

117TH CONGRESS
2D SESSION

H. R. 9192

To direct the Secretary of Housing and Urban Development to establish a grant program to address deed fraud, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2022

Mr. CLEAVER (for himself and Mr. EVANS) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Housing and Urban Development to establish a grant program to address deed fraud, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Good Documentation
5 and Enforcement of Estate Deeds Act of 2022” or the
6 “Good DEED Act”.

1 **SEC. 2. DEED FRAUD GRANT PROGRAM.**

2 (a) ESTABLISHMENT.—Not later than 180 days after
3 the date of the enactment of this Act, the Secretary of
4 Housing and Urban Development shall establish a pro-
5 gram (in this section referred to as the “Program”) to
6 award grants, on a competitive basis, to address deed
7 fraud in accordance with this section.

8 (b) ELIGIBILITY.—

9 (1) ELIGIBLE ENTITIES.—In carrying out the
10 Program, the Secretary may award a grant to the
11 following:

12 (A) A State.

13 (B) A political subdivision of a State with
14 a population of 200,000 or more individuals.

15 (2) APPLICATIONS.—To be eligible to receive a
16 grant under the Program, an entity specified in
17 paragraph (1) shall submit to the Secretary an ap-
18 plication at such time, in such manner, and con-
19 taining such information as the Secretary deter-
20 mines appropriate.

21 (3) FINGERPRINT REQUIREMENT.—To be eligi-
22 ble to receive a grant under the Program, an entity
23 specified in paragraph (1) that is a State shall re-
24 quire that if a document to be notarized is a written
25 instrument transferring an interest in real property,

1 any notary public performing an in-person notariza-
2 tion shall—

3 (A) if a print notary journal is used, re-
4 quire the party signing the document to place
5 his or her right thumbprint or other finger
6 print as appropriate in a sequential notary jour-
7 nal entry; and

8 (B) if an electronic notary journal is
9 used—

10 (i) save to such journal a picture of
11 the signing party's face; or

12 (ii) save to such journal a video of the
13 signer during the act of signing.

14 (4) RECORDING RETENTION REQUIREMENT.—

15 To be eligible to receive a grant under the Program,
16 a State shall require any notary public performing
17 remote notarization using audio-visual technology
18 with respect to a written instrument transferring an
19 interest in real property to submit an audio and vis-
20 ual recording of the notarization to a repository ap-
21 proved by such State where such recording shall be
22 retained for not less than 10 years.

23 (c) USE OF FUNDS.—A grant recipient under the
24 Program may only use grant amounts to fund the fol-

1 lowing activities carried out by the recipient or a covered
2 organization:

3 (1) Legal assistance related to deed fraud for a
4 low-income individual.

5 (2) Coverage of costs associated with clearing a
6 title for a low-income individual.

7 (3) Acquisition, upgrade, or implementation of
8 technology that—

9 (A) assists in preventing or detecting or re-
10 sponding to deed fraud;

11 (B) facilitates communication in response
12 to the detection of deed fraud;

13 (C) assists in the creation of websites re-
14 lating to deed fraud;

15 (D) assists in the creation and use of pub-
16 lic notification systems;

17 (E) allows for geospatial information sys-
18 tem mapping of deed fraud report locations;

19 (F) enhances the indexing of information
20 relating to deed fraud;

21 (G) improves the exchange of data relating
22 to deed fraud; or

23 (H) reduces notarial fraud or mistake in
24 the performance of notarial acts.

1 (4) Assistance in the prevention, detection, in-
2 vestigation, and prosecution of deed fraud, including
3 through the provision of—

4 (A) education and training;

5 (B) information sharing and partnership
6 facilitation;

7 (C) research support and other assistance
8 supportive of intelligence-focused policing; and

9 (D) investigative support, including sup-
10 port staff, detectives, and prosecutors.

11 (d) SELECTION CRITERIA.—

12 (1) PRIORITY.—In awarding grants under the
13 Program, the Secretary shall give priority to grant
14 applications that propose to assist an area with a
15 high actual or potential risk of deed fraud affecting
16 title, as determined by the Secretary.

17 (2) MINIMUM ALLOCATION FOR LEGAL SERV-
18 ICES.—At least 35 percent of the amounts awarded
19 by the Secretary under the Program shall be used
20 to provide legal assistance described in subsections
21 (c)(1) and (c)(2).

22 (e) REPORT.—Not later than 2 years after the date
23 of the enactment of this Act, the Secretary shall submit
24 to the Committee on Financial Services of the House of
25 Representatives and the Committee on Banking, Housing,

1 and Urban Affairs of the Senate a report on the Program,
2 including—

3 (1) a description of activities funded under the
4 Program;

5 (2) an identification of factors that increase
6 and decrease the likelihood of deed fraud, which
7 shall include the impact of state laws; and

8 (3) an assessment of the effectiveness of the
9 Program in assisting victims of deed fraud affecting
10 title.

11 (f) UNIFORM CRIME REPORTING PROGRAM.—The
12 Director of the Federal Bureau of Investigations shall, not
13 later than 1 year after the date of the enactment of this
14 Act, add a categories for deed fraud to the Uniform Crime
15 Reporting Program.

16 (g) UNITED STATES SENTENCING COMMISSION.—
17 The United States Sentencing Commission, shall, not later
18 than 90 days after the date of the enactment of this Act
19 promulgate guidelines or amend existing guidelines to pro-
20 vide sentencing enhancements for offenses that involve
21 deed fraud.

22 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$10,000,000 for each of fiscal years 2023 through 2027.

25 (i) DEFINITIONS.—In this section:

1 (1) COVERED ORGANIZATION.—The term “cov-
2 ered organization” means each of the following:

3 (A) A legal services organization;

4 (B) a non-profit organization, or a State,
5 Tribal, or local government agency that devel-
6 ops laws, policies or programs designed to pre-
7 vent, detect, deter and remedy deed fraud and
8 related issues; and

9 (2) JOURNAL.—The term “journal” means—

10 (A) a record of notarial acts that is created
11 and maintained by a notary public; or

12 (B) all journals of notarial acts created
13 and maintained by a notary public.

14 (3) LEGAL SERVICES ORGANIZATION.—The
15 term “legal services organization” means—

16 (A) an accredited law school;

17 (B) a public provider of legal aid or legal
18 services; or

19 (C) a nonprofit provider of legal aid or
20 legal services.

21 (4) LOW-INCOME INDIVIDUAL.—The term “low-
22 income individual” means an individual with a
23 household income that does not exceed 80 percent of
24 the median income of the area in which such indi-
25 vidual resides, as determined by the Secretary.

1 (5) DEED FRAUD.—The term “deed fraud”
2 means forgery, impersonation, or willful misrepre-
3 sentation of authority in connection with the execu-
4 tion of a written instrument transferring an interest
5 in real property.

6 (6) WRITTEN INSTRUMENT TRANSFERRING AN
7 INTEREST IN REAL PROPERTY.— The term “written
8 instrument transferring an interest in real property”
9 includes any deed, mortgage, satisfaction of mort-
10 gage, contract of sale, assignment or termination of
11 any of the foregoing, or any other instrument which
12 does or may evidence, create, transfer, terminate or
13 otherwise affect a legal right or interest in real prop-
14 erty, or is required for the filing of a deed, including
15 a notarial certificate, with an agency of a State or
16 any political subdivision, public authority or public
17 benefit corporation of a State.

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