determined by the commissioner to
260 ensure the integrity of the DRA certification process by requiring a time period ranging from one month
261 to 6 months in which the sanctioned person, at his or her own expense, is supervised by:
262

263 (a) A DRA-certified property assessor; or
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265 (b) A DRA-certified property assessor supervisor.
266

267 Asb 301.52 “Self-study” means an approved on-line course that allows for testing in person or
268 proctored by an electronic monitoring service.
269

270 Asb 301.53 “Statistical testing” means the use or application of numerical statistics to understand the
271 results of a reappraisal or the need for a reappraisal.
272

273 Asb 301.54 “Suspension” means a level of disciplinary action determined by the commissioner to
274 ensure the integrity of the DRA certification process by requiring a loss of certification for a time period
275 up to 5 years pursuant to RSA 21-J:14-f.
276

277 Asb 301.55 “Unethical” means not in conformity with the ethics and standards that govern
278 professional conduct in appraisal practice.
279

280 Asb 301.56 “Uniform standards of professional appraisal practice (USPAP)” means the generally
281 accepted and recognized standards of appraisal practice printed by The Appraisal Foundation as
282 authorized by Congress as the source of appraisal standards and appraiser qualifications.
283

284 Asb 301.57 “USPAP-compliant report” means an appraisal report based upon the standards
285 established by the ASB pursuant to RSA 21-J:14-b, I, (c).
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287 Asb 301.58 “Year of experience” means that one year of work experience is equivalent to 2,000
288 hours.
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346 **PART Asb 302 ASSESSING SERVICES CONTRACTS, AGREEMENTS,**
347 **AND PERSONNEL BACKGROUND CHECKS**

348 **Asb 302.01 Assessing Services Contracts and Agreements.**

349 (a) Assessing services contracts and agreements shall be in accordance with RSA 21-J:11 and
350 the applicable Rev 600 rules.

351
352 (b) Prior to starting any work, every person, assessor, contractor, or company intending to engage
353 in the business of providing appraisals, appraisal work, or assessing services on behalf of a municipality
354 for tax assessment shall:

355 (1) Have a written contract or agreement for the work to be provided to the municipality;

356 (2) Provide a copy of the written contract or agreement to the DRA for review along with:

357 a. A list which includes at a minimum each employee's:

358 1. Name;

359 2. Duties; and

360 3. Current DRA approved certification level; and

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363 *Add*
364 *period*
365 *after 3.*
366 → (3) Provide a copy of the executed written contract or agreement to the DRA pursuant to
367 RSA 21-J:11, I, (a), (2) and the applicable Rev 600 rules.

370
371 **Asb 302.02 Personnel Background Checks.**

372 Unless statutorily authorized to assess property pursuant to RSA 75:1, RSA 81:1, RSA 41:2-g, or RSA
373 48:13, a person or an employee of a municipality or company who is not certified by the DRA as an
374 appraiser as defined [a] in Asb 301.04 shall not be trained to perform measuring and listing of property
375 or the making of appraisals for tax assessment purposes without:

376 (a) Written notification to the DRA at:

377
378 New Hampshire Department of Revenue Administration
379 Municipal and Property Division
380 PO Box 487
381 Concord, NH 03302-0487

382 (1) Including the name and the residential address of the person being trained;

383 (2) Including the name of the municipalities in which the person will be trained; and

384 (3) Including the name of the DRA-certified property assessor supervisor or DRA-
385 certified property assessor that will supervise the training.

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388 (b) Submission to the DRA of a completed criminal background check authorization form for the
389 person being trained.
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393 **PART Asb 303 REQUIREMENTS FOR EACH LEVEL OF**
394 **CERTIFICATION**

395 **Asb 303.01 General Requirements.**

396 (a) Pursuant to RSA 21-J:14-f, persons, unless statutorily authorized to assess property pursuant to
397 RSA 75:1, RSA 81:1, RSA 41:2-g, or RSA 48:13, who, by their action, provide an appraisal, appraisal
398 work, assessing services, or establish or change assessed property value for any municipality in the state
399 of New Hampshire shall:

- 400 (1) Be 18 years of age or older;
- 401 (2) Possess a high-school diploma or equivalent; and
- 402 (3) Be certified by the DRA as specified in Asb 306.

403 (b) Within each company, the person, at any level of certification status, who enters into a contract
404 or agreement with a municipality, shall be accountable for compliance with Asb 302.

405 (c) A DRA-certified person shall notify the DRA in writing within 14 days of any mailing address
406 change.

407 **Asb 303.02 Training of a Measurer and Lister.**

408 (a) Prior to training any person to conduct an assessment of real estate, the appraiser, contractor,
409 or in-house assessor, shall comply with Asb 302.02.

410 (b) The in-service supervised field training shall be in the presence of a DRA-certified appraiser
411 as defined in Asb 301.04.

412 (c) The in-service supervised field training shall be documented in writing by providing:

- 413 (1) The name of the municipalities in which the field training was performed;
- 414 (2) The dates that the supervised field training was performed;
- 415 (3) The number of hours of the supervised field training; and
- 416 (4) The name of the DRA-certified appraiser that accompanied and supervised the field
417 training.

418 (d) Upon the completion of the 160 hours of supervised field training pursuant to Asb 303.03
419 (a)(1), the trainee shall immediately request to be certified as a DRA-certified building measurer and lister
420 pursuant to Asb 306.01.

421 (e) Upon completion of the 160 hours of supervised field training, the DRA-certified property
422 assessor, or the DRA-certified property assessor supervisor shall:

- 423 (1) Attest in writing to the completion of the 160 hours of supervised field training, pursuant
424 to Asb 304.03 (a)(4) or Asb 304.04 (d); and
- 425 (2) Provide the written documentation of the in-service supervised field training as specified
426 in Asb 303.02 (c) to the trainee for submission to the DRA in accordance with Asb 306.01.

444 (f) The DRA-certified property assessor, or the DRA-certified property assessor supervisor that is
445 overseeing the supervised field training shall notify the DRA within 14 days if the person's employment
446 is terminated prior to the completion of the certification.
447

448 **Asb 303.03 Requirements to be a DRA-Certified Building Measurer and Lister.**

449 A person requesting certification under this section shall meet either of the following:
450

451 (a) The requirements to be a DRA-certified building measurer and lister shall include:
452

453 (1) A total of 160 documented hours of in-service accompanied supervised field training in
454 measuring, listing, data collection, and data verification with at least 40 of those 160 hours
455 conducted in the presence of:
456

- 457 a. A DRA-certified property assessor; or
- 458 b. A DRA-certified property assessor supervisor; and

460 (2) Training to:
461

- 462 a. Measure and sketch improvements to scale;
- 463 b. Understand and utilize the data collection manual;
- 464 c. List improvements by:
 - 465 1. The number of stories;
 - 466 2. The height of the building;
 - 467 3. The type of heating system;
 - 468 4. A description of the plumbing system;
 - 469 5. The type of basement;
 - 470 6. A description of any additions or outbuildings;
 - 471 7. An indication whether any of the items in 1. through 6., above, are:
 - 472 (i) Defective, but curable or incurable;
 - 473 (ii) Functional; and
 - 474 (iii) In good, fair, or poor condition; and
 - 475 8. The description of any other feature, attribute, or factor that may contribute
 - 476 value to a property;
- 477 d. Understand the duties of a DRA-certified building measurer and lister as specified in
- 478 Asb 304.01; and
- 479 e. Understand the ethics that govern professional conduct in appraisal practice; or

480 (b) Equivalent professional work experience as listed in (a)(1) and (2) above in a similar field
481 such as real estate brokerage, real estate appraisals for non-assessing services, or work in other assessing
482 jurisdictions.
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499 **Asb 303.04 Requirements to be a DRA-Certified Property Assessor Assistant.**

500 A person requesting certification under this section shall meet either of the following:

- 501
- 502 (a) The requirements to be a DRA-certified property assessor assistant shall be:
- 503
- 504 (1) All of the requirements for a DRA-certified building measurer and lister, specified in Asb
- 505 303.03;
- 506
- 507 (2) Signed documentation of successful completion, of International Association of
- 508 Assessing Officers (IAAO) Course 101, or the equivalent requirements of a course focusing
- 509 on the basic functions of the appraisal process and appraisal theories, offered by, but not
- 510 limited to, those entities listed in Asb 301.05 (a);
- 511
- 512 (3) At least 2 years of experience which provides exposure to the application of the basic
- 513 knowledge of property valuation and appraisal theories consisting of:
- 514
- 515 a. Work experience in the:
- 516
- 517 1. Measuring and listing of property; and
- 518
- 519 2. Assisting with property assessments; or
- 520
- 521 b. Work in a similar field, such as real estate brokerage or real estate appraisals for non-
- 522 assessing purposes;
- 523
- 524 (4) Familiarity with common building construction for:
- 525
- 526 a. The quality of construction;
- 527
- 528 b. The approximate age of the structure;
- 529
- 530 c. Foundation;
- 531
- 532 d. Basement area;
- 533 e. Insulation;
- 534
- 535 f. Roofing;
- 536
- 537 g. Flooring;
- 538
- 539 h. Exterior cover;
- 540
- 541 i. Interior finish;
- 542
- 543 j. Fireplaces;
- 544
- 545 k. Heating and air conditioning systems;
- 546
- 547 l. Solar collectors;
- 548
- 549 m. Plumbing and plumbing fixtures;
- 550
- 551 n. Tiling;
- 552
- 553 o. Electric service;
- 554
- 555 p. The number of rooms or bedrooms;

- 556 q. Sprinkler systems;
- 557
- 558 r. Elevators; and
- 559
- 560 s. Any other structural features which would influence value;
- 561
- 562 (5) Thorough knowledge of the duties of a DRA-certified property assessor assistant as
- 563 specified in Asb 304.02; and
- 564
- 565 (6) Attestation by a DRA-certified property assessor or DRA-certified property assessor
- 566 supervisor that the individual has been trained, has read, and understands:
- 567
 - 568 a. Applicable NH property assessing statutes;
 - 569
 - 570 b. Appraisal practice ethics; and
 - 571
 - 572 c. Administrative rule Asb 300 and Rev 600; or
 - 573

574 (b) Equivalent educational and professional work experience as listed in (a)(1) through (5) above
575 or equivalent work in other assessing jurisdictions.

576 **Asb 303.05 Requirements to be a DRA-Certified Property Assessor.**

577 (a) In lieu of the requirements in (b)(1) and (2), below, a DRA-certified property assessor applicant
578 may submit to the DRA a copy of his or her current New Hampshire Association of Assessing Officials'
579 professional designation certificate.

580 (b) The requirements to be a DRA-certified property assessor shall be:

581 (1) All of the requirements for a DRA-certified property assessor assistant, in accordance
582 with Asb 303.04;

583 (2) Signed documentation of successful completion of all requirements of:

584 a. The International Association of Assessing Officers (IAAO) Course 300, or the
585 equivalent requirements of a course pertaining to mass appraisal, offered by, but not
586 limited to those listed in Asb 301.05 (a);

587 ~~b. The International Association of Assessing Officers (IAAO) Course 452~~
588 ~~Fundamentals of Assessment Ratio Studies (Workshop);~~

589 [e]b. A recent USPAP course or workshop; and

590 [d]c. The NH state statutes part I and part II course relative to assessment and taxation;

591 (3) *Signed documentation of successful completion of all requirements of the*
592 *International Association of Assessing Officers (IAAO) Course 452 Fundamentals of*
593 *Assessment Ratio Studies (Workshop);*

594 ([3]4) At the minimum, 4 years of experience consisting of:

595 a. Three years of experience in the appraisal of various types of real estate; and

596 b. One year of mass appraisal revaluation experience with 1,000 hours that is
597 comprised of some combination of:

- 611 1. Assistance with the development and or maintenance of a data collection
612 manual;
613
614 2. The basic understanding of how CAMA systems are implemented and utilized;
615
616 3. Sale validation experience;
617
618 4. Review and training on mass appraisal techniques, market analysis results,
619 and assistance in the preparation of a USPAP-compliant report under the
620 supervision of a DRA-certified property assessor supervisor; and
621
622 5. Training and assistance in the process of abatement review and the defense of
623 assessed values under the supervision of a DRA-certified property assessor or
624 DRA-certified property assessor supervisor;
625

626 ([4]5) Documentation of the continuing education requirements in Asb 305.01, if the DRA
627 property assessor certification has been held over the previous 5 years; and
628

629 ([5]6) Thorough knowledge of the duties of a DRA-certified property assessor as specified in
630 Asb 304.03.
631

632 (c) A complete and signed resume shall:

- 633
634 (1) Accompany the request for certification;
635
636 (2) Explain in detail the applicant's work and revaluation experience; and
637
638 (3) Document the applicant's educational qualifications.
639

640 **Asb 303.06 Requirements to be a DRA-Certified Property Assessor Supervisor.**

641 (a) In lieu of the requirements in (b)(1), ~~and~~ (2) **and** (7) below, a DRA-certified property assessor
642 supervisor applicant may submit to the DRA a copy of his or her current New Hampshire Association of
643 Assessing Officials' professional designation certificate.
644

645 (b) The requirements to be a DRA-certified property assessor supervisor shall include:

- 646
647 (1) The requirements of a DRA-certified property assessor in Asb 303.05;
648
649 (2) Signed documentation of successful completion, of all requirements of the International
650 Association of Assessing Officers (IAAO) Course 102, or the equivalent requirements of a
651 course focusing on capitalization of income to determine value by the income approach,
652 offered by, but not limited to those listed in Asb 301.05 (a);
653
654 (3) At the minimum 5 years of experience consisting of:
655
656 a. Two years of experience in the appraisal of various types of real estate; and
657
658 b. Three years of mass appraisal revaluation experience consisting of:
659
660 1. Supervisory experience during the process of providing assessing services;
661
662 2. Supervisory experience pertaining to adherence to the data collection manual,
663 data collection accuracy, and CAMA data entry accuracy;
664

- 665 3. Assistance with the development and or maintenance of a data collection
666 manual;
- 667
- 668 4. The basic understanding of how CAMA systems are implemented and utilized;
- 669
- 670 5. Sale validation experience;
- 671
- 672 6. Training on the calibration process for CAMA models;
- 673
- 674 7. Review and training on mass appraisal technique;
- 675
- 676 8. Providing assistance to a DRA-certified property assessor supervisor with the
677 market analysis and USPAP-compliant report for a revaluation or a partial update;
678 and
- 679
- 680 9. Training and assistance in the process of abatement review and the defense of
681 assessed values under the guidance and oversight of a DRA-certified property
682 assessor supervisor;
- 683

684 (4) Documentation of the continuing education requirements in Asb 305.01, if the DRA
685 property assessor supervisor certification has been held over the previous 5 years;

686 (5) Documentation of experience in providing expert testimony in the defense of assessed
687 values before:

- 688 a. The New Hampshire board of tax and land appeals;
- 689
- 690 b. The New Hampshire superior court;
- 691
- 692 c. New Hampshire superior court sanctioned mediation; or
- 693
- 694 d. An equivalent board or court in another state; and
- 695

696 (6) Thorough knowledge of the duties of a DRA-certified property assessor supervisor as
697 specified in Asb 304.04; and

698 (7) Successful completion of [~~a comprehensive~~] ***the certified New Hampshire assessor's***
699 ***(CNHA)*** exam that:

- 700 a. Consists of 100 questions; and
- 701
- 702 b. Requires a 70% to pass;
- 703
- 704 c. If the individual does not pass the initial exam they may retake the exam within 30-
705 days of the initial exam date; and
- 706
- 707 d. If the individual does not pass the exam on the retake, they shall be required to wait
708 one year from the date of the retake, to take it again.
- 709
- 710

711 (c) A DRA-certified assessor supervisor shall:

712 (1) Explain on the resume, required pursuant to (d) below, or on an attached sheet if
713 necessary, how the applicant has the experience necessary to:

- 714 a. Interpret:
- 715
- 716 1. Deeds and transfers for determination of value; and
- 717
- 718
- 719
- 720
- 721

- 722
723 2. Financial statements pertaining to the appraisal process;
724 b. Prepare reports;
725
726 c. Supervise subordinate property assessors, property assessor assistants and building
727 measurer and listers;
728
729 d. Assist the municipal assessing officials in the use of the appropriate assessing
730 manuals and the computer assisted mass appraisal system for their municipality;
731
732 e. Perform statistical testing to understand the results of a reappraisal or the need for a
733 reappraisal;
734
735 f. Analyze sales of properties to produce a market analysis and USPAP-compliant
736 report; and
737
738 g. Defend property values established for real property.
739

740 (d) A complete and signed resume shall accompany the request for certification.
741

742 (e) *Any DRA-certified property assessor supervisor who does not hold a CNHA designation will*
743 *be required to take the CNHA exam to recertify at the same level within 5 years of the rule being*
744 *adopted.*
745

746 **PART Asb 304 DUTIES**

747 **Asb 304.01 DRA-Certified Building Measurer and Lister Duties.**

748 (a) For revaluation or assessing services, under the guidance and oversight of a DRA-certified
749 property assessor or DRA-certified property assessor supervisor, a DRA-certified building measurer and
750 lister may perform:
751

- 752 (1) Data collection;
753
754 (2) Data verification; and
755
756 (3) Cyclical inspection.
757

758 (b) A DRA-certified building measurer and lister shall not perform sale validation.
759

760 (c) A DRA-certified building measurer and lister shall not determine, or change, the quality grade
761 or depreciation of structures.
762

763 (d) A DRA-certified building measurer and lister shall not determine or change adjustments
764 applied to land attributes.
765

766 **Asb 304.02 DRA-Certified Property Assessor Assistant Duties.**

767 (a) For revaluation or assessing services, under the guidance and oversight of a DRA-certified
768 property assessor or DRA-certified property assessor supervisor, a DRA-certified property assessor
769 assistant may assist with:
770

- 771 (1) Assessment tasks as defined in Asb 301.06;
772
773 (2) Sale validation; and
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- (3) The training of a building measurer and lister.
- (b) A DRA-certified property assessor assistant shall not adjust an assessment unless specifically authorized by a DRA-certified property assessor or DRA-certified property assessor supervisor.
- (c) A DRA-certified property assessor assistant shall not perform final field review as defined in Asb 301.26.
- (d) A DRA-certified property assessor assistant shall not oversee revaluation informal review process or conduct abatement reviews.
- (e) A DRA-certified property assessor assistant shall not represent a municipality in the defense of assessed values.

Asb 304.03 DRA-Certified Property Assessor Duties.

- (a) A DRA-certified property assessor may, in accordance with Asb 303.05:
 - (1) Perform appraisal work which includes:
 - a. The annual maintenance of assessments by using the base year data collection manual and USPAP-compliant report; and
 - b. The use of the computer assisted mass appraisal system existing models and cost data established by a DRA-certified property assessor supervisor during the year of the last revaluation for new appraisals;
 - (2) Perform abatement reviews and the defense of value under the supervision of a DRA-certified property assessor supervisor;
 - (3) Perform sale validation; and
 - (4) Submit a signed and dated statement to the DRA attesting to the qualifications of a building measurer and lister, or a property assessor assistant, working under the DRA-certified property assessor’s supervision to be true, accurate and correct.
- (b) A DRA-certified property assessor shall not adjust the cost, land, depreciation, or other computer assisted mass appraisal tables resulting in a change to the values unless specifically authorized by a DRA-certified property assessor supervisor.
- (c) A DRA-certified property assessor shall not establish and certify values.
- (d) A DRA-certified property assessor shall not sign the USPAP-compliant report.
- (e) A DRA-certified property assessor shall not conduct the final field review.
- (f) A DRA-certified property assessor:
 - (1) May participate in informal hearings; and
 - (2) Shall not supervise informal hearings

Asb 304.04 DRA-Certified Property Assessor Supervisor Duties.

- A DRA-certified property assessor supervisor may, in accordance with Asb 303.06:
 - (a) Perform and supervise all appraisal work;

- 831
832 (b) Conduct and supervise a revaluation, cyclical revaluation, or partial update by:
833 (1) Compilation of the data collection manual;
834
835 (2) Performing a market analysis for the establishment of the base values and tables for the
836 computer assisted mass appraisal models;
837
838 (3) Calibrating the computer assisted mass appraisal models;
839
840 (4) Performing the data quality final field review of the mass appraisal results;
841
842 (5) Conducting statistical testing;
843
844 (6) Complete and certify a USPAP-compliant report; and
845
846 (7) Overseeing and supervising:
847
848 a. The informal review process;
849
850 b. The abatement review; and
851
852 c. Defense of the appraised value(s);
853
854 (c) Oversee any revaluation by assisting the municipal assessing officials to ensure that:
855
856 (1) The revaluation is performed in accordance with applicable state statutes and
857 administrative rules;
858
859 (2) The contract terms and conditions are adhered to; and
860
861 (d) Submit a signed and dated statement to the DRA attesting to the qualifications at all levels of
862 certification to be true, accurate, and correct.
863

864 **PART Asb 305 CONTINUING EDUCATION**

865 **Asb 305.01 Continuing Education Requirements.**
866

- 867 (a) Each [~~DRA-certified property assessor assistant,~~] DRA-certified property assessor and DRA-
868 certified property assessor supervisor shall provide documentation that he or she has, over the previous 5
869 years, completed a total of 50 hours of approved continuing education, as defined in Asb 301.05(a), which
870 includes:
871
872 (1) A uniform standards of professional appraisal practice course or workshop; and
873
874 (2) The NH state statute course Part I or Part II, or the one-day state statutes update.
875
876 *(b) Each DRA-certified property assessor assistant, shall provide documentation that he*
877 *or she has, over the previous 5 years, completed a total of 50 hours of approved continuing*
878 *education, as defined in Asb 301.05 (a), to be phased in over a 5-year period, as follows:*
879
880 *(1) Certification expires in 2021: 10 hours;*
881 *(2) Certification expires in 2022: 20 hours;*
882 *(3) Certification expires in 2023: 30 hours;*

883 (4) *Certification expires in 2024: 40 hours; and*

884 (5) *Certification expiring after 2024; 50 hours.*

885

886 (b) An approved course or workshop taken more than once within the 5-year cycle shall not be
887 allowed as continuing education unless authorized by the DRA.

888

889 (c) Individuals seeking continuing education credit for teaching courses as specified in Asb
890 301.01(b) shall receive full credit:

891

892 (1) For hours taught up to the total credit hours required for continuing education; and

893

894 (2) Only once during a recertification cycle for teaching the same course.

895

896 (d) Any person holding a New Hampshire Association of Assessing Officials' professional
897 designation certificate may request to have continuing educational requirements verified in writing by the
898 New Hampshire Association of Assessing Officials' certification committee and forwarded to the DRA.

899

900 (e) On-line or self-study course(s) shall qualify as continuing education credits.

901

902 **Asb 305.02 Request to Extend Time Period for Continuing Education or Criminal**
903 **Background Check.**

904 (a) Any person certified by the DRA, prior to the expiration date of his or her certification, may
905 request in writing for an extension of a period of time not to exceed 6 months, from the DRA for
906 completion of their continuing education hours.

907

908 (b) Any person certified by the DRA, prior to the expiration date of their certification, may request
909 in writing for an extension of a period of time not to exceed one month, from the DRA for obtaining the
910 criminal background check.

911

912 (c) The request shall state:

913

914 (1) The reason for the request; and

915

916 (2) If applicable, the amount of time needed to complete the necessary continued
917 education courses with a proposed timetable, if possible, or course already scheduled.

918

919 (d) The DRA shall:

920

921 (1) Review the reason for the request for reasonableness such as, but not limited to:

922

923 a. Major illness;

924

925 b. Financial hardship; or

926

927 c. Personal issues; and

928

929 (2) Notify the person within 30 days of receipt of the request that:

930

931 a. The extension has been granted; or

932

933 b. The extension has been denied and the reason for the denial.

934

935 (e) Any continuing education hours earned during the period of the extension shall
936 not apply towards continuing education hours for the certification period overlapped by the extension.

937

938 **PART Asb 306 CERTIFICATION OR RECERTIFICATION PROCESSES**

939 **Asb 306.01 Requesting Certification or Recertification.**

940 (a) A person, or an employee of a municipality or company requesting certification and meeting
 941 the requirements of Asb 303.01 through Asb 303.06 excluding a conditional approval provided in Asb
 942 306.01(f), who has not committed any conduct that would be prohibited under Asb 307.02, shall complete
 943 and file a form provided by the DRA, “Request for Certification or Recertification”, or, in lieu of filing
 944 the form, a request in writing, to the DRA, to be certified by providing:

- 945 (1) The level of certification requested;
- 946 (2) The attested to documentation of the person's work experience;
- 947 (3) Copies of certificates, or evidence, of educational requirements unless copies have
- 948 previously been supplied to the DRA; and
- 949 (4) Criminal background check results obtained within [~~30~~60] days of submitting a complete
- 950 request to be certified.

951 (b) A person requesting certification shall request in writing, to the DRA, to be recertified at the
 952 same level, or certified to another level, by providing detailed documentation of having met the
 953 requirements contained in Asb 303.02 through Asb 303.06.

954 (c) A person whose certification has been suspended may request in writing, to the DRA, by
 955 providing detailed documentation of having met the requirements as specified in the commissioner’s
 956 suspension order, for:

- 957 (1) Reinstatement at the approved certification level at the conclusion of the suspension
- 958 period; or
- 959 (2) A new certification, if the certification expired during the suspension period.

960 (d) Any person from out-of-state having an equivalent designation as a DRA-certified assessor
 961 excluding completion of NH state statutes courses parts 1 and 2 and USPAP shall:

- 962 (1) Submit all documentation as required in Asb 303.05 (b)(1) and (2); and
- 963 (2) Request a conditional approval to complete the education requirement.

964 (e) Any person from out-of-state having an equivalent designation as a DRA-certified assessor
 965 supervisor excluding completion of NH state statutes courses parts 1 and 2 and USPAP shall:

- 966 (1) Submit all documentation as required in Asb 303.06 (b)(1) and (2); and
- 967 (2) Request a conditional approval to complete the education requirement.

968 (f) The DRA shall:

- 969 (1) Review the documentation provided; and
- 970 (2) Notify the person within 30 days of receipt of the request that:
 - 971 a. A conditional approval has been granted to complete the education requirement and
 - 972 include the expiration date, which shall be one year after the date of the approval; or

973

992 b. The conditional approval has been denied and the reason for the denial.
993

994 **Asb 306.02 Notification by the DRA.**

995
996 The DRA, upon determining a person's certification, or recertification status, shall notify the
997 person within 30 days that:
998

999 (a) The person did meet the criteria for the level requested;
1000

1001 (b) The person did not meet the criteria to certify at the level requested and will be certified at the
1002 level at which they qualified; or
1003

1004 (c) The person did not respond to a recertification notice pursuant to Asb 306.04(b). The person
1005 shall be notified by certified mail that they have been decertified pursuant to RSA 21-J:14-g, I.
1006

1007 **Asb 306.03 Certification Duration.**

1008 (a) Certification at all levels shall be effective upon DRA approval.
1009

1010 (b) Certification duration for the approval of new applicants or for approval that will change the
1011 level of DRA certification, when approved on or before June 30, shall:
1012

1013 (1) Start January 1 of the year of the DRA's approval; and
1014

1015 (2) End December 31 of the 5th year.
1016

1017 (c) Certification duration for the approval of new applicants or for approval that will change the
1018 level of DRA certification, when approved on or after July 1, shall:
1019

1020 (1) Start July 1 of the year of the DRA's approval; and
1021

1022 (2) End June 30 of the 5th year.
1023

1024 (d) A recertification approval, that will remain at the same level of DRA certification, shall begin
1025 the following January 1st after the previous approval's expiration date.
1026

1027 **Asb 306.04 Notice of Recertification.**

1028 (a) The DRA shall, by March 1, send a notice to all DRA-certified personnel whose certification
1029 will expire within that year.
1030

1031 (b) A person notified in (a), above, by the DRA shall respond in writing no later than December 1
1032 of that year, that he or she:
1033

1034 (1) Requests to:
1035

1036 a. Remain at the same level of certification; or
1037

1038 b. Be recertified to a different level of certification; and
1039

1040 (2) Submits documentation for the continuing education hours required in Asb 305.01.
1041

1042 **PART Asb 307 CHARGE OF MISCONDUCT AGAINST DRA-**
1043 **CERTIFIED ASSESSING PERSONNEL**

1044 **Asb 307.01 Filing a Charge of Misconduct Against A DRA-Certified Person.**

1045 (a) A complainant charging a DRA-certified person with misconduct shall complete and file a form
1046 provided by the DRA, "Request for Commissioner Review and Determination" Form PA-71, or, in lieu of
1047 filing the form, a letter including all of the required information in (b) below, with the DRA within
1048 [~~180~~360] days of the alleged misconduct.
1049

1050 (b) The complainant shall provide in a letter or on the form provided by the DRA:

- 1051
- 1052 (1) The identification of the complainant;
 - 1053
 - 1054 (2) The mailing address of the complainant;
 - 1055
 - 1056 (3) The identification of the respondent;
 - 1057
 - 1058 (4) The date of the event;
 - 1059
 - 1060 (5) A concise description of the event;
 - 1061
 - 1062 (6) The specific ethical standard, law, or rule violated; and
 - 1063
 - 1064 (7) Signature under the penalty of unsworn falsification pursuant to RSA 641:3.
 - 1065

1066 (c) The complainant shall not be a party to the matter, but may testify as a witness, if called upon
1067 by either party.
1068

1069 **Asb 307.02 Types of Misconduct.** Charges of misconduct shall include:

1070 (a) The practice of deceit-fraud as defined in Asb 301.20, or bad faith as defined in Asb 301.09;

1071 (b) Unsworn falsification in procuring, or attempting to procure, DRA certification, or
1072 recertification;

1073 (c) The allowance, by a person with DRA certification, of the performance of work by:

- 1074
- 1075 (1) An individual who is not DRA-certified; or
 - 1076
 - 1077 (2) An individual where the work is above their certification level;
 - 1078
 - 1079

1080 (d) Negligent or willful acts performed in a manner inconsistent with the health or safety of
1081 persons under their supervision;

1082 (e) Misconduct as defined in Asb 301.36 or violation of any applicable NH property assessing
1083 statutes, Asb 300 or Rev 600;

1084 (f) The practice of sale chasing, as defined in Asb 301.49;

1085 (g) Suspension or decertification similar to one issued under RSA 21-J:14-b, I-a(a)(1)(C), in
1086 another jurisdiction, without reinstatement of certification;

1087 (h) Breaching a duty of confidentiality;

1088 (i) Non-compliance with an individual's right to know pursuant to RSA 91-A;

1096
1097 (j) Conviction within the past 5 years or since last certification of a class A misdemeanor or a
1098 felony, and failure to notify DRA of the conviction;
1099

1100 (k) Not notifying the DRA within 10 business days of suspension or decertification from:
1101

1102 (1) Another jurisdiction similar to one issued under RSA 21-J;
1103

1104 (2) The New Hampshire Association of Assessing Officials;
1105

1106 (3) The International Association of Assessing Officers; or
1107

1108 (4) The NH real estate appraisal board; and
1109

1110 (l) Not including any information about suspensions or decertification similar to one issued under
1111 RSA 21-J prior to becoming DRA-certified.
1112
1113

1114 **PART Asb 308 SANCTIONS,**
1115 **SUSPENSIONS, DECERTIFICATIONS AND OTHER**
1116 **DISCIPLINARY ACTIONS**

1117 Asb 308.01 Deceit-fraud, Bad Faith. A person who has practiced deceit-fraud as defined in Asb
1118 301.20, bad faith as defined in Asb 301.09, shall be, as the maximum penalty determined by the
1119 commissioner, decertified for a time period up to 5 years plus corrective action.
1120

1121 Asb 308.02 Unsworn Falsification. A person who has practiced unsworn falsification in procuring,
1122 or attempting to procure, DRA certification shall be, as the maximum penalty determined by the
1123 commissioner, prevented from applying again up to a period of 2 years.
1124

1125 Asb 308.03 Work Performance. A person with current DRA certification, who delegates work to
1126 either an individual who is not DRA-certified or an individual where the work is above their certification
1127 level shall be, as the maximum penalty determined by the commissioner, suspended up to a time period of
1128 3 months.
1129

1130 Asb 308.04 Negligence. A person with DRA certification who performs negligent or willful acts in
1131 a manner inconsistent with the health or safety of persons under the person's supervision shall be, as the
1132 maximum penalty determined by the commissioner, suspended for a time period of up to 5 years plus
1133 corrective action.
1134

1135 Asb 308.05 Misconduct, Statute or Rule Violations. The penalty for misconduct that affects the
1136 practice of assessing or violation of any NH applicable property assessing statutes, Asb 300 or Rev 600
1137 rules shall be, as the maximum penalty determined by the commissioner, decertification for a time
1138 period up to 5 years plus corrective action.

1139 Asb 308.06 Sales Chasing. A person with DRA certification who performs sales chasing shall be,
1140 as the maximum penalty determined by the commissioner, decertification for a time period up to 5
1141 years plus corrective action.
1142

1143 Asb 308.07 Other Jurisdictions. Suspension or decertification similar to one issued under RSA 21-
1144 J:14-g, in another jurisdiction, without reinstatement of certification, shall be, as the maximum penalty
1145 determined by the commissioner, decertification for a time period up to 5 years plus corrective action.
1146

1147 Asb 308.08 Breach of Confidentiality. The penalty for breaching duty of confidentiality shall
1148 be, as the maximum penalty determined by the commissioner, decertification for a time period up to 5
1149 years plus corrective action.
1150

1151 Asb 308.09 Right to Know. Non-compliance with an individual's right to know pursuant to RSA
1152 91-A, shall be, as the maximum penalty determined by the commissioner, suspension for a time period up
1153 to 6 months.
1154

1155 Asb 308.10 Past Convictions. The penalty for a conviction within the past 5 years or since last
1156 certification shall be, as the maximum penalty determined by the commissioner:
1157

1158 (a) Suspension up to 5 years for a Class A misdemeanor; and
1159

1160 (b) Decertification for a felony.
1161

1162 Asb 308.11 Notifying the DRA. A DRA-certified person who does not notify the DRA within 10
1163 business days of suspension or decertification similar to one issued under RSA 21-J:14-g, the New
1164 Hampshire association of assessing officials, the international association of assessing officers, or the NH
1165 real estate appraisal board, shall be, as the maximum penalty determined by the
1166 commissioner, decertification for a time period up to 5 years plus corrective action.
1167

1168 Asb 308.12 Non-Reporting. A person who does not include any information about suspensions or
1169 decertification similar to one issued under RSA 21-J:14-g prior to becoming DRA-certified shall be
1170 prohibited from applying for certification for up to 2 years.
1171

1172 Asb 308.13 Commissioner's Determination. In determining the penalty to be imposed under Asb
1173 308.01 through Asb 308.12, the commissioner shall utilize the following factors:
1174

1175 (a) The DRA certification level and years of experience;
1176

1177 (b) Whether the offense is a first time occurrence;
1178

1179 (c) Whether the offense is one in a series of first time offenses;
1180

1181 (d) Whether the offense is a repeat of the same offense;
1182

1183 (e) Whether one or more offenses were committed either at the same time or during the time period
1184 between when the complaint of misconduct was received and the commissioner's determination;
1185

1186 (f) Other action such as, but not limited to, requiring successful completion of a course or class;
1187

1188 and

1189 (g) Any further information that would be helpful in reaching a determination.
1190

1191 Asb 308.14 Discipline Imposed. Discipline imposed upon a DRA-certified person under Asb 308
1192 shall be intended to be the minimum sanction or sanctions, both in type and extent, that the commissioner
1193 believes will, based upon the unique facts and circumstances of each act of misconduct:
1194

1195 (a) Protect the public; and
1196

1197 (b) Deter both the DRA-certified person charged and any other DRA-certified person from
1198 engaging in such misconduct in the future.
1199

1200 Asb 308.15 Public Disclosure. Notwithstanding any other confidentiality requirement of rule or law,
1201 all findings and decisions denoting the amount and type of discipline imposed shall be made available to
1202 the public.
1203
1204