



Task Force to Study the Recording of Deeds for Victims of Domestic Violence  
Wednesday, November 15, 2017  
10 a.m. to 11:30 a.m.  
Fred L. Wineland Building, 16 Francis Street, Annapolis, Maryland 21401

**Members in Attendance**

Secretary of State John Wobensmith

Delegate Anne Healey

Michael Lore, Chief of Staff for Senator Lee

Tim Baker, Maryland State Archives

Kevin Swanson, Maryland State Archives

Kathleen Blough, Circuit Court Clerk, Supervisor of Land Records

Charles Cluster, for Michael Higgs, Maryland Department of Assessments and Taxation

James Cosgrove, Maryland Land Title Association

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

Matthew Fox, Maryland Bankers Association

Anne Hoyer, Director of the Address Confidentiality Program

Dorothy Lennig, House of Ruth Domestic Violence Legal Clinic

Frederick Smalls, Maryland Municipal League

Josaphine Yuzuik, Assistant Attorney General

**Other Attendees**

Gary Maragos, Maryland Department of Planning

Kelley Mitchell, ACP

Brittany Luzader, ACP



### **Opening Remarks**

Secretary Wobensmith opened the group's last meeting by acknowledging how well everyone contributed to the effort. He recognized that it was not easy, noted the complexities of the issue, and thanked everyone for their brain power. He introduced Gary Maragos, Manager of Maryland Department of Planning's Property Mapping Unit, and thanked him his tax map demonstration for earlier that week for Ms. Yuzuik and the ACP and for attending the meeting to offer his input as we hammer out the details.

### **Approval of Minutes**

As there were no corrections to the minutes previously circulated to the members, the minutes from the meeting in August were approved.

### **Clerks' Concerns**

Ms. Blough updated the group on her meeting the day before with the Association of Circuit Court Clerks. She and Ms. Luzader presented the ACP program and the deed shielding proposal. Ms. Blough explained the procedure she had developed with Anne Arundel County and the City of Annapolis. The clerks were all very receptive. They asked questions mostly related to the ACP program, not the deed shielding process. Ms. Blough solicited their help in further developing the shielding procedure to ensure it is uniform across the state and properly implemented in each county or jurisdiction. The county and tax offices expressed willingness to shield participant information. Ms. Blough addressed concerns about releases in bulk being scanned into the system without anyone looking at the names by saying the clerks can run the name of shielded participants once a week or once a month, whichever is recommended, to make sure information did not make it into the system. Some clerks asked about the banking industry or what happens if the notice/assignment is sold, for example. Ms. Blough explained that we hope to work with local banks once participants apply for loans, perhaps one bank will be willing to do the loans for all participants. For refinancing, participants must request the release be sent to them. Ms. Lennig said that over time, as more and more states move in this direction, the banks will come up with something. Delegate Healey said as a legislative issue, we should reach out to the banks in advance. Mr. Fox who has actively attended task force meetings on behalf of the Maryland Bankers Association reassured the group that the banks wholeheartedly support the deed shielding proposal. Ms. Blough said that she asked the recorder in Minnesota about refinancing, but none of their participants have done so yet.

### **Deed Shielding Process**

Ms. Blough outlined the deed shielding process; the deed will be executed like a normal deed, taxed, and scanned as a normal record in order to get the reference numbers. The "shielded document" and "page intentionally left blank" pages will be scanned over the instrument. The task force agreed that the "Restricted Document" page should instruct the person trying to view the instrument to contact the Office of the Secretary of State. Ms. Blough continued to explain that 3 certified copies of the deed would be made by the Clerks; one sent with the cover page to SDAT, the other copy to the SOS, and the final copy to be kept under lock and key at the Clerks' Office. She asked if Archives needed a copy from the Clerks and they replied that they did not. Mr. Dieck mentioned that if a title search is run on the seller, the shielded document would come up. The person would bring written permission from the SOS in order to view the instrument. Mr. Cosgrove asked if the title searcher could make a copy of the instrument. Ms. Blough responded that she understood it to limit permission to viewing the instrument. Mr. Cosgrove explained that a full title index is preferred to check the grantor/grantee. Ms. Yuzuik said that according to the proposal, if a person consents to the process to gain access to the deed, he has an obligation under the law to treat it as confidential. Ms. Blough suggested we do something like in Minnesota, where they use a form that has all the pertinent information except the name of the participant. Mr. Fox said there was no reason to shield the information from the abstractor. Ms. Lennig agreed, noting how much confidential



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information; social security numbers, credit card numbers, etc., they have access to. Ms. Blough mentioned that in order to address concerns with Home Owners Associations and changes to bylaws, etc, a list will be provided to ACP participants about what they need to be aware of during the home buying process, including instructions for participants to bring with them to settlement. Mr. Cosgrove stressed the importance of the participants being up front with any lender, and of alerting them early on. Ms. Hoyer acknowledged that this process is designed to protect participants and that it is a bit cumbersome for them, as is participation in the ACP, but it is worth it to them because it is for their safety. She explained that the participants will be given a packet from the ACP with all the information they need, and that ACP staff are available to walk them through the process, like they do with interactions with other agencies.

### **Shielding and Co-ops**

Delegate Healey asked about co-ops and other common ownership communities. Mr. Cluster said that SDAT is in the process of transforming some from co-ops for the homestead credits and that a certain percentage falls under the name of the co-op; the name of the person is not used. Ms. Lennig said not using the name would make this a non-issue. Ms. Yuzuik agreed since SDAT is assessing the co-op, the property, not the individual. A few minutes later, after receiving communication from SDAT, Mr. Cluster confirmed that co-ops are kept in the name of the co-op.

### **Shielding and Plats**

Secretary Wobensmith asked Mr. Maragos if Planning had any concerns with the process. Mr. Maragos said that plats come to mind since they are a public record and include the owner's signature. He explained that if anything were to be platted- a subdivision created or a land exchange with a neighbor, even a simple land swap-will be recorded by the county then go to land records. He added that since they are not searchable by name, however, they shouldn't be a problem. He continued saying that Planning has never received confidential documents, but that if something results in a land change, Planning and the county offices receive a paper deed from SDAT. Mr. Cluster ensured that SDAT would work out that procedure in house.

### **Review of Most Recent Bill Draft**

Secretary Wobensmith reminded the group that not all of this needs to be detailed in legislation. We will figure out procedurally what works best as time goes on. Ms. Yuzuik drew everyone's attention to the most recent draft of our bill, circulated to the members the day before. Ms. Yuzuik proposed we strike from FL 4-520(4) and SG 7-302(4) "receiving mail from any person" and replace with "all purposes" which mirrors Minnesota's purpose section and clarifies our intent to be broad. Mr. Lore asked if all purposes included election law. Ms. Yuzuik responded that the Board of Elections was addressed elsewhere in the existing ACP statutes. Delegate Healey added that abusing the program for election purposes would be fraud. Ms. Yuzuik said that is spelled out to each potential participant on the ACP application. Next, Secretary Wobensmith suggested changing 90 to 30 days in FL 4-525(d)(2) and SG 7-307(d)(2) by which time the Secretary of State needs to notify certain agencies that a person is no longer a program participant. This was discussed and agreed upon by everyone. Mr. Baker said it was desirable to add Maryland State Archives to RP 3-118(c)(3)(i) as an additional party to receive written notice from the Secretary. The group decided to omit RP 3-117(A)(3)(ii) since this provision regarding an alphabetical index is not needed. Once the deed is subject to shielding, the participant's name will not be in the Clerk of Courts' public records at all. Pending input from our bill drafters, the group is considering adding municipalities or "State and local agencies" to include a broader range of local government entities in RP 3-117(B) as well as remove "tax" from RP 3-117(B) to ensure it covers all records kept by local governments and municipalities (tax records, water and sewer records, zoning records, etc.). As encouraged by Mr. Cosgrove, the group recommends adding "uniform" before procedures in RP 3-117(B). Ms. Hoyer stressed the importance of adding provisions to address the use of an "ACP Notice to Private Entities." Private entities covered will include both those directly connected to the real

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estate transaction (title company, finance parties, notaries, home owners association, etc.) and those not directly related (water, electric, cable company, etc.). It was stated that perhaps this notice provision should go in the Family Law Article and State Government Article, because it is not solely to be used in the shielding context.

Delegate Healey offered to be the lead House Sponsor of the bill on behalf of the task force.

### **Final Report**

The group briefly discussed the final report due December 1. The group was encouraged to send a statement of support or anything else they would like to contribute before next week or when the report is circulated to the group for comment.

### **Closing Remarks**

Secretary Wobensmith thanked everyone for their attendance and adjourned the meeting just before 11:30 am.

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