

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE	:	FOR COMMENTS FOR THE
REAL ESTATE EXAMINING BOARD	:	ECONOMIC IMPACT ANALYSIS

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Real Estate Examining Board relating to obsolete references to rental unit energy efficiency standards in curriculum, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Sharon Henes, Administrative Rules Coordinator
Division of Policy Development
Department of Safety and Professional Services
PO Box 8366
Madison, WI 53708-8935
DSPSAdminRules@wisconsin.gov

The deadline for submitting economic impact comments is September 23, 2019.

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.]

452.05 (1) (c) 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.

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

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 The authorizing statute for this rule, s. 101.122, Stats., was repealed effective December 1, 2018 by 2017 Act 59.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.

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:

Fiscal Estimate and Economic Impact Analysis:

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

Effect on small business:

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.

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)
