

March 21, 2023

Joseph P. Heenan
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RE: Advisory Opinion on Real Estate Appraisal

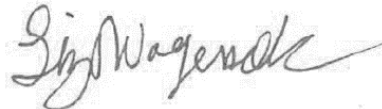
Dear Joseph:

The Office of Open Records (“OOR”) received your request for an advisory opinion on March 14, 2023. The OOR may issue advisory opinions pursuant to Section 1310 of the Right-to-Know Law (“RTKL”), 65 P.S. § 67.1310(a)(2). Your request for an advisory opinion is respectfully **DENIED**, but we note, as follows:

Your request for an advisory opinion concerns a real estate appraisal report and questions concerning the agency withholding this document after purchase of a property is no longer being considered. You may wish to review Section 708(b)(22) of the RTKL, the exemption concerning real estate appraisals, specifically Section 708(b)(22)(ii), which states that the exemption “shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project.” 65 P.S. § 67.708(b)(22)(ii). You may also wish to review *Mountz v. Columbia Borough*, 260 A.3d 1046 (Pa. Commw. Ct. 2021), wherein the court noted that “[t]he purchase need not be finalized ... [but] the parties must be past the point in time that the sales agreement can be voided without penalty to the buyer.” These authorities set forth the timing of when real estate appraisals are subject to access under the RTKL.

This response to your Advisory Opinion request will be posted on the OOR’s website at <https://www.openrecords.pa.gov/RTKL/AdvisoryOpinions.cfm>.

Respectfully,



Liz Wagenseller
Executive Director