

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: June 9, 2022

FROM: Michael A. Morrell
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AT (OFFICE): Legislative Services

SUBJECT: Final Proposal 2022-36 Licensing Requirements

To: File

Attached are Kim Reeve's comments on Final Proposal 2022-36 from the NH Real Estate Commission regarding the amendments to the licensing requirements.

There are many substantive issues remaining mostly due to lack of clarity because the forms contain requirements not found in the rule text such as attestations, submission of an applicant's Social Security Number, and payment of required fee(s). There are also a couple of forms that have not yet been filed. It is expected that the agency will file a conditional approval request.

There is a note to the Committee on page 4 regarding the fee authority. The Committee voted on 11/19/20 that when reviewing board rules, to support the Executive Director of the OPLC in possessing sole fee authority pursuant to RSA 310-A:1-d, II(h)(1) and RSA 310-A:1-e, I and II. (Pursuant to RSA 310-A:1-e, I. (a) the Executive Director of the OPLC has authority to assess certification, renewal fees, and any necessary administrative fees associated with licensing or certifications.) The agency has been seeking a legislative fix the past couple of sessions to remove the fee authority that still remains in boards' statutes, and SB 330, 2022, establishes a study committee to review the issue. The proposal contains fees for applicants to the Board of Real Estate Commission and authority still remains in the Board pursuant to multiple sections of RSA 331-A.

Finally, there is a legislative intent comment on page 4 because the rule requires an applicant to pay for an examination to a third-party vendor but does not indicate what the amount shall be. This is in violation of RSA 331-A:25 which requires the board to have fees for examinations in the rules.