

Chapter SPS 80

AUTHORITY, INTENT AND DEFINITIONS

SPS 80.01 Authority.
SPS 80.02 Intent.

SPS 80.03 Definitions.

Note: The contents of this chapter are renumbered into ch. SPS 85 and amended eff 1–1–15 by CR 14–016. See ch. SPS 85.

Note: Chapter RL 80 was renumbered chapter SPS 80 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

SPS 80.01 Authority. The rules in chs. SPS 80 to 87 are adopted under the authority of ss. 227.11 and 440.03 (1), Stats., 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; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 80.02 Intent. The intent of the department in adopting chs. SPS 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; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 80.03 Definitions. As used in chs. SPS 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.

(2) “Appraisal analysis” means a market analysis performed in accordance with Standards 4 and 5 of the uniform standards of professional appraisal practice.

(3) “Appraiser experience” means experience obtained by the performance of appraisals, appraisal reviews, appraisal consulting assignments or mass appraisals in accordance with the uniform standards of professional appraisal practice.

(4) “Board” means the real estate appraisers board.

(4m) “Class hour” means 60 minutes, of which at least 50 minutes are instruction attended by the student.

(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 safety and professional services.

(7g) “Distance education” means any education process based on the geographical separation of student and instructor.

(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.

(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.

(8bg) “FIRREA” means the financial institutions reform, recovery, and enforcement act of 1989.

(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.

(9) “Hour of appraisal experience” means 60 minutes of verifiable time spent in performing tasks as identified in s. SPS 83.01 (3) (b) in accordance with the uniform standards of professional appraisal practice, in effect at the time the tasks were performed.

(10) “Mass appraisal” means an appraisal performed in accordance with Standard 6 of the USPAP.

(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 any real estate related transaction other than a federally related transaction.

(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, 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 professional appraisal practice.

(14) “Supervision” means direct, personal and active oversight by a certified or licensed appraiser of employees 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; CR 01-100: am. (1a), (2), (3), (8a), (8b), (8d), (9), (12), (13) and (14), r. (2a), cr. (7g) and (8bg), r. and recr. (10r), Register February 2002 No. 554, eff. 3-1-02; CR 06-033: r. (1a), (1b), (7g) (a) and (b), am. (3), (9) and (13), r. and recr. (4m) and (10), renum. (7g) (intro.) to (7g) and am. Register November 2006 No. 611, eff. 12-1-06; CR 10-135: am. (10) Register August 2011 No. 668, eff. 9-1-11; correction in (7) under s. 13.92 (4) (b) 6., Stats., Register August 2011 No. 668; correction in (intro.), (9) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.