



FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS18-03]

Appraisal Subcommittee; Notice of Received Request for a Temporary Waiver

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council, FFIEC.

ACTION: Notice of Received Request for a Temporary Waiver; Request for Comments.

SUMMARY: The Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council (FFIEC) has received a request for a temporary waiver of appraiser certification or licensing requirements pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act, and the rules promulgated thereunder. The ASC is requesting comment (including written data, views and arguments) on the received request.

DATES: Comments must be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION]**.

ADDRESSES: Commenters are encouraged to submit comments (including written data, views and arguments) by the Federal eRulemaking Portal or email, if possible. You may submit comments, identified by Docket Number AS18-03, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Click on the "Help" tab on the Regulations.gov home page to get information on using Regulations.gov, including instructions for submitting public comments.

- *E-Mail:* webmaster@asc.gov. Include the docket number in the subject line of the message.
- *Fax:* (202) 289-4101. Include docket number on fax cover sheet.
- *Mail:* Address to Appraisal Subcommittee, Attn: Lori Schuster, Management and Program Analyst, 1401 H Street NW, Suite 760, Washington, DC 20005.
- *Hand Delivery/Courier:* 1401 H Street NW, Suite 760, Washington, DC 20005.

In general, the ASC will enter all comments received into the docket and publish those comments on the Federal eRulemaking (regulations.gov) website without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. At the close of the comment period, all public comments will also be made available on the ASC's website at <https://www.asc.gov> (follow link in "What's New") as submitted, unless modified for technical reasons.

You may review comments by any of the following methods:

- *Viewing Comments Electronically:* Go to <https://www.regulations.gov>. Enter "Docket ID AS18-03" in the Search box and click "Search." Click on the "Help" tab on the Regulations.gov home page to get information on using Regulations.gov,

including instructions for viewing public comments, viewing other supporting and related materials, and viewing the docket after the close of the comment period.

- Viewing Comments Personally: You may personally inspect comments at the ASC office, 1401 H Street NW, Suite 760, Washington, DC 20005. To make an appointment, please call Lori Schuster at (202) 595-7578.

FOR FURTHER INFORMATION CONTACT:

James R. Park, Executive Director, at (202) 595-7575, or Alice M. Ritter, General Counsel, at (202) 595-7577, Appraisal Subcommittee, 1401 H Street NW, Suite 760, Washington, DC 20005.

SUPPLEMENTARY INFORMATION:

I. Background

Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended (Title XI), established the ASC.¹ The purpose of Title XI is “to provide that Federal financial and public policy interests in real estate related transactions will be protected by requiring that real estate appraisals utilized in connection with federally related transactions are performed in writing, in accordance with uniform standards, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision.”²

¹ The ASC Board is comprised of seven members. Five members are designated by the heads of the FFIEC agencies (Board of Governors of the Federal Reserve System [Board], Consumer Financial Protection Bureau [CFPB], Federal Deposit Insurance Corporation [FDIC], Office of the Comptroller of the Currency [OCC], and National Credit Union Administration [NCUA]). The other two members are designated by the heads of the Department of Housing and Urban Development (HUD) and the Federal Housing Finance Agency (FHFA).

² Title XI § 1101, 12 U.S.C. 3331.

Title XI requires the use of State licensed or certified appraisers in federally related transactions.³ Section 1119(b) of Title XI, 12 U.S.C. 3348(b), authorizes the ASC to waive, on a temporary basis and with approval of the FFIEC, any certification or licensing requirement relative to certifying or licensing individuals to perform appraisals under Title XI in a State or geographic political subdivisions of a State upon a written determination that there is a scarcity of certified or licensed appraisers to perform appraisals in connection with federally related transactions leading to significant delays in the performance of such appraisals. The ASC has issued procedures⁴ governing the processing of temporary waiver requests. After receiving a waiver request, the ASC is required to issue a public notice in the *Federal Register* requesting comment on the request for a proposed temporary waiver. Within 15 days of the close of the 30-day comment period, the ASC, by order, will grant or deny a waiver, in whole or in part, and upon specified terms or conditions, including provisions for waiver termination. If the ASC approves any or all of the request, it is subject to approval by the FFIEC. The ASC's order granting or denying the waiver shall respond to comments received and shall provide reasons for the ASC's finding. The order shall be published promptly in the *Federal Register*, though in the case of an order granting a waiver, only after approval by the FFIEC.

II. Request for Temporary Waiver; Received Request

On November 20, 2017, a letter requesting consideration of a temporary waiver was received by the ASC from TriStar Bank, a state-chartered bank located in Dickson, Tennessee (the Requester). On November 30, 2017, ASC staff replied by letter to the Requester, in which ASC staff described the information required to file a completed waiver request pursuant to 12 CFR

³ "Federally related transaction" refers to any real estate related financial transaction which: a) a federal financial institutions regulatory agency engages in, contracts for, or regulates; and b) requires the services of an appraiser. (Title XI § 1121 (4), 12 U.S.C. 3350.)

⁴ 12 CFR part 1102, subpart A.

1102.2 and 1102.3, subpart A, *Temporary Waiver Requests*. On January 22, 2018, the Requester submitted additional information (dated January 10, 2018) in response to the ASC's November 30, 2017 letter. Pursuant to 12 CFR 1102.4, the ASC is publishing a notice respecting the received request to give interested persons 30 days to comment, including submission of written data, views and arguments.

You may view the received request by any of the following methods:

- Viewing Received Request Electronically: Go to <https://www.asc.gov>. In the "What's New" box on the home page, a link is provided to view the received request and supporting documentation.
- Viewing Received Request Personally: You may personally inspect the received request and supporting documentation at the ASC office, 1401 H Street NW, Suite 760, Washington, DC 20005. To make an appointment, please call Lori Schuster at (202) 595-7578.

III. Request for Comment

The ASC seeks comment on all aspects of the received request, including submission of written data, views and arguments.

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By the Appraisal Subcommittee,

Dated: March 6, 2018.

James R. Park, Executive Director

Billing Code 6700-0001

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