



Task Force to Study the Recording of Deeds for Victims of Domestic Violence

Meeting Date: Tuesday, November 1, 2016

Meeting Time: 10 a.m. to 11:30 a.m.

Location: Fred L. Wineland Building, 16 Francis Street, Annapolis, Maryland

Attendees

John Wobensmith, Secretary of State, Task Force Chair

Senator Susan Lee, Sponsor of SB 1047

Anne Hoyer, Director of Address Confidentiality Program

Josaphine Yuzuik, Assistant Attorney General

Kevin Swanson, Maryland State Archives

Tim Baker, Maryland State Archives

Sean Powell, Director of the State Department of Assessments and Taxation

Della Stull, Legislative Liason with State Department of Assessments and Taxation

Brett Dieck, the Law Office of Brett M. Dieck, LLC and Old Line Title Company, Inc.

James Cosgrove, Maryland Land Title Association

Kathleen Blough, Circuit Court Clerks, Supervisor of Land Records Department

Dorothy Lennig, Attorney at House of Ruth Domestic Violence Legal Clinic

Frederick Smalls, Maryland Municipal League

Matthew Fox, Bankers Association

April Morton, Legislative Services

Michael Lore, Chief of Staff for Senator Lee

Brittany Luzader, Address Confidentiality Program



Opening Remarks

The Secretary opened the meeting by expressing gratitude for those present and outlining the meeting's agenda.

Introductions

Each person in attendance had the opportunity to introduce themselves to the group.

State Ethics Commission

The Secretary passed out a letter from the Executive Director of the State Ethics Commission, Michael Lord, approving financial disclosure exemption request for the Task Force.

Overview of Maryland's Safe at Home Address Confidentiality Program (ACP)

Ms. Hoyer provided a brief explanation of how Maryland's Safe at Home program works to shield the location of currently 1400 victims of domestic violence (a broad definition to include victims of stalking and, as of 2014, human trafficking victims) from their abusers by providing a substitute address to be used when interacting with State and local government entities. Ms. Hoyer addressed how participants are referred, usually by domestic violence outreach centers and shelters, such as Heartly House or the House of Ruth, but also through various States' Attorneys' offices, the courts, or the MVA. Ms. Hoyer explained the program's application process for potential participants, which includes a basic background check, when necessary, as well as the legal and investigative assistance of Ms. Yuzuik, if needed, to ensure that careful attention is paid to protect the integrity of the program. The Secretary mentioned the federal grant awarded to the ACP which will greatly expand the program, particularly to underserved counties, most likely increasing the need for this issue of deed recording to be resolved.

Legislation Creating the Task Force

Senator Lee explained the reason to bring together these experts for the study of deed recording to protect victims of domestic violence who go to great lengths to flee their abusers only for their location to be made public when they purchase a home, perpetuating the cycle of violence.

Minnesota Law Protecting Participant in Minnesota's ACP

Ms. Yuzuik presented information on the law passed in Minnesota in 2013 that requires all government agencies to keep the location data, including home, work and school addresses, confidential for participants in their ACP when presented with a notice and certification of participation. In 2014, the exemption was passed for the sake of county recorders, that a "Real Property Notice" must be used by participants. This allows for the combination of program participant identity and location in real property records to remain private, but permits the separate release of identity and location information. For a Grantor-Grantee Index, the county recorders list the name of the participant, but no legal description of the property. For a Tract Index, the participant's name must not be listed with the location information. Third parties, such as Lenders and title insurance companies, must go through Minnesota's Secretary of State's office. Ms. Yuzuik provided samples of Minnesota ACP's Real Property Notice, Notice Distribution checklist and Notice to Private Entities as well as a handout with condensed information and references and links for additional information.

Roundtable Discussion of Potential Barriers

Mr. Cosgrove began by seeking clarification, which was affirmed, that this law was only for prospective property transactions. Mr. Swanson asked about the time limit of participation. Ms. Hoyer explained that ACP participation is for four years, but most applicants reapply several times to extend their participation. In Minnesota, notice is sent to agencies every four years as needed until a participant withdraws from the program, in which case the agencies are also notified by Minnesota's ACP. Ms. Blough asked whether or not these recordings were electronic, as that distinction would be important to know. Mr. Cosgrove and Mr. Baker compared deed recording to the issue a few years ago with social security numbers. Mr. Baker stated that the issue is complex and must be taken care of at the time of recording. Mr. Swanson added that previous transfers cannot be redacted.

Likelihood of Abuser Using Deed Recording to Find Victims.

Mr. Fox refocused the discussion on real life situations, such as the abuser pulling the victim's tax record to find his or her location, and the question was raised regarding the abuser's knowledge of deed recording, and what lengths he or she would go to, or know how to go to, in order to discover the location of his or her victim. Ms. Hoyer stated that many of these abusers are highly intelligent and stop at nothing to hunt down their victims. She assured that we do not expect there to be hundreds of ACP participants seeking to purchase a home, threatening to slow down the recording process. A more likely number is 10 or fewer each year. Ms. Lennig confirmed that, in her experience, few victims seek to purchase homes, but this ought to increase with greater outreach. Mr. Swanson sought clarification regarding the commitment of victims to protecting their own identities, as contact information is requested constantly and there would be innumerable situations in which a victim would be required to provide an address. Ms. Hoyer explained the substitute address that is provided by the ACP for the victim to use in all these circumstances, including courts and law enforcement, and how all mail does in fact come first to the SOS office to be sorted then sent to the indicated address. Ms. Lennig reminded that these victims are highly motivated to protect their location information, no matter how inconvenient.

Shielding Names and Property Information and Exploration of Other Options.

Mr. Baker questioned the possibility of merely shielding the name, using an alias, as this would be simpler than masking property information. Mr. Fox explained that this would not be possible when working with the mortgage industry. Mr. Powell suggested a situation similar to family farms. Mr. Cosgrove suggested Safe at Home set up a massive trust. Mr. Dieck suggested an LLC while acknowledging the issue of this triggering problems with commercial lending and thought perhaps the SOS could be the title holder. Mr. Lore questioned if the participants could get a loan in the secondary market under any of these scenarios. Mr. Dieck reminded of federal banking law requirements. Mr. Baker asked if financial institutions would have an issue if all information was shielded, for example, a search for a deed of trust would result in an image stating the information shielded according to the law. Mr. Cosgrove feared that that would slow things down tremendously. Ms. Lennig reminded of the small number of cases and asked about preferred vendors (something used by the ACP already regarding voting and the MVA) at the office of the clerk of courts. Mr. Dieck expanded upon this to suggest preferred vendors for titles and lenders; this idea was discussed as well as using an id number instead of a name or redacting the name and using "occupant." Mr. Fox raised concerns that an id number may be a



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problem in the secondary market. Mr. Lore raised an issue of private companies accessing the public records making their own database publicly available. The discussion circled back around to the importance of the information being shielded at the time of the recording. Ms. Hoyer posed the question of whether or not introducing legislation requiring private entities such as banks to accept a confidential address would be effective.

Wrap Up/Concerns Identified

Ms. Yuzuik summarized the roundtable discussion into four main subgroups requiring further review: (1) Title Search- how to address delays; (2) Financing- preferred vendors; (3) Current ACP law- changes needed to include private companies; and (4) Review of other public records created at the time of purchasing and selling a home (State and local tax records, public utilities, and others).

Closing Remarks

The Secretary stated that subgroups would be assigned, and that as we are meeting quarterly, we will not be gathering together again until the first of the year, but that information will be provided to the members of the task force via Ms. Hoyer. The possibility of attending meetings by conference call or holding the meetings in Crownsville will be considered.