
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2412 Session of
2020

INTRODUCED BY POLINCHOCK, CIRESI, BARRAR, SCHLEGEL CULVER,
ECKER, JAMES, JONES, KAUFFMAN, KULIK, MACKENZIE, MALAGARI,
MEHAFFIE, MIHALEK, O'MARA, PUSKARIC, ROTHMAN, ROWE, RYAN,
SCHMITT, STAATS, STEPHENS, STRUZZI AND TOEPEL, APRIL 16, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 16, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," providing for emergency COVID-19 provisions.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
25 as The Administrative Code of 1929, is amended by adding an
26 article to read:

1 ARTICLE I-A

2 EMERGENCY COVID-19 PROVISIONS

3 Section 101-A. Extension of waiver provisions.

4 (a) General rule.--The Secretary of Community and Economic
5 Development shall immediately issue a waiver to the Governor's
6 20200319 TWW COVID-19 Business Closure Order to:

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

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

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

24 (iii) entering, by licensees and an individual named
25 as a party to the contract, of properties that are within
26 72 hours of settlement for the purposes of evaluating
27 requested repairs negotiated between the parties to the
28 contract;

29 (2) activities of residential home inspection providers,
30 including ancillary inspectors of wood infestation, radon

1 levels, water contamination and on-lot sewage functionality,
2 to enter, individually and separately, properties currently
3 listed for sale by a broker, under the supervision of the
4 broker;

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

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

20 (b) Other real estate actions.--Until the proclamation of
21 disaster emergency issued by the Governor on March 6, 2020,
22 published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of
23 the state of disaster emergency, is terminated or expires under
24 35 Pa.C.S. § 7301(c) (relating to general authority of
25 Governor):

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

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

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

8 Section 2. This act shall take effect immediately.