

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2133 Session of
2019

INTRODUCED BY ISAACSON, BULLOCK, CALTAGIRONE, DeLUCA, HILL-
EVANS, HOHENSTEIN, HOWARD, KINSEY AND ROEBUCK,
DECEMBER 16, 2019

REFERRED TO COMMITTEE ON URBAN AFFAIRS, DECEMBER 16, 2019

AN ACT

1 Prohibiting the harassment of homeowners by real estate
2 professionals and construction companies and imposing
3 penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Homeowner
8 Harassment Prevention Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Predatory tactics." Any of the following:

14 (1) Repeated and unsolicited attempts by a person,
15 within a one-year period, to contact a homeowner when the
16 homeowner has affirmatively requested that the person, or the
17 person's agent or assignee, refrain from that activity.

18 (2) A threat to a homeowner, whether expressed or

1 implied, regarding sale of the homeowner's real property.

2 "Real estate developer." The following:

3 (1) A person who:

4 (i) acquires improved or unimproved real property;

5 (ii) improves the real property, if unimproved, with
6 a residential building or improves an existing
7 residential building on the real property; and

8 (iii) sells the improved real property or any
9 portion thereof.

10 (2) The term does not include a person who makes
11 improvements to real property that constitute the person's
12 primary residence if:

13 (i) the primary residence is a single-family
14 dwelling or a multiple-family dwelling that does not
15 exceed three stories in height and contains six or fewer
16 dwelling units; and

17 (ii) no more than one real property is sold by the
18 person during a calendar year.

19 "Real estate professional." A real estate agent, real estate
20 broker or real estate developer.

21 Section 3. Required disclosures.

22 At the time of contacting a homeowner, a real estate
23 professional, construction company or other person engaged in
24 acquiring real property for development, or his agent or
25 assignee, shall identify himself and the intended buyer of the
26 homeowner's real property.

27 Section 4. Prohibited acts.

28 A real estate professional, construction company or other
29 person engaged in acquiring real property for development, his
30 agent or assignee, may not use predatory tactics to solicit a

1 homeowner to sell the homeowner's real property.

2 Section 5. Civil penalties.

3 In addition to any other penalty provided under law, the
4 Office of Attorney General may assess a civil penalty against a
5 person who violates any provision of this act of not less than
6 \$2,000 nor more than \$10,000 for each violation. Each day that a
7 violation continues shall constitute a separate and distinct
8 violation.

9 Section 6. Right of action.

10 A person who is aggrieved by a violation of the provisions of
11 this act may bring a civil action in a court of competent
12 jurisdiction for such legal and equitable relief as may be
13 appropriate to effectuate the purposes of this act. The court
14 may, in addition to any judgment awarded the plaintiff, award
15 reasonable attorney fees and costs of action to be paid by the
16 defendants.

17 Section 7. Vicarious liability.

18 All parties to a solicitation of a homeowner to sell the
19 homeowner's real property in violation of this act shall be
20 vicariously liable for the violations of this act.

21 Section 8. Effective date.

22 This act shall take effect in 60 days.