

Article - Real Property

§3–114.

(a) In this part the following words have the meanings indicated.

(b) “ACP number” means the unique identification number assigned to each program participant by the Secretary.

(c) “Actual address” means a residential street address, school address, or work address of an individual, as specified on the individual’s application to be a program participant under Title 4, Subtitle 5, Part IV of the Family Law Article or Title 7, Subtitle 3 of the State Government Article.

(d) “Address Confidentiality Program” means:

(1) The Address Confidentiality Program for victims of domestic violence administered by the Secretary under Title 4, Subtitle 5, Part IV of the Family Law Article; or

(2) The Human Trafficking Address Confidentiality Program administered by the Secretary under Title 7, Subtitle 3 of the State Government Article.

(e) (1) “Identity information” means information that may be used to identify a program participant.

(2) “Identity information” includes a program participant’s:

(i) Name;

(ii) Phone number;

(iii) E–mail address;

(iv) Social Security number; and

(v) Driver’s license number.

(f) “Program participant” means an individual designated by the Secretary as a participant in an address confidentiality program.

(g) “Real Property ACP Notice” means the notice required under this part for a program participant to request the shielding of real property records.

(h) “Real property record” means any record or data maintained by a clerk of the circuit court or a State or local agency as part of the land or tax records.

(i) “Secretary” means the Secretary of State.

(j) “Shield” means to remove real property records from public inspection in accordance with this part.

(k) “Shielding” means, with respect to a real property record accepted for recording by a clerk of the circuit court or a State or local agency, removing the record to a separate secure area to which persons who do not have a legitimate reason for access are denied access.

§3–115.

(a) A program participant who acquires an ownership interest in real property while participating in an address confidentiality program may request the shielding of real property records concerning the property in accordance with this section.

(b) (1) To request the shielding of real property records, a program participant, or any agent of a program participant,

shall submit to the clerk of the circuit court and the appropriate county finance office:

- (i) A Real Property ACP Notice;
- (ii) The deed or other instrument to be recorded; and
- (iii) The intake sheet required under § 3–104 of this subtitle.

(2) The Real Property ACP Notice shall be on the form that the Secretary provides and shall include:

- (i) The full legal name of the program participant, including middle name;
- (ii) The program participant's ACP number;
- (iii) The substitute address designated by the Secretary as the program participant's address;
- (iv) A description of the property identical to the description given on the intake sheet required under § 3–104 of this subtitle; and
- (v) The signature of the program participant.

(3) The program participant shall submit to the Secretary a copy of any Real Property ACP Notice submitted under paragraph (1) of this subsection.

(c) A Real Property ACP Notice applies to:

(1) The instrument submitted for recordation at the same time as the Real Property ACP Notice; and

(2) Any other instrument concerning the property identified in the Real Property ACP Notice that is subsequently presented for recordation during the period of time that the program participant holds a record interest in the property and is a program participant.

(d) A program participant shall use a separate Real Property ACP Notice for each property in which the program participant acquires an ownership interest.

(e) The clerk of the circuit court shall provide a copy of any Real Property ACP Notice received under this section to the State Department of Assessments and Taxation and the State Archives.

(f) A Real Property ACP Notice is not a public record within the meaning of § 4–101 of the General Provisions Article.

(g) If a program participant intends to request the shielding of real property records under this section, the program participant may not submit any instrument for recordation electronically.

§3–116.

(a) Except as provided in subsections (b) and (c) of this section, a clerk of the circuit court and any State or local agency that receives a Real Property ACP Notice under § 3–115 of this subtitle may not disclose the program participant's identity information in conjunction with the property identified in the notice.

(b) A program participant's identity information may be disclosed in conjunction with a property identified in a Real Property ACP Notice if:

(1) The program participant consents to the disclosure for a specific purpose identified in a writing acknowledged by the program participant;

(2) The information is subject to disclosure in accordance with a court order; or

(3) The Secretary authorizes the disclosure in accordance with § 3–118 of this subtitle.

(c) The prohibition on disclosure shall continue until:

(1) The program participant consents to the termination of the Real Property ACP Notice in a writing acknowledged by the program participant;

(2) The Real Property ACP Notice is terminated in accordance with a court order;

(3) The program participant no longer holds a record interest in the property identified in the Real Property ACP Notice;
or

(4) The Secretary gives written notice to the clerk of the circuit court that the individual named in the Real Property ACP Notice is no longer a program participant.

§3-117.

(a) (1) The clerks of the circuit courts, in conjunction with the Administrative Office of the Courts, shall establish uniform statewide procedures for recording deeds and other instruments to comply with this part.

(2) The procedures shall, at a minimum, include provisions for:

(i) Shielding recorded instruments that contain a program participant's actual address or identity information; and

(ii) Providing notice to the public of the existence of a shielded instrument and instructions for requesting access to the shielded instrument in accordance with § 3-118 of this subtitle.

(3) Nothing in this section may be interpreted to prohibit a clerk of the circuit court from returning an original deed or any other instrument to the person who submitted the instrument for recordation.

(b) All State and local agencies, including the State Department of Assessments and Taxation and all county, bicounty, municipal, and special taxing district finance offices, shall establish uniform procedures for maintaining records, including tax, utility, and zoning records, in accordance with this part.

§3-118.

(a) On request, the Secretary may authorize the disclosure of real property records that have been shielded under § 3-116 of this subtitle for the purpose of performing a bona fide title examination.

(b) A request under this section shall include:

(1) The name, title, address, and affiliated organization, if applicable, of the individual requesting the disclosure;

(2) The individual's purpose for requesting the disclosure;

(3) The individual's relationship, if any, to the program participant;

(4) A legal description of the property subject to the title examination;

(5) A statement that any information disclosed to the individual shall be treated as confidential and shall be used and disclosed only for the purpose identified in the request;

(6) The individual's signature; and

(7) Any other information required by the Secretary to respond to the request.

(c) (1) Within 2 business days after receiving a request under this section, the Secretary shall provide a written response approving or denying the request.

(2) The Secretary shall approve the request only if the Secretary confirms that the property subject to the title examination is the property identified in the Real Property ACP Notice of a current program participant.

(3) If the property belongs to an individual who is no longer a program participant:

(i) The Secretary shall give written notice to the clerk of the appropriate circuit court and the State Archives; and

(ii) The clerk and the State Archives shall cease shielding all real property records relating to the property.

§3-119.

(a) Nothing in this part may be interpreted to require:

(1) The Secretary to identify other agencies that may possess information on a program participant; or

(2) The clerk of a circuit court or any State or local agency to independently determine whether the clerk or agency maintains information on a program participant.

(b) Nothing in this part may be interpreted to prohibit the clerk of a circuit court or any State or local agency from sharing a program participant's information with the Secretary for the purpose of facilitating compliance with this part.

§3-120.

The Secretary shall adopt regulations to carry out this part.