AN ACT

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; providing for judicial administration; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," providing for emergency COVID-19 provisions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:
Section 1. The act of April 9, 1929 (P.L.177, No.175), known
as The Administrative Code of 1929, is amended by adding an
article to read:

ARTICLE I-A

EMERGENCY COVID-19 PROVISIONS

Section 101-A. Extension of waiver provisions.

(a) General rule.—The Secretary of Community and Economic
Development shall immediately issue a waiver to the Governor's
20200319 TWW COVID-19 Business Closure Order to:

(i) all real estate activities of brokers, salespersons
and licensees as those terms are defined under the act of
February 19, 1980 (P.L.15, No.9), known as the Real Estate
Licensing and Registration Act, that involve the following:

(i) meetings by licensees, under the supervision of
their brokers, with prospective home buyers and tenants,
when necessary, at residences currently listed for sale
in a public forum for the purposes of facilitating a sale
of real estate, which meetings may include virtual walk-
throughs where the licensees are alone and using a
digital tool to relay the home details to the prospective
buyers or tenants;

(ii) designations by a broker of one essential,
nonlicensed employee to enter the brokerage for the
purpose of collecting contracts, addenda, deposits, rent
or other items necessary to facilitate real estate
transactions; and

(iii) entering, by licensees and an individual named
as a party to the contract, of properties that are within
72 hours of settlement for the purposes of evaluating
requested repairs negotiated between the parties to the
(2) activities of residential home inspection providers, including ancillary inspectors of wood infestation, radon levels, water contamination and on-lot sewage functionality, to enter, individually and separately, properties currently listed for sale by a broker, under the supervision of the broker;

(3) activities of real estate professionals and video or virtual tour creators and other professionals serving the public need for real estate information, while obeying the Governor's order to enter a residence for which a broker has a signed contract to provide real estate service, including allowing for one-time collection of digital media under the broker's supervision;

(4) activities of settlement service providers, working in conjunction with a broker, to designate essential employees for the purpose of executing mortgage documents, transferring deeds and other necessary documents in person that can adhere to the social distancing practices and other mitigation measures defined by the Centers for Disease Control and Prevention to protect workers and to mitigate the spread of the COVID-19 virus; and

(5) legal services provided by attorneys at law as long as those services are provided in a manner consistent with the Centers for Disease Control and Prevention's social distancing guidelines related to the COVID-19 pandemic at the time the services are provided.

(a.1) Mitigation measures.--Waivers under subsection (a) shall only be issued to business activities that can adhere to applicable mitigation measures defined by the Centers for Disease Control and Prevention.
Disease Control and Prevention, Occupational Health and Safety Administration and the Department of Health to protect workers from and mitigate the spread of COVID-19. A business receiving a waiver under subsection (a) shall implement the applicable mitigation measures.

(b) Other real estate actions. Until the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, is terminated or expires under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor):

(1) Municipal use and occupancy or code enforcement actions by a municipality under law shall be suspended, or conditionally granted, if the municipality has not made alternate provisions for facilitating the grant of a certificate of occupancy during the proclamation.

(2) Taxing authorities and public utilities shall provide alternative means for residential home buyers or title insurers to ascertain the current status of tax payments or overdue utility obligations.

(c) Enforcement.--The State Real Estate Commission of the Commonwealth shall enforce compliance with the provisions of subsection (a)(1).

ARTICLE I-A
EMERGENCY COVID-19 PROVISIONS
SECTION 101-A. REAL ESTATE WAIVER PROVISIONS.
(A) GENERAL RULE.--THE SECRETARY OF COMMUNITY AND ECONOMIC DEVELOPMENT SHALL IMMEDIATELY ISSUE A WAIVER TO THE GOVERNOR'S 20200319 TWW COVID-19 BUSINESS CLOSURE ORDER TO ALL PROVIDERS OF LEGAL SERVICES, AND RESIDENTIAL AND COMMERCIAL REAL ESTATE
SERVICES, INCLUDING SETTLEMENT SERVICES, THAT COMPLY WITH
SECTION 102-A.

(B) OTHER REAL ESTATE ACTIONS.—UNTIL THE PROCLAMATION OF
DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020,
PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), AND ANY RENEWAL OF
THE STATE OF DISASTER EMERGENCY, IS TERMINATED OR EXPIRES UNDER
35 PA.C.S. § 7301(C) (RELATING TO GENERAL AUTHORITY OF
GOVERNOR):

(1) A MUNICIPALITY OR MUNICIPAL AUTHORITY THAT REQUIRES
A USE AND OCCUPANCY CERTIFICATE, OR ANY OTHER SIMILAR
CERTIFICATE OR CERTIFICATION AS A CONDITION OF A PROPERTY
TRANSFER, SHALL BE PRESUMED TO HAVE ISSUED A FULL AND
UNCONDITIONAL PERMIT WITHOUT REQUIRING AN INSPECTION OF THE
PROPERTY. IF A CERTIFICATE IS PRESUMED TO BE ISSUED, THE
MUNICIPALITY OR MUNICIPAL AUTHORITY SHALL BE ENJOINED FROM
CONDUCTING A PROPERTY TRANSFER INSPECTION AFTER THE
PROCLAMATION HAS TERMINATED OR EXPIRED.

(2) TAXING AUTHORITIES AND PUBLIC UTILITIES SHALL
PROVIDE ALTERNATIVE MEANS FOR RESIDENTIAL HOME BUYERS OR
TITLE INSURERS TO ASCERTAIN THE CURRENT STATUS OF TAX
PAYMENTS OR OVERDUE UTILITY OBLIGATIONS.

(C) DEFINITION.—AS USED IN THIS SECTION, THE TERM
"PROVIDERS OF RESIDENTIAL AND COMMERCIAL REAL ESTATE SERVICES"
SHALL MEAN:

(1) REAL ESTATE BROKERS AND ALL AFFILIATED LICENSEES AND
UNLICENSED EMPLOYEES.

(2) HOME INSPECTORS, PROFESSIONAL ENGINEERS AND
ARCHITECTS.

(3) ANY OTHER PROFESSIONAL CONTRACTOR, INSPECTOR OR
OTHER SERVICE PROVIDER THAT IS PROVIDING AN INSPECTION THAT
IS INCLUDED AS A CONTINGENT PROVISION OF A REAL ESTATE AGREEMENT OF TRANSFER OR LEASE.

(4) REAL ESTATE APPRAISERS.

(5) PHOTOGRAPHERS OR VIDEOGRAPHERS ENGAGED IN COLLECTING DIGITAL MEDIA FOR REAL ESTATE MARKETING PURPOSES.

(6) TITLE AGENTS, ATTORNEYS AND NOTARIES PROVIDING SETTLEMENT SERVICES.

SECTION 102-A. COMPLIANCE.

A BUSINESS SHALL ADHERE TO SOCIAL DISTANCING PRACTICES AND OTHER MITIGATION MEASURES DEFINED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION TO PROTECT WORKERS AND TO MITIGATE THE SPREAD OF THE COVID-19 VIRUS AND THE ORDER OF THE SECRETARY OF HEALTH DIRECTING PUBLIC HEALTH SAFETY MEASURES FOR BUSINESSES PERMITTED TO MAINTAIN IN-PERSON OPERATIONS.

SECTION 103-A. EFFECT OF SUBSEQUENT ORDERS.

A WAIVER GRANTED UNDER THIS ARTICLE SHALL REMAIN VALID NOTWITHSTANDING ANY ORDER ISSUED PURSUANT TO THE DECLARATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED IN 50 PA.B. 1644 (MARCH 21, 2020), OR ANY RENEWAL THEREOF, UNLESS THE ORDER REMOVES ANY OF THE RESTRICTIONS OR OTHERWISE GRANTS GREATER PERMISSIONS FOR OPERATIONS THAN ARE PROVIDED UNDER THIS ARTICLE.

Section 2. This act shall take effect immediately.