

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : REAL ESTATE EXAMINING BOARD
REAL ESTATE EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 19-128)

PROPOSED ORDER

An order of the Real Estate Examining Board to repeal REEB 25.028 (2) (g) 5., 25.033 (18) (j), and 25.038 (7) (e) relating to obsolete references to rental unit energy efficiency standards in curriculum.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 452.09 and 452.11, Stats.

Statutory authority: ss. 15.08 (5) (b), 452.05 (1) (c), 452.07 (1), Stats.

Explanation of agency authority:

Each examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession. [s. 15.08 (5) (b), Stats.]

The board shall after consultation with the council on real estate curriculum and examinations, promulgate rules establishing criteria for the approval of educational programs and training sessions under s. 452.09 (2) and approve such programs and sessions in accordance with the established criteria. [s. 452.05 (1) (c) , Stats.]

The board shall promulgate rules for the guidance of the real estate profession and define professional conduct and unethical practice. [s. 452.07 (1), Stats.]

Related statute or rule:

Chapter SPS 367, in which the Department of Safety and Professional Services established rental unit efficiency standards. The authorizing statute for this rule, s. 101.122, Stats., was repealed effective December 1, 2018 by 2017 Act 59. Chapter SPS 367 was then repealed by CR 18-056.

Plain language analysis:

The Real Estate Examining Board rules currently require pre-licensure education to include instruction relating to rental unit energy efficiency standards. This rule revision removes these references to rental unit energy efficiency standards which have been rendered obsolete by the repeal of ch. SPS 367.

Summary of, and comparison with, existing or proposed federal regulation:

The federal government does not regulate the pre-licensure educational requirements for members of the real estate profession.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Real Estate Examining Board held a preliminary public hearing on the Statement of Scope on March 21, 2019. No one testified or submitted written comments.

Comparison with rules in adjacent states:

Illinois: Illinois does not require applicants for real estate licenses to be educated in rental unit energy efficiency standards.

Iowa: Iowa does not require applicants for real estate licenses to be educated in rental unit energy efficiency standards.

Michigan: Michigan does not require applicants for real estate licenses to be educated in rental unit energy efficiency standards.

Minnesota: Minnesota does not require applicants for licensure to be educated in rental unit energy efficiency standards.

Summary of factual data and analytical methodologies:

The Board reviewed REEB 25 in light of the repeal of SPS 367 and determined that the obsolete references to rental unit energy efficiency standards should be repealed.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This rule was posted for economic comments and none were received. The rule repeals obsolete references.

Fiscal Estimate and Economic Impact Analysis:

The fiscal estimate and economic impact analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before October 24, 2019 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. REEB 25.028 (2) (g) 5. is repealed.

SECTION 2. REEB 25.033 (18) (j) is repealed.

SECTION 3. REEB 25.038 (7) (e) is repealed.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Real Estate Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Signature _____

Chair
Real Estate Examining Board