



Pennsylvania
Association of
Realtors®

*The Voice for Real Estate
in Pennsylvania*

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House Local Government Committee Hearing on House Bill 1019
Presented by Mark Mohn
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Good morning Chair Harper, Chair Freeman and members of the House Local Government Committee. Thank you for the opportunity to speak about House Bill 1019 today. My name is Mark Mohn and I currently serve as the chair of the Pennsylvania Association of Realtors® Legislative Committee. I am a practicing Realtor® with RE/MAX of Reading in Wyomissing.

I'm here today on behalf of the 30,000 members of the Pennsylvania Association of Realtors®. We'd like to offer some recommendations on House Bill 1019, introduced by Representative Gillen. The transfer of private property can be challenging. Those challenges are made even greater when there are unique circumstances affecting both the previous owners and the new property owners. And as such, Realtors® understand the importance of thoroughly researching the current status of a property, prior to any transaction.

The Pennsylvania Association of Realtors® empathizes with families who wish to pay respect to loved ones and understand this may be impossible when an owner denies access to the grave site. However, we also respect the fact that the property is owned privately and support the rights of the owner to limit access to their property.

We have no desire to add to the burden of bereaved families. The association believes that requiring the disclosure of cemeteries on private residential properties will not have the outcome that the state legislature and the families would prefer. The seller's disclosure law is designed to reveal material defects with the property, not necessarily make known unique characteristics of the property.

Pennsylvania has a long history of multi-generational family-owned properties. As property is transferred from generation to generation, information about the property may be lost or forgotten. In those instances, requiring disclosure on the seller's disclosure form would not achieve the desired outcome. Through no fault of their own, many current property owners are unaware of the location and condition of burial plots on large tracts of family-owned property. As a result, this information would not be disclosed to the next property owner.

After reviewing and discussing the proposed legislation, the Pennsylvania Association of Realtors® would like to make the following recommendations:

- **The association recommends that the bill be amended to require that burial plots in private cemeteries be subject to easements and/or deed restrictions.** By permanently adding an easement onto the title of the property, it would ensure the desired outcome. The easement or deed restriction would provide the family access to this portion of the property and, more importantly, would be discoverable on a title search, thereby notifying potential buyers of the existence of the burial plots and the owner's responsibility. Any undisclosed deed restriction or easement would be uncovered through a title search without amending the seller's disclosure law. This would be beneficial when the property is transferred in the future and would provide a searchable record of the location of the burial plot.
- **The association recommends removing any reference to a commercial disclosure law, which does not exist.** An easement and deed restriction would be applicable to commercial transactions as well.

Thank you again for the opportunity to discuss this legislation. We look forward to working with you on amendments to strengthen the legislation and strike a balance between the bereaved families and private property owners in Pennsylvania.