

## Chapter RL 80

### AUTHORITY, INTENT AND DEFINITIONS

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RL 80.03 Definitions.

**RL 80.01 Authority.** The rules in chs. RL 80 to 87 are adopted under the authority of ss. 227.11, 440.03 (1) and ch. 458, Stats.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91; am. Register, April, 1994, No. 460, eff. 5-1-94.

**RL 80.02 Intent.** The intent of the department in adopting chs. RL 80 to 87 is to establish minimum standards for professional appraisal practice for certified and licensed appraisers which are consistent with the uniform standards of professional appraisal practice promulgated by the appraisal standards board of the appraisal foundation. It is further intended that these rules shall establish standards of competency such that persons certified or licensed as appraisers are qualified to perform appraisals for federally related transactions under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 USC 3331 et seq.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91; emerg. am. eff. 10-1-91; am. Register, May, 1992, No. 437, eff. 6-1-92; am. Register, April, 1994, No. 460, eff. 5-1-94; am. Register, June, 1996, No. 486, eff. 7-1-96; am. Register, January, 1998, No. 505, eff. 2-1-98.

**RL 80.03 Definitions.** As used in chs. RL 80 to 87 and in ch. 458, Stats.:

(1) "Accredited college or university" means an institution which is accredited by a regional or national accrediting agency recognized by the U.S. department of education.

(1a) "Ad valorem tax appraisal" means a mass appraisal performed by an assessor, as defined in s. 458.09 (1), Stats., in accordance with standard 6 of the uniform Standards of professional appraisal practice, as in effect at the time the appraisal was prepared.

(1b) "Affidavit" means a written statement made under oath before a notary public or other person authorized by law to administer oaths.

(2) "Appraisal analysis" means a market analysis performed in accordance with Standards 4 and 5 of the uniform standards of professional appraisal practice as specified in Appendix I.

(2a) "Appraisal course instruction" means the teaching of an appraisal course which has been approved by the department as a component of a program of study for licensed or certified appraisers.

(3) "Appraiser experience" means experience obtained by the performance of fee and staff appraisals, ad valorem tax appraisals, technical review appraisals, condemnation appraisals, appraisal analyses, highest and best use studies, real estate consulting assignments or real estate broker's market analyses in accordance with the uniform standards of professional appraisal practice, in effect at the time the experience was obtained.

(4) "Board" means the real estate appraisers board.

(5) "Complex 1-to-4 family residential property appraisal" means an appraisal of 1-to-4 family residential property in which the property to be appraised, the form of ownership, or market conditions are atypical.

(6) "Cosign" means the act of a noncertified or unlicensed appraiser signing a written appraisal in conjunction with a certified or licensed appraiser.

(7) "Department" means the department of regulation and licensing.

(8) "Dwelling unit" means a structure or that part of a structure that is used or intended to be used as a residence.

(8a) "Feasibility analysis" means a study of the cost-benefit relationship of an economic endeavor conducted in accordance with Standards 4 and 5 of the uniform standards of professional appraisal practice, as in effect at the time the study was conducted.

(8ag) "Federal financial institutions regulatory agencies" means the board of governors of the federal reserve system, the federal deposit insurance corporation, the office of the comptroller of the currency, the office of thrift supervision and the national credit union administration.

(8ar) "Federally related transaction" means any real estate related financial transaction which a federal financial institutions regulatory agency engages in, contracts for or regulates and requires the services of an appraiser.

(8b) "Fee and staff appraisal" means a real property appraisal developed and reported in accordance with Standards 1 and 2 of the uniform standards of professional appraisal practice, as in effect at the time the appraisal was prepared.

(8c) "Highest and best use" means the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.

(8d) "Highest and best use study" means a study of the highest and best use of real estate conducted in accordance with Standards 4 and 5 of the uniform standards of professional appraisal practice, as in effect at the time the study was conducted.

(9) "Hour of appraisal experience" means 60 minutes of verifiable time spent in performing tasks as identified in s. RL 83.01 (3) (b) in accordance with the uniform standards of professional appraisal practice, as in effect at the time the tasks were performed, or in the case of teaching experience, 50 minutes of verifiable time spent providing instruction in an approved course.

(10) "Hour of instruction" means a period of instruction in an approved course consisting of not less than 50 minutes.

(10g) "Non-complex 1-to-4 family residential property appraisal" means an appraisal of 1-to-4 family residential property in which the property to be appraised, the form of ownership, or market conditions are typical.

(10r) "Non-federally related transaction" means:

(a) Any real estate related transaction in which federal law requires the use of a licensed or certified appraiser.

(b) Any real estate related transaction which is performed at the request of or on behalf of the owner of real estate or performed pursuant to a court order.

(11) "Practice of a temporary nature" means the performance by an appraiser of one or more appraisals conducted for purposes of completing a specific appraiser assignment.

(12) "Real estate broker's market analysis" means a market analysis performed by a real estate broker or a real estate salesperson prepared in conformity with Standards 1 and 2 of the uniform standards of professional appraisal practice as specified in Appendix I, which demonstrates the use of techniques similar to those employed by appraisers to value real property, and which effectively utilizes the appraisal process.

(13) "Real estate consulting" means the performance of consulting services in accordance with Standards 4 and 5 of the uniform standards of appraisal practice as specified in Appendix I.

(14) "Supervision" means direct, personal and active oversight by a certified or licensed appraiser of employes or associates who assist in the preparation of appraisals.

(15) "Transaction value" means one of the following:

(a) For loans or other extensions of credit, the amount of the loan or extension of credit.

(b) For sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property interest involved.

(c) For the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.

(18) "Uniform standards of professional appraisal practice" (USPAP) means the standards promulgated by the appraisal standards board of the appraisal foundation for the performance of real estate appraisals.

History: Cr. Register, September, 1991, No. 429, eff. 10-1-91; emerg. am. (4), (7) and (9), renum. (10) and (11) to be (12) and (13), cr. (10) and (11), eff. 10-1-91; am. (4), (7) and (9), renum. (10) and (11) to be (11) and (12), cr. (10), Register, May, 1992, No. 437, eff. 6-1-92; am. (intro.), renum. (2) to (12) to be (3), (4), (6) to (10), (14), (16) to (18) and am. (16), cr. (2), (5), (11) to (13) and (15), Register, April, 1994, No. 460, eff. 5-1-94; renum. (1) to be (1a), cr. (1), (2a), (8a), (8b), (8c), (8d), am. (3), (8), (9), (17), r. (16), Register, June, 1996, No. 486, eff. 7-1-96; am. (3), (13), (15) (intro.), (a), and (b), renum. (1) to (1a) to be (1a) and (1b), cr. (1), (10a), r. (17), Register, January, 1998, No. 505, eff. 2-1-98; cr. (8ag), (8ar) and (10r), renum. (10a) to be (10g); Register, January, 1999, No. 517, eff. 2-1-99.