

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days. For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 58 – REAL ESTATE COMMISSION

Notice is hereby given in accordance with G.S. 150B-21.1 that the North Carolina Real Estate Commission intends to adopt the rules cited as 21 NCAC 58G .0104 and .0105.

Codifier of Rules approved this rule as an emergency rule effective March 26, 2020 and received for publication the following notice and proposed temporary rules on March 18, 2020.

Public Hearing:

Date: April 15, 2020

Time: 9:00 a.m.

Location: NC Real Estate Commission, 1313 Navaho Drive, Raleigh, NC 27609

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare, Executive Order 116 and 117. The public health threat posed by COVID-19 requires immediate action to limit mass gatherings, increase social distancing, and limit exposure of high risk individuals, It is in the public's interest to immediately adopt rules that limit exposure of high risk individuals. It is in the public's interest to immediately adopt rules that limit the Commission's regulated audience's exposure to COVID-19 and allow for relaxed requirements during the time of this public health emergency. The adoption of 21 NCAC 58G .0104 would suspend classroom-based courses until April 30, 2020, to allow extensions for education courses, and provide students the opportunity to make-up classroom hours. The adoption of 21 NCAC 58G .0105 would remove the requirement to comply with 21 NCAC 58H .0306(b)(4) prior to June 30, 2020, in order to renew instructor approval.

Comment Procedures: Comments from the public shall be directed to: Melissa Vuotto, PO Box 17100, Raleigh, NC 27619-7100; email Public.Comment@ncrec.gov. The comment period begins March 25, 2020 and ends April 17, 2020.

SUBCHAPTER 58G – NORTH CAROLINA REAL ESTATE COMMISSION

SECTION .0100 – GENERAL

21 NCAC 58G .0104 LIMITED EDUCATION REQUIREMENTS FOR PUBLIC HEALTH EMERGENCY

(a) Schools and course sponsors shall cancel or suspend all in-person courses until April 30, 2020.

(b) Until June 10, 2020, schools and course sponsors may offer synchronous distance-learning for continuing education courses. Until June 30, 2020, schools and course sponsors may offer synchronous distance-learning for prelicensing and postlicensing courses. "Synchronous distance-learning" means the instructor and students are separated only by distance and not time, allowing for real-time monitoring of student participation.

(c) Schools shall allow students to make-up prelicensing and postlicensing course hours by attending another course of the same type offered by the same school. The make-up hours attended by the student shall be for the same content that the student missed.

(d) An applicant who is unable to take the licensing examination within 180 days pursuant to 21 NCAC 58A .0401 due to illness or the testing service locations being closed shall make a written request using the Commission's website. The Commission shall grant each applicant an extension to take the licensing examination.

(e) A broker requiring an extension of time to complete the 12-hour Broker-in-Charge Course pursuant to 21 NCAC 58A .0110(e) and .1712(b)(5) shall make a written request using the Commission's website prior to the licensee's original 120 day deadline. The Commission shall grant each broker an extension to complete the 12-hour Broker-in-Charge Course.

(f) The Commission shall grant all brokers an extension of time to complete postlicensing or continuing education courses.

(g) The Commission shall waive the prelicensing and postlicensing course examination requirements of 21 NCAC 58H .0210(a)(2), .0210(b)(2) and .0210(c).

Authority G.S. 93A-3(c); 93A-4.1(c).

21 NCAC 58G .0105 LIMITED INSTRUCTOR EDUCATION REQUIREMENTS FOR PUBLIC HEALTH EMERGENCY

Instructors shall not be required to comply with 21 NCAC 58H .0306(b)(4) prior to June 30, 2020, to renew instructor approval.

Authority G.S. 93A-3(c); 93A-4.1(c).