



MEMORANDUM

To: Kalonji Johnson, Acting Commissioner, BPOA
Jessica Mathis, Director, Bureau of Elections & Notaries

CC: Richard Vague, Acting Secretary of Banking and Securities

From: Kathy Boockvar, Secretary

Date: April 28, 2020

Re: **SECOND REVISED** Limited Guidance for Real Estate Professionals,
Appraisers, Notaries, Title Companies, and Home Inspectors

On March 6, 2020 in response to the spread of the novel coronavirus COVID-19, Governor Tom Wolf executed an Emergency Disaster Declaration for Pennsylvania. Subsequently, on March 19, 2020, Governor Wolf ordered the closure of non-life-sustaining businesses.

Since that date, the Department worked in consultation with the Governor's Office and the Department of Banking and Securities to develop guidance for appraisers, notaries, title companies and home inspectors. In response to concerns regarding residential real estate transactions, specifically those transactions initiated prior to the Emergency Disaster Declaration, the following limited guidance is being issued:

1. All businesses and employees in the real estate industry authorized to conduct in-person activities must do the following:
 - Follow all applicable provisions of the [Order](#) of the Secretary of Health providing for business safety measures, issued April 15, 2020, including but not limited to provisions requiring that every person present at a work site wear masks/face coverings, and provisions requiring the establishment of protocols for execution upon discovery that the business has been exposed to a person who is a probable or confirmed case of COVID- 19.
 - Follow all applicable provisions of the [Order](#) of the Secretary of Health providing for building safety measures, issued April 5, 2020.
 - Follow other applicable [Department of Health](#) (DOH) and Centers for Disease Control and Prevention (CDC) [guidance](#).

- Where in-person activities, including showings, appraisals, inspections, final walk-throughs, closings, and title insurance activities are authorized by this guidance, all participants are required to wear masks, gloves, and foot coverings at all times.
2. In-person activities are authorized for the following types of residential real estate transactions:
 - For existing homes which were under contract (signed) prior to the date of March 18, 2020.
 - For new construction homes which were under a previously executed contract that provides for closing and delivery to the customer on or after March 18, 2020.
 - Where the buyer can demonstrate that prior to March 18, 2020, they had entered into an agreement of sale for their prior residence, or had submitted to their landlord a binding notice that they would vacate a rental property serving as their residence.
 - Where the property subject to sale, home equity loan, or home refinancing, is located in a region of the Commonwealth deemed to be in the “Yellow Phase” of reopening.
 3. Where in-person activities are authorized pursuant to paragraph 2, showings, appraisals, inspections, final walk-throughs, and title insurance activities shall be arranged by appointment and limited to no more than two people on site at any one time. Wherever possible, closing must be conducted by remote notary or powers of attorney (POA). Where it is not possible to conduct a closing via remote notary or POA, attendance in-person must be limited to required signatories only, and steps to preserve social distancing to the maximum extent possible, must be followed.
 4. Regardless of location, any real estate transaction which may be executed remotely, including virtual or telework activities for desktop appraisals, is permissible, as is any appraisal, including “drive-by” appraisal, that does not require entrance into a physical location.
 5. Failure to strictly adhere to the requirements of this guidance may result in disciplinary actions up to and including suspension of licensure.

The COVID-19 global pandemic has created an unprecedented situation and we understand the concerns of businesses and individuals impacted by this virus. However, due to significant health concerns for the residents of this commonwealth, only in-person residential real estate activities that meet the provisions of this guidance are permissible.