



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Real Estate Commission TITLE-SERIES: 174-06
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: APPLICATION FOR WAIVER OF INITIAL
LICENSING FEES
CITE STATUTORY AUTHORITY: §30-40-8

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB 4252

Section §64-9-26 Passed On 3/6/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2020

This rule shall terminate and have no further force or effect from the following date:

July 01, 2025

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jerry A Forren -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

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TITLE 174
LEGISLATIVE RULE
WEST VIRGINIA REAL ESTATE COMMISSION

SERIES 6
APPLICATION FOR WAIVER OF INITIAL LICENSING FEES
FOR CERTAIN INDIVIDUALS

§174-6-1. General.

1.1. Scope. -- This rule establishes procedures for waiving the initial licensing fee for low income individuals and military personnel and their spouses.

1.2. Authority. -- WV Code §30-40-8

1.3. Filing Date. – April 1, 2020

1.4. Effective Date. – July 1, 2020

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon July 1, 2025.

§174-6-2. Definitions.

2.1. “Commission” means the West Virginia Real Estate Commission.

2.2. “REC-LIW” means the Real Estate Commission Low Income Waiver form used to request a waiver of the initial licensing fee for low income individuals, as authorized in W.Va. Code §30-1-23;

2.3. “Initial license” means an individual applying for a license in West Virginia sought for the first time;

2.4. "Local labor market" means every county in West Virginia, and any county outside of West Virginia if any portion of that county is within fifty miles of the border of West Virginia, pursuant to W.Va. Code §21-1C-2;

2.5. “Low-income individuals” means individuals in the local labor market as defined in West Virginia Code §21-1C-2, whose household adjusted gross income is below 130 percent of the federal poverty line. This term also includes any person enrolled in a state or federal public assistance program including, but not limited to, the Temporary Assistance for Needy Families Program, Medicaid, or the Supplemental Nutrition Assistance Program;

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2.6. "Military families" means any person who serves as an active member of the armed forces of the United States, the National Guard, or a reserve component as described in 38 U. S. C. §101, honorably discharged veterans of those forces, and their spouses. This term also includes surviving spouses of deceased service members who have not remarried; and

2.7 "REC-MFW" means the Real Estate Commission Military Family Waiver form used to request a waiver of the initial licensing fee for military service members and their spouses as described in §30-1-22.

§174-6-3. Request for Waiver of Initial Licensure Fees.

3.1. An applicant seeking a low-income individual or military family waiver of the initial licensing fee shall apply for licensure to the Commission and provide the required documentation of eligibility for waiver.

3.2. The Commission shall provide the application form and instructions on what documentation is necessary to submit with the license application requesting the low-income individual or military family initial licensing fee waiver.

3.3. An applicant shall submit all required documentation to the Commission and upon the submission of a complete application, the Commission shall review the application and issue a decision within 30 days of receipt of the completed application.

3.4. The Commission may issue a license to an applicant who meets the requirements for licensure, under the West Virginia Real Estate License Act and the rules promulgated by the Commission, and the Commission shall waive the initial licensing fee for an applicant that meets the requirement of "low-income individuals" or "military families" as defined in W.Va. Code §30-1-23.

§174-6-4. Required Documentation for Waiver of Initial Licensure Fees.

4.1. Individuals requesting a waiver of initial licensure fees for low income or military service personnel and their spouses, shall submit with the application for licensure the initial licensure waiver REC-LIW or REC-MFW form and the appropriate documentation as specified in this section.

4.2. To establish low income eligibility for the initial licensing fee waiver, an applicant shall submit to the Commission evidence that the adjusted gross income of the household of the applicant is below 130% of the federal poverty level by submitting documentation of eligibility for:

- 4.2.1. Temporary Assistance for Needy Families Program;
- 4.2.2. Medicaid;
- 4.2.3. Supplemental Nutrition Assistance Program; or
- 4.2.4. A Federal Tax Return.

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4.3. To establish military family eligibility for the initial licensing fee waiver, an applicant shall submit to the Commission proof of qualifying military service and proof of eligibility as a qualifying spouse , as follows:

4.3.1. A service member's DD-214 form;

4.3.2. A service member's NGB-22 form;

4.3.3. A service member's DD-1300 form; or

4.3.4. A copy of the service member's current military orders; or

4.3.5. Other official military documentation, determined to be appropriate by the Commission, demonstrating the service member's qualifying past or current military service; and

4.3.6. A copy of the marriage certificate with the qualifying service member and, where applicable, the death certificate of the qualifying service member if the spouse is applying for the military family waiver.

4.4. Honorably discharged service members applying for waiver of the initial licensing fee shall submit a completed application, and a DD-214 form, a NGB-22 form, or other official military documentation determined to be appropriate by the Commission, showing the applicant has been honorably discharged from military service.