

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, KEEFER, ROZZI, GILLEN, T. DAVIS, OWLETT, HICKERNELL, THOMAS, BOBACK, B. MILLER, MENTZER, MUSTELLO, MIZGORSKI, RIGBY, HELM, METCALFE, FARRY, WHEELAND, KORTZ AND BROOKS, APRIL 16, 2020

SENATOR KILLION, COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, IN SENATE, AS AMENDED, MAY 11, 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;~~

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 ARTICLE I-A

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25 EMERGENCY COVID-19 PROVISIONS

26 SECTION 101-A. REAL ESTATE WAIVER PROVISIONS.

27 (A) GENERAL RULE.--THE SECRETARY OF COMMUNITY AND ECONOMIC
28 DEVELOPMENT SHALL IMMEDIATELY ISSUE A WAIVER TO THE GOVERNOR'S
29 20200319 TWW COVID-19 BUSINESS CLOSURE ORDER TO ALL PROVIDERS OF
30 LEGAL SERVICES, AND RESIDENTIAL AND COMMERCIAL REAL ESTATE

1 SERVICES, INCLUDING SETTLEMENT SERVICES, THAT COMPLY WITH
2 SECTION 102-A.

3 (B) OTHER REAL ESTATE ACTIONS.--UNTIL THE PROCLAMATION OF
4 DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020,
5 PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), AND ANY RENEWAL OF
6 THE STATE OF DISASTER EMERGENCY, IS TERMINATED OR EXPIRES UNDER
7 35 PA.C.S. § 7301(C) (RELATING TO GENERAL AUTHORITY OF
8 GOVERNOR) :

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

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

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

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

27 (2) HOME INSPECTORS, PROFESSIONAL ENGINEERS AND
28 ARCHITECTS.

29 (3) ANY OTHER PROFESSIONAL CONTRACTOR, INSPECTOR OR
30 OTHER SERVICE PROVIDER THAT IS PROVIDING AN INSPECTION THAT

1 IS INCLUDED AS A CONTINGENT PROVISION OF A REAL ESTATE
2 AGREEMENT OF TRANSFER OR LEASE.

3 (4) REAL ESTATE APPRAISERS.

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

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

8 SECTION 102-A. COMPLIANCE.

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

15 SECTION 103-A. EFFECT OF SUBSEQUENT ORDERS.

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

23 Section 2. This act shall take effect immediately.