

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 2394 Session of  
2020

---

INTRODUCED BY ISAACSON, MURT, NEILSON, CALTAGIRONE, DELLOSO,  
DONATUCCI, GREEN AND HILL-EVANS, APRIL 13, 2020

---

REFERRED TO COMMITTEE ON URBAN AFFAIRS, APRIL 13, 2020

---

AN ACT

1 Providing for a prohibition on solicitation of owners of  
2 residential real property within defined geographic areas by  
3 real estate brokers, salespersons or other persons regularly  
4 engaged in the trade or business of buying and selling real  
5 estate, for homeowner cease and desist zones and for  
6 homeowner cease and desist lists.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Homeowner  
11 Cease and Desist List Act.

12 Section 2. Definitions.

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

16 "Department." The Department of State of the Commonwealth.

17 "List." A homeowner cease and desist list compiled by the  
18 secretary under section 4(a).

19 "Secretary." The Secretary of the Commonwealth.

20 "Zone." A homeowner cease and desist zone established under

1 section 3(a).

2 Section 3. Homeowner cease and desist zones.

3 (a) Establishment.--If the secretary determines that owners  
4 of residential real property within a defined geographic area  
5 are subject to intense and repeated solicitation by real estate  
6 brokers and salespersons to place their property for sale with  
7 the real estate brokers or salespersons or are subject to  
8 intense and repeated solicitation by other persons regularly  
9 engaged in the trade or business of buying and selling real  
10 estate to sell the owner's residential real property, the  
11 secretary may establish a homeowner cease and desist zone.

12 (b) Regulations.--A zone shall be bounded or otherwise  
13 specifically defined by department regulation.

14 (c) Owner's statement.--After the secretary has established  
15 a zone, an owner of residential real property located within the  
16 zone may file an owner's statement with the secretary expressing  
17 the owner's wish not to be solicited by real estate brokers,  
18 salespersons or other persons regularly engaged in the trade or  
19 business of buying and selling real estate. The form and content  
20 of the statement shall be prescribed by the secretary.

21 (d) Prohibition.--After a zone has been established, no real  
22 estate broker, salesperson or other person regularly engaged in  
23 the trade or business of buying and selling real estate may  
24 solicit a listing from an owner who has filed an owner's  
25 statement with the secretary if the owner's name appears on a  
26 current list under section 4.

27 (e) Forms of solicitation prohibited.--The prohibition on  
28 solicitation under this section shall apply to direct forms of  
29 solicitation, including the use of telephone, mail, personal  
30 contact and other forms of direct solicitation as may be

1 specified by the secretary.

2 Section 4. Homeowner cease and desist list.

3 (a) Compilation of list.--The secretary shall compile a  
4 cease and desist list for each zone established under section  
5 3(a). In addition to other information as the secretary may deem  
6 appropriate, each list shall contain:

7 (1) The name of each owner who has filed an owner's  
8 statement with the secretary.

9 (2) The address of the property within the zone to which  
10 the owner's statement applies.

11 (b) Notice to owners.--The secretary shall send to each  
12 owner who has filed an owner's statement a written  
13 acknowledgment of the secretary's receipt of the owner's  
14 statement and a pamphlet explaining the owner's rights in  
15 connection with inclusion on the list and the procedures and  
16 time limits applicable to the filing of complaints for  
17 violations.

18 (c) Complaint.--An owner, or person on behalf of the owner,  
19 may file a complaint against a real estate broker, salesperson  
20 or other person regularly engaged in the trade or business of  
21 buying and selling real estate for a violation of section 3(d).  
22 The secretary shall allow an owner, or person on behalf of the  
23 owner, to amend a complaint or other report filed under this  
24 subsection by submitting other information or documentation as  
25 the secretary may require.

26 (d) Printing and revisions to list.--The secretary shall  
27 print a list for each zone. Each list shall be revised and  
28 reprinted on or before December 31 each year and shall be made  
29 available to the public and to real estate brokers, salespersons  
30 or other persons regularly engaged in the trade or business of

1 buying and selling real estate at a reasonable price to be set  
2 by the secretary. Additions or deletions shall be made to each  
3 list only at the time the list is reprinted and the secretary  
4 may not issue amendments to any printed list.

5 Section 5. Restrictions on zones.

6 No regulation establishing a cease and desist zone may be  
7 effective for longer than five years. The secretary may readopt  
8 the regulation to continue the zone for additional periods not  
9 to exceed five years each. The following shall apply:

10 (1) If a regulation establishing a zone has expired or  
11 has been repealed, all owner's statements filed with the  
12 secretary under that regulation shall also expire.

13 (2) An owner may file a new owner's statement with the  
14 secretary if a new regulation is adopted establishing a zone  
15 containing the owner's property.

16 (3) Once the boundaries of a zone have been established  
17 by regulation, the boundaries may not be changed except by  
18 repeal of the existing regulation and adoption of a new  
19 regulation establishing the new boundaries.

20 Section 6. Penalties.

21 (a) Written warning and fines.--A person who violates this  
22 act shall:

23 (1) For a first violation, receive a written warning  
24 from the department.

25 (2) For a second violation, be fined \$1,000.

26 (3) For a third violation, be fined \$5,000.

27 (4) For a fourth and any subsequent violation, be fined  
28 \$5,000, and the department shall report the violations to the  
29 State Real Estate Commission.

30 (b) Separate violations.--Each time a person contacts an

1 owner of residential real property included on a list after  
2 having received a written warning under subsection (a)(1) shall  
3 be considered a separate violation.

4 Section 7. Construction.

5 Nothing in this act shall be construed to prohibit an owner  
6 of residential real property within a cease and desist zone from  
7 contracting with a real estate broker, salesperson or other  
8 person regularly engaged in the trade or business of buying and  
9 selling real estate for the purpose of selling the owner's  
10 residential real property.

11 Section 8. Effective date.

12 This act shall take effect in 60 days.