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H.B. 93
(1_134_0218-1)
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 93's Bill Analysis](#)

Version: In Senate Local Government and Elections

Primary Sponsors: Reps. Abrams and LaRe

Local Impact Statement Procedure Required: No

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Highlights

- The bill eliminates a provision that requires an applicant to change residence in order to be eligible for the Address Confidentiality Program, known as the Safe at Home Program. This could expand the number of applicants for the program. The Secretary of State pays for the costs of Safe at Home through the Address Confidentiality Fund (Fund 5SN0).
- The bill modifies some procedures pertaining to how the Secretary of State may disclose confidential information, and requires the Secretary of State to respond to some requests within ten business days. These changes may result in some negligible cost increases.
- The bill modifies county recorder fees to include fees for certifying electronic records, and updating the fee for entering marginal references. The bill also narrows a current law recording fee exemption that allows county land banks to avoid fees so that the exemption applies only to transactions in direct relation to a county's land bank program. Taken together, these changes could lead to some revenue gains for county recorders.

Detailed Analysis

Safe at Home Program

The bill makes numerous changes to the Address Confidentiality Program managed by the Secretary of State (SOS) and commonly referred to as the Safe at Home Program. Overall, these changes appear to result in minimal cost increases to the Secretary of State and to political subdivisions. Most notably, the bill removes a requirement that an applicant for the program be changing residence in order to be eligible for the program. Eliminating this requirement could potentially make more individuals eligible for the program. However, any additional applicants that would be eligible to participate in the program as a result of this change in qualifying criteria would be small. The bill makes some additional small changes to the procedures governing the Secretary

of State's ability to disclose confidential information, and requires the SOS to respond to certain requests within ten business days. Any fiscal costs associated with these procedural changes would appear to be negligible.

The bill also makes some clarifications regarding liability related to county officials and real estate professionals with respect to real property interests for participants in the Safe at Home Program. These individuals are only liable for damages related to failing to maintain confidentiality if they were negligent, rather than notwithstanding any negligence. This clarification would appear to reduce the number of instances where real estate professionals or county officials may be liable for damages. However, any such cases would appear to be extremely rare. Therefore, there appears to be no apparent fiscal impact related to this change.

The costs of the Safe at Home Program are paid from the Address Confidentiality Fund (Fund 5SNO). The fund was initially capitalized through a transfer of \$50,000 from the Business Services Fund (Fund 5990) and receives periodic annual transfers of up to that amount. Ongoing revenue comes from court fines and penalties imposed for certain offenses. These sources of revenue amounted to approximately \$11,000 in FY 2020 and almost \$15,000 thus far in FY 2021. The SOS spent almost \$92,000 in FY 2020 and nearly \$57,000 administering the program thus far in FY 2021. The current cash balance of the fund is just short of \$55,000.

County recorder fees

The bill modifies the manner in which certain recordation fees are charged. In some cases, this could result in additional recordation revenues. Specifically, the bill updates the fee that county recorders charge for certifying photocopies of recorded documents to apply to both copies and electronic records of recorded documents. The bill also updates the fee recorders charge for entering marginal references by separate recorded instrument to entering *or* indexing any reference by separate recorded instrument. For counties that operate land banks, the bill limits a current law exemption that allows a wholly owned subsidiary of a land bank, or the county that created the land bank, to avoid paying fees for recording, indexing, copying, or filing. Consequently, the fee exemption would only apply to transactions directly involved with the land bank, and county recorders might realize some small gain in fees collected for these recording services. Finally, the bill permits fees that are charged for recording electronic items to be paid by electronic means.