



## Legislation Text

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**File #:** Res 1427-2020, **Version:** \*

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### Res. No. 1427

Resolution calling upon the New York State Legislature to pass, and the Governor to sign legislation that reforms New York State's notary laws for new and renewing notary applicants.

By Council Members Cornegy and Miller

Whereas, According to the New York City Department of Finance, deed fraud occurs when a fraudulent deed is recorded against a property owner and in some cases the owner is unaware of the deed transfer; and

Whereas, On December 2018, the Manhattan District Attorney's office received a report from a Manhattan Grand Jury which highlighted that New York City's law enforcement authorities received 2,000 complaints of deed frauds in the previous four years and almost every case of fraud had a faulty notarization; and

Whereas, According to the National Notary Association, criminals have tricked notaries, who were not active participants in their deception, to notarize documents without the signatory being present or accepted a false identification of an imposter who claims to represent the property owner; and

Whereas, The National Notary Association stated that some of the forged documents have not been revealed since many of the victims are seniors, seriously ill or heirs of deceased homeowners who are unaware of the deceit; and

Whereas, The Manhattan Grand Jury recommended the state to pass legislation the following reforms to New York State's notary laws for new and renewing notary applicants; and

Whereas, The State bill should require the fingerprinting of a notary public applicant as part of the background check before such applicant is appointed as a notary public to verify the applicant's identity; and

Whereas, The State bill should require a notary public applicant to complete a designated course, that is

approved by the New York State Secretary of State, before the applicant takes the written exam and the notary public should be required to take a refresher course to highlight any new trends in the field or changes that were made to the law every four years; and

Whereas, The State bill should require the notary public to keep a journal for a set period of time that includes the date, time and type of each notarial acts; and

Whereas, The State bill should require a notary public to file an official bond to pay for any potential damages if the notary public commits any wrongdoing; and

Whereas, The State bill should also require a notary public to: A) have their own notary seal, B) use a valid seal to notarized documents, C) obtain a new notary seal upon renewal of their notary public commission, and D) not change the expiration date of their seal manually; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign legislation that reforms New York State's notary laws for new and renewing notary applicants.

JLC  
LS 9418  
4/06/2020