

HOUSE No. 4566

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act regulating appraisal management companies..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws is hereby amended by striking out section
2 92, as appearing in the 2016 Official Edition, and inserting in place thereof the following
3 section:-

4 Section 92. (a) There is hereby established a board of real estate appraisers which shall
5 consist of 9 members to be appointed by the governor: 1 of whom shall be a licensed real estate
6 broker; 1 of whom shall be a member of the general public, in accordance with the provisions of
7 section 9B; 1 of whom shall be a member of the banking industry; 1 of whom shall represent an
8 appraisal management company; and 5 of whom shall be real estate appraisers. Each real estate
9 appraiser who is a member of the board shall be licensed or certified pursuant to sections 173 to
10 195, inclusive, of chapter 112.

11 (b) The term of each appointed member shall be 3 years. Upon expiration of their terms,
12 members of the board shall continue to hold office until the appointment and qualification of

13 their successors. No person shall serve as a member of the board for more than 2 consecutive
14 terms. The governor may remove a member for cause.

15 (c) Each member of the board shall be paid for expenses actually incurred in the
16 performance of official duties.

17 (d) The board shall annually elect a chairperson from among its members. The director of
18 the department of professional licensure, with approval of the board, shall appoint an executive
19 secretary to serve the board. The department of professional licensure shall employ such other
20 clerical and technical assistants as may be necessary to discharge the official duties of the board.

21 (e) The board shall hold at least 6 meetings each year and may hold special meetings as
22 required at a time and place determined by the board.

23 SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after
24 section 274 the following 14 sections:-

25 Section 275. The following terms as used in sections 275 to 288, inclusive, shall have the
26 following meanings, unless the context clearly requires otherwise:

27 “Analysis”, a study of real estate or real property other than estimating value.

28 “Applicant”, a person who applies to be registered as an appraisal management company
29 in the commonwealth.

30 “Appraisal” or “real estate appraisal”, written analysis, opinion or conclusion prepared by
31 a real estate appraiser relating to the nature, quality, value or utility of specified interests in, or
32 aspects of, identified real estate; provided, that an “appraisal” may be classified as a valuation or
33 an analysis, or both.

34 “Appraisal assignment”, an engagement for which an appraiser is employed or retained to
35 act, or would be perceived by a third party or the public as acting, as a disinterested third party in
36 rendering an unbiased analysis, opinion or conclusion relating to the value, nature, quality or
37 utility of specified interests in, or aspects of, identified real estate.

38 “Appraisal management company”, an entity that: (i) provides appraisal management
39 services to creditors or to secondary mortgage market participants, including affiliates; (ii)
40 provides such services in connection with valuing a consumer's principal dwelling as security for
41 a consumer credit transaction or incorporating such transactions into securitizations; and (iii)
42 within a given 12-month period, oversees an appraiser panel of more than 15 certified or licensed
43 appraisers in the commonwealth or 25 or more certified or licensed appraisers in two or more
44 states; provided further, that an AMC does not include a department or division of an entity that
45 provides appraisal management services to only that entity.

46 “Appraisal management services”, shall mean 1 or more of the following: (i) recruiting,
47 selecting and retaining appraisers; (ii) contracting with certified or licensed appraisers to perform
48 appraisal assignments; (iii) managing the process of having an appraisal performed, including
49 providing administrative services such as receiving appraisal orders and appraisal reports,
50 submitting completed appraisal reports to creditors and secondary market participants, collecting
51 fees from creditors and secondary market participants for services provided and paying
52 appraisers for services performed; and (iv) reviewing and verifying the work of appraisers.

53 “Appraisal practice”, valuation services performed by an individual acting as an
54 appraiser, including, but not limited to, appraisal, appraisal review or appraisal consulting.

55 “Appraisal report”, a written report of an appraisal.

56 “Appraisal review”, the act or process of developing and communicating an opinion
57 about the quality of another appraiser’s work that was performed as part of an appraisal
58 assignment related to the appraiser’s data collection, analysis, opinions, conclusions, opinion of
59 value or compliance with the Uniform Standards of Professional Appraisal Practice; provided
60 however, that “appraisal review” shall not include: (i) a general examination for grammatical,
61 typographical or similar errors or (ii) a general examination for completeness including
62 regulatory or client requirements as specified in an agreement that does not communicate an
63 opinion of value.

64 “Appraisal services”, the services required to perform an appraisal, including defining the
65 scope of work, inspecting the property, reviewing necessary and appropriate public and private
66 data sources including, but not limited to, multiple listing services, tax assessment records and
67 public land records, developing and rendering an opinion of value and preparing and submitting
68 the appraisal report.

69 “Appraiser” or “real estate appraiser”, a person who develops and communicates real
70 estate appraisals and who holds a current, valid certificate as a state-certified general real estate
71 appraiser, state-certified residential real estate appraiser or state-licensed real estate appraiser
72 pursuant to section 178. An appraiser shall be exempt from section 148B of chapter 149.

73 “Appraiser panel”, a network, list or roster of licensed or certified appraisers approved by
74 an AMC to perform appraisals as independent contractors for the AMC. Appraisers on an
75 AMC’s “appraiser panel” include both appraisers accepted by the AMC for consideration for
76 future appraisal assignments in covered transactions or for secondary mortgage market
77 participants in connection with covered transactions and appraisers engaged by the AMC to

78 perform one or more appraisals in covered transactions or for secondary mortgage market
79 participants in connection with covered transactions. An appraiser is an independent contractor if
80 the appraiser is treated as an independent contractor by the AMC for the purpose of Federal
81 income taxation.

82 “Board”, the board of registration of real estate appraisers established by section 92 of
83 chapter 13.

84 “Controlling person”, (1) an officer or director of an appraisal management company or
85 an individual who holds a 10 per cent or greater ownership interest in an appraisal management
86 company; (2) an individual employed, appointed or authorized by an appraisal management
87 company who has the authority to enter into a contractual relationship with clients for the
88 performance of appraisal services and who has the authority to enter into agreements with
89 independent appraisers for the completion of appraisals; or (3) an individual who possesses the
90 power to direct or cause the direction of the management or policies or procedures of an
91 appraisal management company.

92 “Covered transaction”, an extension of consumer credit that is or will be secured by the
93 consumer's principal dwelling.

94 “Dwelling”, a residential structure that contains 1 to 4 units, whether or not that structure
95 is attached to real property, an individual condominium unit, cooperative unit, mobile home or
96 trailer, if it is used as the consumer's principal residence.

97 “Employee in charge”, a designated employee of the appraisal management company,
98 who continually holds a valid license issued by an appraiser licensing authority as a certified
99 appraiser, with the responsibilities and obligations to the board as set forth in section 280.

100 “Person”, an individual, sole proprietorship, partnership, limited liability company,
101 limited partnership, corporation, association or other group engaged in joint business activities,
102 however organized.

103 “Real estate”, an identified parcel or tract of land including improvements, if any.

104 “Real property”, 1 or more defined interests, benefits and rights inherent in the ownership
105 of real estate.

106 “Registrant”, a real estate appraisal management company registered pursuant to sections
107 275 to 288, inclusive.

108 “Uniform Standards of Professional Appraisal Practice” or “USPAP”, the entire uniform
109 appraisal standards document titled Uniform Standards of Professional Appraisal Practice.

110 “Valuation”, an estimate of the value of real estate or real property.

111 “Valuation Services”, services pertaining to all aspects of property value.

112 Section 276. (a) It shall be unlawful for a person to directly or indirectly engage, or
113 attempt to engage, in business as an appraisal management company, to directly or indirectly
114 engage or attempt to perform appraisal management services or to advertise or hold itself out as
115 engaging in or conducting business as an appraisal management company without first being
116 registered by the board under the provisions of sections 275 to 288, regardless of the person’s
117 use of the term “appraisal management company”, “mortgage technology company” or any other
118 name.

119 (b) The provisions of sections 275 to 288 shall not apply to:

- 120 (i) An agency of the federal government or any state or municipal government;
- 121 (ii) An appraisal management company that is owned and controlled by an insured
122 depository institution, as defined in 12 U.S.C. 1813 and regulated by the Office of the
123 Comptroller of the Currency, the Board of Governors in the Federal Reserve System, or the
124 Federal Deposit Insurance Corporation; or
- 125 (iii) A licensed real estate broker or salesperson performing activities in accordance with
126 section 174B; provided, however, that an exempt person does not include a real estate broker
127 who receives compensation of any kind in connection with the referral or placement of an
128 appraisal assignment.

129 (c) An appraiser may not perform appraisal services for real property located in the
130 commonwealth for an appraisal management company that is not registered under sections 275
131 to 288 unless exempt from licensing as provided for in this section. An appraiser, who relies
132 upon the written assurance of the appraisal management company regarding its registration
133 status, shall not be subject to disciplinary action by the board.

134 Section 277. The board shall have the authority to adopt rules and regulations that are
135 reasonable and necessary to: (i) implement, administer and enforce the provisions of sections 275
136 to 288 and (ii) comply with federal rules or regulations promulgated pursuant to section 1124 of
137 the Federal Financial Reform, Recovery and Enforcement Act of 1989. The board shall adopt
138 rules and regulations in accordance with federal regulations promulgated pursuant to section
139 1124 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 for the
140 purpose of determining whether an appraiser is deemed part of an AMC's appraiser panel within
141 a 12-month period.

142 Section 278. (a) A person desiring to be registered as an appraisal management company
143 in the commonwealth shall make written application to the board on forms prescribed by the
144 board setting forth the applicant's qualifications for registration. The application shall be
145 accompanied by the applicable fee as determined annually by the secretary of administration and
146 finance pursuant to section 3B of chapter 7 and any other information the board deems necessary
147 pursuant to rules and regulations adopted by the board. Upon receipt of a completed application
148 and set fee the board shall determine that each person who owns more than 10% of an applicant
149 appraisal management company is of good moral character. The board shall then issue to the
150 applicant a certificate of registration authorizing the applicant to act as a real estate appraisal
151 management company in the commonwealth.

152 (b) An application for registration shall include the following certifications from the
153 applicant:

154 (i) A certification that the applicant has a system and process in place to verify that a
155 person being added to the appraiser panel of the appraisal management company for appraisal
156 assignments on real property located in the commonwealth holds a license or certification in
157 good standing in the commonwealth issued pursuant to this chapter;

158 (ii) A certification that the applicant has a system in place to review the work of all real
159 estate appraisers that are performing real estate appraisal services for the appraisal management
160 company on a periodic basis to confirm that the real estate appraisal services are being conducted
161 in accordance with the Uniform Standards of Professional Appraisal Practice; and

162 (iii) A certification that the applicant maintains a detailed record of each service request
163 that it receives, the name of the appraiser that performs the residential real estate appraisal

164 services for the appraisal management company and a complete digital copy of every version of
165 the appraisal report completed by the appraiser.

166 (c) A person who, directly or indirectly owns more than 10 per cent of an applicant for
167 registration, or any officer, controlling person, employee in charge or managing principal of an
168 applicant for registration, shall at a minimum, furnish to the board information concerning the
169 person's identity, including fingerprints for submission to the Federal Bureau of Investigation,
170 and any governmental agency or entity authorized to receive such information for a state,
171 national and international criminal history background check. A person who, directly or
172 indirectly owns more than 10 per cent of an applicant for registration, or any officer, controlling
173 person, employee in charge or managing principal of an applicant for registration, who has had a
174 license or certificate to act as an appraiser or to engage in any activity related to the transfer of
175 real property refused, denied, canceled or revoked in the commonwealth or in any other state,
176 whether on a temporary or permanent basis or, who is not of good moral character as determined
177 by the board, shall not be eligible for registration.

178 (d) Each applicant for registration shall submit the name and address of the applicant's
179 registered agent located in the commonwealth.

180 (e) A registrant having a good faith belief that a real estate appraiser licensed in the
181 commonwealth has violated applicable law or materially violated the Uniform Standards of
182 Professional Appraisal Practice or engaged in unethical conduct shall, within 45 days of
183 identifying such violation, file a complaint with the board.

184 Section 279. An appraisal management company applying to the board for registration in
185 the commonwealth shall designate 1 controlling person that shall be the main contact for all

186 communication between the board and the appraisal management company. The controlling
187 person may also be designated the employee in charge.

188 Section 280. In order to serve as the employee in charge for a registered appraisal
189 management company, a designee shall, in addition to continually holding a valid license issued
190 by a state appraiser licensing authority as a state certified appraiser:

191 (1) not had a license to practice as an appraiser or to engage in any activity related to the
192 transfer of real property refused, denied, canceled or revoked in the commonwealth or in any
193 other state;

194 (2) be of good moral character;

195 (3) submit to a background investigation; and

196 (4) shall be responsible for:

197 (i) management of the process of selecting appraisers for the performance of real estate
198 appraisal services;

199 (ii) management of the process of conducting appraisal reviews. An employee of an
200 appraisal management company or a contractor working on behalf of such company who has any
201 involvement in the performance of an appraisal review of completed appraisals of real property
202 located in the commonwealth shall be licensed or certified in the commonwealth and in good
203 standing pursuant to the provisions of sections 275 to 288; and.

204 (iii) maintaining required documentation as part of the board file.

205 Section 281. An appraisal management company shall file a form, signed by the
206 designated controlling person or employee in charge, with the board indicating the appraisal
207 management company's designation of controlling person and employee in charge and the
208 individual's acceptance of the responsibility. The board will establish a process, including
209 appropriate timing, for administering any change in controlling person or employee in charge.
210 An appraisal management company that does not comply with this section shall have the
211 appraisal management company's registration suspended pursuant to section 285 until the
212 appraisal management company complies with this section. An individual operating an appraisal
213 management company as a sole proprietorship shall be a certified general or certified residential
214 appraiser and shall be considered the controlling person for purposes of sections 275 to 288
215 unless another controlling person is designated.

216 Section 282. The following fees shall be determined annually by the secretary of
217 administration and finance under the provision of section 3B of chapter 7 and shall be collected
218 by the board: (a) application fee; (b) initial registration fee; (c) annual renewal fee; (d) change in
219 controlling person or employee in charge fee; and (e) late renewal fee.

220 Section 283. In addition to the filing fee, each applicant for registration shall post with
221 the board and maintain a surety bond in an amount designated by the board. The bond shall: (i)
222 be in the form prescribed by the board; and (ii) accrue to the commonwealth for the benefit of a
223 claimant against the registrant to secure the faithful performance of the registrant's obligations
224 pursuant to sections 275 to 288, inclusive.

225 The aggregate liability of the surety shall not exceed the principal sum of the bond. A
226 party having a claim against the registrant may bring suit directly on the surety bond, or the

227 board may bring suit on behalf of the party having a claim against the registrant. A deposit of
228 cash or security may be accepted in lieu of the surety bond. A claim reducing the face amount of
229 the bond shall be annually restored upon renewal of the registrant's registration.

230 Section 284. (a) No employee, director, officer, managing principal or agent of an
231 appraisal management company or any other third party acting as joint venture partner or
232 independent contractor shall influence or attempt to influence the development, reporting, result,
233 or review of a real estate appraisal through coercion, extortion, collusion, compensation,
234 inducement, intimidation, bribery, or in any other manner, including:

235 (i) withholding or threatening to withhold timely payment for a real estate appraisal
236 report except in cases of breach of contract or substandard performance of services;

237 (ii) withholding or threatening to withhold future business from a real estate appraiser or
238 demoting or terminating or threatening to demote or terminate a real estate appraiser;

239 (iii) expressly or impliedly promising future business, appraisal services, promotions or
240 increased compensation for a real estate appraiser;

241 (iv) conditioning the ordering of a real estate appraisal report or the payment of a real
242 estate appraisal fee, salary, or bonus on the opinion, conclusion or valuation to be reached or on a
243 preliminary estimate requested from a real estate appraiser;

244 (v) requesting that a real estate appraiser provide an estimated, predetermined or desired
245 valuation in a real estate appraisal report or provide estimated values or comparable sales at any
246 time before the appraiser's completion of the appraisal report;

247 (vi) providing to a real estate appraiser an anticipated, estimated, encouraged or desired
248 value for a subject property or a proposed or targeted amount to be loaned to the borrower;
249 provided, however, a real estate appraiser should be provided with a copy of the sales contract
250 for purchase transactions, if available;

251 (vii) providing to a real estate appraiser, or any entity or person related to the appraiser,
252 stock or other financial or non-financial benefits;

253 (viii) allowing the removal of a real estate appraiser from a list of qualified appraisers
254 used by the registrant without prior written notice stating the reason for removal to the appraiser.
255 The notice shall include written evidence if the appraiser is removed from the list for illegal
256 conduct, substandard performance or otherwise improper or unprofessional behavior or any
257 violation of the Uniform Standards of Professional Appraisal Practice or licensing standards of
258 the commonwealth;

259 (xi) any other act or practice that impairs or attempts to impair a real estate appraiser's
260 independence, objectivity or impartiality; or

261 (x) requesting or requiring a real estate appraiser to collect a fee from, or be compensated
262 by, the borrower, homeowner, real estate agent, mortgage broker or any other third party in the
263 provision of real estate appraisal services.

264 (b) No employee, director, officer, managing principal or agent of an appraisal
265 management company or any other third party acting as joint venture partner or independent
266 contractor shall:

267 (i) alter, modify or otherwise change a completed appraisal report submitted by a real
268 estate appraiser without the appraiser's written knowledge and consent;

269 (ii) alter, modify or otherwise change a completed appraisal report submitted by a real
270 estate appraiser and shall, in all cases, transmit a "true and exact copy" to the client and any
271 intended users;

272 (iii) use an appraisal report submitted by an appraiser for any other transaction;

273 (iv) require an appraiser to sign any indemnification agreement that would require the
274 appraiser to defend and hold harmless the appraisal management company or any of its agents,
275 employees, or independent contractors for any liability, damage, losses or claims arising out of
276 the services performed by the appraisal management company or its agents, employees or
277 independent contractors and not the services performed by the appraiser. Any indemnity clause
278 not in conformance with this section, in effect as of the date of this act, shall be null and void;

279 (v) require an appraiser to provide the company with the appraiser's digital signature or
280 seal;

281 (vi) prohibit an appraiser from recording the fee the real estate appraiser was paid for the
282 performance of an appraisal assignment within the body of the appraisal report;

283 (vii) require an appraiser to accept an appraisal assignment if the appraiser, in the
284 appraiser's own independent professional judgment believes: (i) the appraiser does not have the
285 necessary expertise for the assignment or knowledge of the geographic area; or (ii) that the time
286 frame does not allow the appraiser the ability to meet all of the appraiser's relevant legal or

287 professional obligations, and the appraiser has communicated such belief to the appraisal
288 management company; or

289 (viii) knowingly fail to compensate appraisers at a rate that is customary and reasonable
290 for appraisal services in the market area of the property being appraised, consistent with section
291 129E of the Truth in Lending Act and regulations promulgated thereunder.

292 (c) Nothing in this section shall be construed as prohibiting an appraisal management
293 company from requesting that an appraiser:

294 (i) consider additional appropriate material property information;

295 (ii) provide further detail, substantiation, or explanation for the real estate appraiser's
296 value conclusion; or

297 (iii) correct errors in the real estate appraisal report.

298 (d) An appraisal management company shall not refuse to assign requests or orders for
299 appraisals or reduce the number of assignments or otherwise penalize an appraiser who does not
300 accept an assignment or order in accordance with clause (vii) of subsection (b), except that
301 nothing in this section shall require an appraisal management company to offer future appraisal
302 assignments of a particular nature or type to an appraiser who previously indicated a lack of the
303 necessary expertise or geographic knowledge for such assignments, except in the case where the
304 appraiser subsequently demonstrates, to the satisfaction of the appraisal management company,
305 that the appraiser has gained the required experience or geographic knowledge to competently
306 complete the assignments.

307 Section 285. (a) The board may, by order, deny, suspend, revoke, or refuse to issue or
308 renew a registration of an appraisal management company or may restrict or limit activities of a
309 person who owns an interest in or participates in the business of an appraisal management
310 company if the board determines that an applicant, registrant, or any partner, member, manager,
311 officer, director, managing principal, or person occupying a similar status, performing similar
312 functions, or directly or indirectly controlling the applicant or registrant has done any of the
313 following:

314 (i) filed an application for registration that, as of its effective date or as of any date after
315 filing, contained any statement that, in light of the circumstances under which it was made, is
316 false or misleading with respect to any material fact;

317 (ii) violated or failed to comply with any provision of sections 275 to 288 or any rules
318 and regulations adopted by the board;

319 (iii) been convicted of any felony or, within the past 5 years, been convicted of any
320 misdemeanor involving any activity related to the transfer of real property, including, but not
321 limited to, mortgage lending or real estate appraisal or any offense involving breach of trust,
322 moral turpitude or fraudulent or dishonest dealing;

323 (vi) been permanently or temporarily enjoined by any court of competent jurisdiction
324 from engaging in or continuing any conduct or practice involving any aspect of the real estate
325 appraisal management business;

326 (v) been the subject of an order of the board or any other state appraiser regulatory
327 agency denying, suspending or revoking the person's license as a real estate appraiser;

328 (vi) acted as an appraisal management company while not properly registered by the
329 board;

330 (vii) structured an appraisal assignment or a contract with an appraiser for the purpose of
331 evading the provisions of sections 275 to 288; or

332 (viii) failed to pay the proper filing or renewal fee under sections 275 to 288.

333 (b) The board may, by order, impose a civil penalty upon a registrant or any partner,
334 officer, director, managing principal or other person occupying a similar status or performing
335 similar functions on behalf of a registrant for any violation of sections 275 to 288. The civil
336 penalty shall not exceed \$10,000 for each violation.

337 (c) In addition to other powers under sections 275 to 288, upon finding that any action of
338 a person is in violation of sections 275 to 288, the board may order the person to cease from the
339 prohibited action. If the person subject to the order fails to appeal the order of the board or the
340 person appeals the order and the appeal is denied or dismissed and the person continues to
341 engage in the prohibited action in violation of the board's order, the person shall be subject to a
342 civil penalty of not more than \$25,000 for each violation of the order. The penalty provision of
343 this section shall be in addition to and not in lieu of any other provision of law applicable to a
344 registrant for the registrant's failure to comply with an order of the board.

345 (d) Unless otherwise provided, all actions and hearings under sections 275 to 288 shall be
346 governed by chapter 30A.

347 (e) If the board has reasonable grounds to believe that an appraisal management company
348 has violated the provisions of sections 275 to 288 or that facts exist that would be the basis for an

349 order against an appraisal management company, the board may at any time, either personally or
350 by a person duly designated by the board, investigate or examine the books, accounts, records
351 and files of any registrant or other person relating to the complaint or matter under investigation.

352 (f) The board shall have the power to issue subpoenas requiring the attendance of persons
353 and the production of papers and records before the board in any hearing, investigation, inquiry
354 or other proceeding conducted by the board. Upon the production of any papers, records or
355 documents, the board shall have the power to authorize true copies of the papers, records or
356 documents to be substituted in the permanent record of the matter in which the papers, records or
357 documents shall have been introduced in evidence.

358 Section 286. Every registered appraisal management company shall maintain the records
359 related to services provided by the appraisal management company as prescribed in regulations
360 adopted by the board. All records shall be preserved in accordance with the Record Keeping
361 Rule of USPAP unless the board, by regulation, prescribes otherwise for particular types of
362 records.

363 Section 287. The board may appear in its own name in superior court in actions for
364 injunctive relief to prevent any person from violating the provisions of sections 275 to 288 or
365 regulations adopted by the board. The superior court shall have the power to grant these
366 injunctions whether criminal prosecution has been or may be instituted as a result of the
367 violations or whether the person is the holder of a registration issued by the board under sections
368 275 to 288.

369 Section 288. (a) The board shall have the authority to conduct investigations and
370 examinations for:

371 (i) purposes of initial registration, registration renewal, registration suspension,
372 registration conditioning, registration revocation or termination or general or specific inquiry or
373 investigation to determine compliance with this chapter. The board shall have the authority to
374 access, receive and use any books, accounts, records, files, documents, information or evidence
375 including, but not limited to: (i) criminal, civil and administrative history information, including
376 non-conviction data as specified in applicable provisions of the General Laws; and (ii) any other
377 documents, information or evidence the board deems relevant to the inquiry or investigation
378 regardless of the location, possession, control or custody of such documents, information or
379 evidence; and

380 (ii) the purposes of investigating violations or complaints arising under this chapter, or
381 for the purposes of examination, the board may review, investigate or examine any registrant,
382 individual or person subject to this chapter, in order to carry out the purposes of this chapter.

383 (b) If an applicant, registrant or managing principal's criminal history record check
384 reveals 1 or more convictions, the conviction shall not automatically bar registration, provided
385 the conviction is not related to the financing or transfer of real property. The board shall consider
386 all of the following factors regarding the conviction:

387 (i) the level of seriousness of the crime;

388 (ii) the date of the crime;

389 (iii) the age of the person at the time of the conviction;

390 (iv) the circumstances surrounding the commission of the crime, if known;

391 (v) the nexus between the criminal conduct of the person and the job duties of the
392 position to be filled; and

393 (vi) the person's prison, jail, probation, parole, rehabilitation, and employment records
394 since the date the crime was committed.

395 SECTION 3. This act shall take effect 90 days after its passage.