



PENNSYLVANIA LAND TITLE ASSOCIATION

April 19, 2020

VIA ELECTRONIC DELIVERY

The Honorable Tom Wolf
Governor of the Commonwealth of Pennsylvania
508 Main Capitol Building
Harrisburg, PA 17120

RE: REMOTE NOTARIZATION

Dear Governor Wolf:

The Pennsylvania Land Title Association (“PLTA”) counts amongst its members businesses and individuals who facilitate settlements affecting real estate throughout Pennsylvania. These settlement agents are critical to the closing of real estate purchase and finance transactions.

We respect the need for your Order dated March 19, 2020 and appreciate your continued leadership during this crisis. Our members are committed to helping slow the spread of the novel coronavirus, and we write to offer a solution for conducting real estate closings while still keeping parties completely separate from each other.

As you likely know from experience, a typical real estate settlement, whether to purchase a home or refinance an existing mortgage, is conducted in person because certain documents must be notarized in order to be recorded at the county Recorder of Deeds office. Unfortunately, due to the current pandemic, social distancing is critical and necessary, and the need for a viable alternative is apparent.

We realize that SB841, which has already been presented to you for your consideration, contains provisions enabling the use of certain communication technology to conduct remote online notarizations (“RON”). However, the availability of such technology to settlement agents, lenders, and Pennsylvanians is extremely limited right now due to the high demand and limited number of vendors. In addition, some Recorders of Deeds are unable or unwilling to accept digital documents for recording that contain e-signatures and e-notarizations. As a result, while well-intentioned and helpful to a small fraction of those able to access this technology, RON does not feasibly help Pennsylvanians access equity in their homes and increase their cash flow during these challenging times.

Remote Ink Notarization (“RIN”) is a more practicable, still secure, solution that all settlement agents, lenders, and Pennsylvanians could utilize.

The RIN procedure entails mailing or emailing the closing package to the signer(s). The notarial officer then uses audio-video technology to witness the signer(s) execute the documents with wet ink. The signer(s) then mail or email the documents back to the notarial officer, who notarizes the documents with wet ink. Finally, the documents are submitted for recording.



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We understand that the idea of RIN may raise concerns about fraud, the prevention of which is just as important to our members as it is to your Administration. Substantial safeguards can be established to alleviate these concerns, such as any of the following:

- The notarial officer could be required to review one document postmarked or dated within 60 days from the date of notarization (e.g. utility bill) containing the signer's name and address to match the traditional form of identification;
- The notarial officer could text a random 6-digit number (www.numbergenerator.org) to a known safe cell phone number and require the signer(s) to repeat that number back during a recorded video conference or write it down as part of the package returned to the notarial officer;
- The notarial officer could use a third-party identity verification service. For instance, see <https://www.docuSign.com/products/identify>. We can provide the names of other third-party vendors at your request; and/or
- The notarial officer could use "Professional" or "Business" versions of video conferencing services such as GoToMeeting Business. These services contain additional safeguards such as meeting IDs and passwords, virtual waiting rooms, and recording and encryption capabilities.

Governors across the country, realizing the need for this type of solution, have been signing Executive Orders temporarily permitting the use of RIN. Most recently, Governor Carney signed such an Order in Delaware with input from our sister Association. A copy of that Order can be located here: <https://governor.delaware.gov/health-soe/eleventh-state-of-emergency/>.

Thank you for taking the time to consider this viable temporary solution. We hope that we can work together to draft an Order enabling settlement agents to legally and responsibly close transactions remotely until you and your Secretary of Health feel it is safe to lift the Disaster Emergency. We are confident that we can help balance the unique need to remotely settle transactions involving real estate with the need to properly identify the signer(s) to prevent fraud and protect Pennsylvanians.

We look forward to hearing back from you as soon as possible and welcome the opportunity to speak with you or your staff if you have any questions.

Yours truly,

Robin Kelsh

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