



## Legislation Text

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**File #:** Res 0005-2018, **Version:** \*

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### Res. No. 5

Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that prohibits third parties from obtaining copies of homeowners' deeds.

By Council Member Barron

Whereas, Recent years have seen a substantial rise of real property scams as a result of the 2008 foreclosure crisis, subsequent recession and the significant increase in New York City property values; and

Whereas, According to the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee), minority homeowners (particularly African-Americans and Latinos) are considerably more likely to be victims of scams, and to suffer greater financial losses per scam, than white homeowners; and

Whereas, The Lawyers Committee also reports that older New Yorkers are disproportionately affected by scams and experience greater losses than younger homeowners while being more likely to live on limited or fixed incomes; and

Whereas, One of the most prevalent scams has been real property deed fraud involving the fraudulent transfer of the ownership of a home to a third party; and

Whereas, Real property deed fraud typically occurs through either the forging of deeds or the fraudulent transfer of deeds; and

Whereas, State law currently establishes that deeds are public records that can be copied and distributed to any member of the public upon request and payment of the requisite fees; and

Whereas, In New York City, certified copies of deeds may be obtained through the Automated City Register Information System (ACRIS) or in person from the Borough City Register Offices in Manhattan, the

Bronx, Queens and Brooklyn, and from the Office of the Richmond County Clerk on Staten Island; and

Whereas, According to a February 22, 2016 CBS New York report, “scam artists are accessing homeowners’ deeds online and then putting these homes up for sale, entering into contracts with several unsuspecting buyers, and flipping it for a profit.”; and

Whereas, Manhattan District Attorney Cyrus Vance told CBS New York that his office was investigating 100 similar cases where deeds were obtained online; and

Whereas, State law currently limits the issuance of copies of other valuable documents, such as birth certificates, to the person to whom the record directly relates or their legal representative, except in the case of court orders and governmental requests; and

Whereas, Similar limitations on the provision of copies of homeowner deeds to third-parties would reduce the ability for such parties to fraudulently modify or transfer the deeds; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, legislation that would prohibit third parties from obtaining copies of homeowners’ deeds.

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