



March 25, 2020

## **Pennsylvania Provides Limited Suspension of In-person Regulatory Requirements for Notaries for Real Estate Transactions**

The Department temporary and limited suspension of 57 Pa.C.S. § 306, which requires physical presence of notaries.

For personal real estate transactions, the Governor approved a temporary notarial rule suspension be granted only for real estate transactions that were already in process (e.g. agreement of sale completed for residential property and only mortgage closing needs to take place). This limited suspension, with the safeguards described below, will enable real estate professionals to complete transactions begun prior to the disaster declaration, but protect Pennsylvanians currently sheltering in place by limiting visitors to private homes and enabling real estate professionals to comply with the Governor's directive regarding essential vs. non-essential businesses.

For all commercial real estate transactions, the Governor approved a temporary suspension of 57 Pa.C.S. § 306 in conjunction with the safeguards described below, for both transactions that were already in process as well as new transactions during the emergency period. These suspensions will allow transactions that may be needed to assist in responding to this public health exigency, including possible needs for emergency allocation or transfer of property during this disaster declaration, while also protecting Pennsylvanians and enabling real estate professionals to comply with the Governor's directive regarding essential vs. non-essential businesses.

Notaries must execute all notarial acts (including acknowledgments) in accordance with all other requirement of the Revised Uniform Law on Notarial Acts (RULONA).

The safeguards contemplated by the ULC and the recent RON legislation (including multilayers of identity verification, use of tamper-evident technology and an audio-video recording of the notarial act) must still be required.

All notaries who are using audio-visual technology as an alternative to personal appearance must:

- 1) become an approved Pennsylvania electronic notary ([free application](#))
- 2) use an e-notary solution already approved by the Department that offers remote notarization technology. A list of the approved remote online notarization vendors can be found on the Department of State's [Electronic/Remote Notarization webpage](#)
- 3) indicate in the notary certificate that the notarial act was performed by means of communication technology. The following statement will satisfy that requirement – "This notarial act involved the use of communication technology."