



**EMERGENCY RULE-MAKING  
FINDINGS OF NEED  
[G.S. 150B-21.1A]**

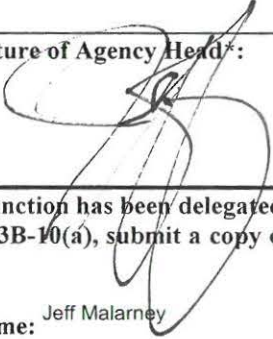
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**VOLUME:**

**ISSUE:**

<b>1. Rule-Making Agency:</b> NORTH CAROLINA REAL ESTATE COMMISSION	
<b>2. Rule citation(s):</b> 21 NCAC 58G .0104 & .0105	
<b>3. Adoption by agency on:</b> MARCH 18, 2020	<b>4. Date agency requests entry of emergency rule in the Code:</b>
<b>5. What is the need for an emergency rule?</b> On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services. On March 14, 2020, the Governor of North Carolina issues Executive Order No. 117 that prohibited mass gatherings, closed schools, and urged social distancing.	
<b>6. Has the agency provided the public with abbreviated notice? If so, describe.</b> Yes, it has been posted on the homepage of <a href="http://www.ncrec.gov">www.ncrec.gov</a> and a notice was emailed to all interested persons on March 18, 2020.	
<b>7. Why is adherence to notice and hearing requirements contrary to the public interest and that the immediate adoption of the rule required by a serious and unforeseen threat to the public health or safety?</b> 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 the Commission's regulated audience's exposure to COVID-19 and allow for relaxed requirements during the time of this public health emergency.	

[Emergency Rule-making Findings of Need Continued]

<b>8. Does the agency have specific statutory authority for the adoption of an emergency rule? If so, has the agency met the statutory criteria for adoption? (attach copy of statutory authority)</b>	
<b>9. Has the agency submitted the proposed temporary rule for publication on the Internet in accordance with G.S. 150B-21.1(a3)?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>10. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	
<b>11. Rule-making Coordinator:</b> Melissa Vuolto <b>Phone:</b> 919-875-3700 <b>E-Mail:</b> melissa@ncrec.gov	<b>12. Signature of Agency Head:</b>  <hr/> <b>* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</b> <b>Typed Name:</b> Jeff Malarney <b>Title:</b> Chair of the North Carolina Real Estate Commission <b>E-Mail:</b> JMalarney@darecountylaw.com
<b>Agency contact, if any:</b> Robert A. Patchett <b>Phone:</b> 919-875-3700 <b>E-Mail:</b> rob@ncrec.gov	

<b>REVIEW BY THE CODIFIER OF RULES</b>	
Approved. Entered into the North Carolina Administrative Code on: _____	
Reviewed By: _____	_____
Date: _____	_____
Comments:	
Statement does not meet the criteria.	
Reviewed By: _____	_____
Date: _____	_____
Comments:	

1 21 NCAC 58G .0104 is adopted under emergency procedures as follows:

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

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

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

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

14 (e) A broker requiring an extension of time to complete the 12-hour Broker-in-Charge Course pursuant to 21 NCAC  
15 58A .0110(e) and .1712(b)(5) shall make a written request using the Commission's website prior to the licensee's  
16 original 120 day deadline. The Commission shall grant each broker an extension to complete the 12-hour Broker-in-  
17 Charge Course.

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

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

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23 History Note: Authority G.S. 93A-3(c); 93A-4.1(c);

24 Emergency Eff. \_\_\_\_\_.

1 21 NCAC 58G .0105 is adopted under emergency procedures as follows:

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

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6 History Note: Authority G.S. 93A-3(c); 93-4.1(c)

7 Emergency Eff. \_\_\_\_\_.