



Pennsylvania  
Association of  
Realtors®

*The Voice for Real Estate  
in Pennsylvania*

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April 26, 2021

The Honorable Gene Yaw  
Chair, Senate Environmental Resources and Energy Committee  
175 Pine St., Suite 105  
Williamsport, PA 17701

The Honorable Daryl Metcalfe  
Chair, House Environmental Resources and Energy Committee  
2525 Rochester Rd.  
Cranberry Twp., PA 16066

Dear Senator Yaw and Representative Metcalfe,

The Pennsylvania Association of Realtors® has learned that Department of Environmental Protection has changed its policy regarding Act 34, which was signed into law in June of 2020. Act 34 guarantees landowners the right to use any state-approved alternate or conventional septic system to satisfy DEP sewage planning requirements. The new policy change removes all alternately classified septic systems from this consideration. The official policy change was provided to the public in an “All SEO Letter” from the DEP dated March 2, 2021.

The Pennsylvania Association of Realtors® echoes the concerns raised by other organizations. This policy change has the possibility to drastically impact development statewide, dramatically eliminating the future usage of lots that could have been subdivided from private lands for new home construction. The purpose of Act 34 of 2020 was to provide for the usage of alternative septic systems to allow for responsible development of land parcels where traditional sewage or septic systems are not conducive. The DEP policy change undermines this statutory law and it will have profound impacts across the commonwealth.

PAR’s 35,000 members are extremely concerned that the DEP interpretation essentially shuts down alternate septic systems and any further development on lots that cannot use traditional systems. PAR also believes that the contents of the policy change would severely impact new construction already in the pipeline, existing lots with an already present on-lot alternate sewage system and the housing industry as a whole. Several Realtors® have voiced concerns regarding issues related to the ability to bequeath generational plots of land to family members, which would not be allowed under the new policy.

DEP's new policy interpretation strips landowners of their rights to enjoy the benefits of their real property, including the subdivision of the property, development of the property, sale of the property and preservation of their property as they see fit within the confines of the law, in addition to halting new construction and development statewide. We ask for your assistance in notifying DEP about their incorrect interpretation and requesting DEP follow Act 34 of 2020 as intended.

If you have any questions, please contact me at [smartin@parealtors.org](mailto:smartin@parealtors.org) or at (800) 555-3390.

Sincerely,

*Sherri J. Martin*

Sherri J. Martin  
Public Policy & Political Affairs Director  
Pennsylvania Association of Realtors®

