

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, PUSKARIC, ROTHMAN, ROWE, RYAN, SCHMITT, STAATS, STEPHENS, STRUZZI, TOEPEL, COX, NELSON, TOMLINSON, KNOWLES, BOROWICZ, KLUNK, JOZWIAK, SIMMONS, READSHAW, SAPPEY, MOUL, FEE, ZIMMERMAN, SHUSTERMAN, LEWIS, ULLMAN, DeLUCA, RAVENSTAHL, KEEFER, ROZZI, GILLEN, T. DAVIS, OWLETT, HICKERNELL, THOMAS, BOBACK, B. MILLER, MENTZER, MUSTELLO, MIZGORSKI, RIGBY, HELM, METCALFE, FARRY AND WHEELAND, APRIL 16, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 27, 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:

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

4 ARTICLE I-A

5 EMERGENCY COVID-19 PROVISIONS

6 Section 101-A. Extension of waiver provisions.

7 (a) General rule.--The Secretary of Community and Economic  
8 Development shall immediately issue a waiver to the Governor's  
9 20200319 TWW COVID-19 Business Closure Order to:

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

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

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

27 (iii) entering, by licensees and an individual named  
28 as a party to the contract, of properties that are within  
29 72 hours of settlement for the purposes of evaluating  
30 requested repairs negotiated between the parties to the

1 contract;

2 (2) activities of residential home inspection providers,  
3 including ancillary inspectors of wood infestation, radon  
4 levels, water contamination and on-lot sewage functionality,  
5 to enter, individually and separately, properties currently  
6 listed for sale by a broker, under the supervision of the  
7 broker;

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

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

23 (5) LEGAL SERVICES PROVIDED BY ATTORNEYS AT LAW AS LONG  
24 AS THOSE SERVICES ARE PROVIDED IN A MANNER CONSISTENT WITH  
25 THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S SOCIAL  
26 DISTANCING GUIDELINES RELATED TO THE COVID-19 PANDEMIC AT THE  
27 TIME THE SERVICES ARE PROVIDED.

28 (A.1) MITIGATION MEASURES.--WAIVERS UNDER SUBSECTION (A)  
29 SHALL ONLY BE ISSUED TO BUSINESS ACTIVITIES THAT CAN ADHERE TO  
30 APPLICABLE MITIGATION MEASURES DEFINED BY THE CENTERS FOR

1 DISEASE CONTROL AND PREVENTION, OCCUPATIONAL HEALTH AND SAFETY  
2 ADMINISTRATION AND THE DEPARTMENT OF HEALTH TO PROTECT WORKERS  
3 FROM AND MITIGATE THE SPREAD OF COVID-19. A BUSINESS RECEIVING A  
4 WAIVER UNDER SUBSECTION (A) SHALL IMPLEMENT THE APPLICABLE  
5 MITIGATION MEASURES.

6 (b) Other real estate actions.--Until the proclamation of  
7 disaster emergency issued by the Governor on March 6, 2020,  
8 published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of  
9 the state of disaster emergency, is terminated or expires under  
10 35 Pa.C.S. § 7301(c) (relating to general authority of  
11 Governor):

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

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

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

24 Section 2. This act shall take effect immediately.