
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 383 Session of
2023

INTRODUCED BY ISAACSON, HOHENSTEIN, KHAN, MADDEN, NEILSON,
PARKER, RABB AND SANCHEZ, MARCH 14, 2023

REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,
MARCH 14, 2023

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; and imposing penalties.

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.

1 "Zone." A homeowner cease and desist zone established under
2 section 3(a).

3 Section 3. Homeowner cease and desist zones.

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

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

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

22 (d) Prohibition.--After a zone has been established, a real
23 estate broker, salesperson or other person regularly engaged in
24 the trade or business of buying and selling real estate may not
25 solicit a listing from an owner who has filed an owner's
26 statement with the secretary if the owner's name appears on a
27 current list under section 4.

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

1 contact and other forms of direct solicitation as may be
2 specified by the secretary.

3 Section 4. Homeowner cease and desist list.

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

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

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

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

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

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

1 or other persons regularly engaged in the trade or business of
2 buying and selling real estate at a reasonable price to be set
3 by the secretary. Additions or deletions shall be made to each
4 list only at the time the list is reprinted, and the secretary
5 may not issue amendments to any printed list.

6 Section 5. Restrictions on zones.

7 A regulation establishing a cease and desist zone may not be
8 effective for longer than five years. The secretary may readopt
9 the regulation to continue the zone for additional periods not
10 to exceed five years each. The following shall apply:

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

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

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

21 Section 6. Penalties.

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

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

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

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

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

1 (b) Separate violations.--Each time a person contacts an
2 owner of residential real property included on a list after
3 having received a written warning under subsection (a)(1) shall
4 be considered a separate violation.

5 Section 7. Construction.

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

12 Section 8. Effective date.

13 This act shall take effect in 60 days.