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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. CLEAVER introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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# 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 2023” 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 2024 through 2028.

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.