American Land Title Association

Advocacy Toolkit

Advocacy in Action

A Letter from ALTA Leadership

Dear Title Professionals,

Across the country, policymakers at the local, state, and federal levels are actively debating housing policy and considering proposals that could reshape how real estate transactions are conducted, regulated, and protected. In that environment, the title industry must have a seat at the table – not only to defend our role, but to help shape policies that protect property rights, support homebuyers, and preserve confidence in the real estate system. This toolkit is designed to help you do exactly that by equipping you to speak clearly, confidently, and consistently with policymakers in every community where these decisions are being made.

The issues in these pages, from housing affordability and fraud prevention to FinCEN, unregulated alternatives to title insurance, and data privacy, reflect both the complexity of our work and the value title professionals bring to every transaction. Advocacy matters because decisions made by lawmakers and regulators directly affect how transactions are conducted, how consumers are protected, and how property rights are preserved. When title professionals speak up, they bring practical expertise, real-world perspective, and trusted local voices to policy discussions, helping ensure policymakers understand both the value of our work and the consequences of getting these issues wrong.

Anyone can be an effective advocate for the title industry. You do not need to be a policy expert to make a difference. By stepping up, sharing your experience, and explaining how your work protects buyers, sellers, lenders, and communities, you can make these issues real and relevant to policymakers. Your story is one of the most powerful tools we have to advance smart public policy, strengthen our collective voice, and demonstrate why the title industry matters in communities across the country.

As you use this toolkit, we encourage you to put it to work in your outreach, whether you are meeting with elected officials, engaging regulators, participating in grassroots campaigns, or building relationships in your state and local communities. And we encourage you to take the next step by engaging in ALTA's grassroots and political programs. Whether through the Title Action Network, the Congressional Liaisons program, or support for TIPAC, there are meaningful ways for title professionals at every level to help amplify our industry's voice, build lasting relationships with policymakers, and advance a strong advocacy agenda.

Thank you for using this toolkit and for helping tell the title industry's story to policymakers across the country. Your voice, your experience, and your engagement are essential to ensuring our industry remains understood, valued, and well represented wherever policy decisions are made.

Sincerely,

Chris Morton
Chief Executive Officer
American Land Title Association

Emily Tryon
Chief Advocacy Officer
American Land Title Association

ALTA
American Land Title Association

Table of Contents

Explaining the Title Industry **4**

Title Insurance & Housing Affordability **5**
21st Century ROAD to Housing Act (H.R. 6644) 5
Additional Affordability Resources 5

Financial Crimes Enforcement Network (FinCEN) **6**
Additional FinCEN Resources 6

Unregulated Alternatives to Title Insurance / Attorney Opinion Letters **7**
The Protecting America's Property Rights Act (H.R. 3206) 7
Additional Alternatives Resources 7

Real Estate-Related Fraud **8**
Seller Impersonation Fraud 8
Wire Fraud 9
Elder Financial Abuse 9
Fraud Risk in Refinance Transactions 10
Additional Fraud Data & Resources 10

Remote Online Notarization (RON) / Digital Closings **11**
The SECURE Notarization Act (H.R. 1777 / S. 1561) 11

Native American Lands **12**
Additional Native American Lands Resources 12

Heirs' Property **12**

Government-Sponsored Enterprise (GSE) Reform **13**

Technology (AI & Blockchain) **14**
Artificial Intelligence (AI) In Title Insurance 14
Additional Technology Resources 14

Data Privacy and Redaction **15**
How do successful state programs and laws work? 15
Federal Data Privacy Principles 15

Foreign Ownership of Land **16**
Additional Foreign Ownership Resources 16

Institutional Investor-Owned Residential Property **17**

Non-Title Recorded Agreements for Personal Services (NTRAPS) **18**

Other Consumer Issues **19**
Property Tax Foreclosure Laws 19
Discriminatory Covenants 19
Additional Consumer Issues Resources 19

Grassroots and Grasstops Advocacy **20**
Title Action Network Resources 20
Congressional Liaisons Resources 20

Title Industry Political Action Committee (TIPAC) **21**
Additional TIPAC Resources 21

Explaining the Title Industry

Ensuring that policymakers and regulators understand the value of title insurance and the work that title professionals do to safeguard property rights is an essential pillar of ALTA's advocacy efforts. When communicating with policymakers, it is important for advocates to explain how a state-regulated title policy and the curative work conducted by title professionals ensure that homebuyers, homeowners, and lenders are properly protected from off-record risks that may emerge after a transaction closes.

ALTA has developed this document **(below)** to support member engagement and provide clear, consistent messaging that helps policymakers understand the value of title insurance and the work title professionals do to safeguard property rights.

ALTA American Land Title Association

Understanding Title Insurance and Its Benefits

WHAT IS TITLE INSURANCE?

- Title insurance protects homeowners' and lenders' property rights and long-term financial security. This essential protection helps American families build wealth through homeownership. Unlike most insurance products, title insurance is a **one-time cost** that protects homebuyers as long as they own their home and lenders for the life of the mortgage.
- To provide the coverage, title professionals research property rights, identify and mitigate risk, and safely and securely execute the closing.

TWO TYPES OF TITLE INSURANCE POLICIES

OWNER'S POLICY

Protects the homeowner's property investment. It covers issues such as undisclosed liens, ownership disputes, fraud and forgery – many of which cannot be found in a title search, even when utilizing technology like a title decision engine.

LENDER'S POLICY

Protects the lender's investment in the property and is typically required when a mortgage is involved. It covers the lender's interest in the property against issues that could impact the property's value or the lender's ability to collect on the loan.

HOW TITLE INSURANCE WORKS

1 TITLE SEARCH

Title professionals review public records to identify potential issues in the property's title such as unpaid liens, recording errors, or land encumbrances. The title industry has invested heavily in technologies like title decision engines to increase efficiency and decrease the cost of the search process. **However, these technologies only IDENTIFY risk they do not MITIGATE risk.**

2 CURATIVE WORK

Riskless transactions do not exist – title searches regularly identify issues that need to be addressed before a transaction can close. Title professionals work to resolve these issues, mitigating risk to the greatest extent possible. This work is no small task. On average, title professionals spend 22 hours of labor on typical transactions and can spend up to 45 hours on files requiring extensive curative work. **This curative work done by expert title professionals is essential to address issues before closing.**

3 CLOSING

Title agents facilitate safe and secure real estate closings by ensuring clear property ownership, verifying legal documents, transferring funds, and issuing title insurance to protect buyers and sellers from potential ownership disputes or hidden claims. Title agents work to protect buyers, sellers, and lenders from financial harm like wire fraud and deed fraud.

4 ONGOING PROTECTIONS

After closing, title insurance protects against future title disputes—including previously undiscovered fraud and forgery—by providing a duty to defend against covered defects, including any potential legal fees to defend property rights. Notably, according to industry data, 30% of claims paid involve issues that could not be found in the public record such as fraud and forgery averaging $143,000 per claim.[1]

[1] Milliman, Analysis of Claims and Claims-Related Losses in the Land Title Insurance Industry, May 2024, https://www.alta.org/media/pdf/240517-analysis-of-claims-and-claims-related-losses-in-the-land-title-insurance-industry.pdf.

alta.org

Title Insurance & Housing Affordability

- Title insurance and the role of title professionals in protecting homebuyers and their investment should be included in conversations around housing affordability.
- Housing affordability policy must account for post-closing risks, not just upfront costs. Off-record risks like fraud, forgery, undisclosed liens and judgments, competing ownership claims, recording errors, unpaid property taxes, and HOA obligations can delay transactions, cause financial harm, or result in costly legal disputes for homeowners who lack effective safeguards.
- The work of title professionals is centered on prevention. Before closing, title professionals work extensively to research, identify, and cure risks such as liens and judgments, competing ownership claims, recording errors, loan payoff discrepancies, unpaid property taxes, and homeowners association obligations.
- The industry also serves as a critical fraud detection layer, identifying fake deeds, seller impersonation schemes, and unauthorized property transfers before funds are disbursed, preventing significant losses for both buyers and lenders.
- Together, upfront curative work and fraud detection reduce the likelihood of future ownership disputes, protect buyers' savings and lenders' collateral, and maintain confidence in real estate transactions.
- Unresolved title risks ripple beyond individual homeowners into the broader housing finance system, prompting lenders and capital providers to adjust loan pricing, tighten underwriting, and reduce credit availability.

21st Century ROAD to Housing Act (H.R. 6644)

- The 21st Century ROAD to Housing Act became law on July 11, 2026, enacting the first major bipartisan federal housing package in more than a decade. Its provisions take broad steps to expand housing supply, modernize federal housing programs and reduce regulatory barriers to residential construction.
- Some key provisions for the title industry include an increase in FHA small dollar mortgages with title insurance listed in statute as a covered expense, the removal of the permanent chassis requirement for manufactured homes leading to expanded development and titling, and a Government Accountability Office study on heirs' property, an issues that ALTA and the title industry have focused on for quite some time.
    - Click here to view bill text
    - Click here to view ALTA's pager

Additional Affordability Resources

ONE PAGER:	**ALTA Fraud in Real Estate One Pager** (Click here)
	Fraud Impacts on Housing Affordability (Click here)
OP-ED:	**Fraud Prevention Is a Hidden Key to Housing Affordability**, by ALTA CEO Chris Morton, January 2026 (Click here)
LETTER:	**ALTA Letter to House Financial Services Committee Regarding Housing Affordability**, February 2025 (Click here)

Financial Crimes Enforcement Network (FinCEN)

- The FinCEN Residential Real Estate Rule would require title companies to report certain information about residential real estate transactions purchased with all cash or without institutional lender financing where at least one buyer/transferee is a non-natural person.
- The Rule briefly went into effect on March 1, 2026, before the U.S. District Court for the Eastern District of Texas vacated it on March 19, 2026.
- FinCEN has appealed the ruling, leaving uncertainty around future reporting obligations.
- For now, FinCEN has posted FAQs in light of the court decision, confirming that reporting persons:
  - Are not currently required to file Real Estate Reports,
  - Are not subject to liability for not filing while the order remains in force, and
  - Will not be required to retroactively report covered transactions from that period if the order is overturned.
- The title industry supports efforts to combat money laundering and remains committed to being a productive partner in this effort.
- ALTA collected industry data to demonstrate the burden of the current Rule on the title industry and potential homebuyers.
- ALTA surveyed more than 1,000 title professionals about operational challenges during the Rule's brief implementation window, finding:
  - Over 50 percent of respondents reported that FinCEN reporting requirements delayed real estate closings, including 16 percent who said delays occurred frequently and 39 percent who said delays occurred occasionally.
  - Approximately 85 percent reported privacy or data security concerns from buyers or sellers.
  - 48 percent reported that clients refused to provide information necessary for reporting.
  - 65 percent identified collecting required data from customers as one of the greatest burdens.
- FinCEN should use the current pause to make targeted changes that reduce unnecessary burden on small title companies while preserving the Rule's core law enforcement purpose, including:
  - Providing sufficient lead time before reporting resumes
  - Clarifying when a transaction becomes reportable
  - Adding a nominal dollar threshold
  - Exempting low-risk transfers
  - Limiting payment information collection to information that settlement agents can realistically obtain
  - Eliminating seller and transferor information collection where its law enforcement value is unclear

Additional FinCEN Resources

ONE PAGER:	**FinCEN Residential Real Estate Reporting Rule One Pager** (Click here)
LETTERS:	**Letter on FinCEN Real Estate Reporting Rule to House Financial Services National Security, Illicit Finance, and International Financial Institutions Subcommittee**, May 2026 (Click here)
	Letter to FinCEN Director Gacki Requesting Changes to the Residential Real Estate Rule, April 2026 (Click here)

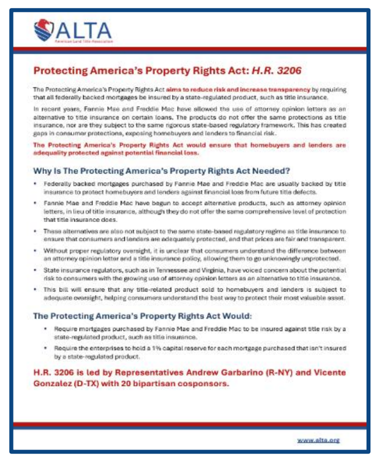
Unregulated Alternatives to Title Insurance / Attorney Opinion Letters

- Attorney opinion letters (AOLs) are often marketed to homebuyers as equally protective and less expensive when compared to title insurance; however, that is not the case.
- Unlike title insurance, these alternatives do not provide ongoing protection against undiscovered risks like fraud, nor do they include a duty to defend the policyholder in the case of litigation. Providers of these alternatives do not currently need to comply with the same state-based regulations as title insurance that ensure transparency of coverage and pricing.
- Several states have issued guidance, bulletins, and consumer warnings addressing whether certain AOL products function as insurance and should be subject to state regulation; Virginia and Tennessee both presented to the NAIC Title Insurance Work Group on instances where AOL products may violate state insurance law.
- In 2024, the American Legislative Exchange Council (ALEC) unanimously adopted a Resolution Reaffirming Support For The State-Based System Of Title Insurance Regulation In Response To Growing Federal Encroachment; Idaho has adopted the resolution, and it remains a vehicle for state-level engagement.

The Protecting America's Property Rights Act (H.R. 3206)

- The Protecting America’s Property Rights Act would require that all products used to insure title risk on federally backed mortgages be properly regulated at the state level, ensuring consumers understand the coverage and pricing of the products protecting their largest investment.
    - Click here to view bill text
    - Click here to view current cosponsors

ALTA has developed this document **(right)** to support member engagement and provide clear, consistent messaging as we advance this legislation at the federal level.



ALTA

American Land Title Association

Protecting America’s Property Rights Act: *H.R. 3206*

The Protecting America’s Property Rights Act **aims to reduce risk and increase transparency** by requiring that all federally backed mortgages be insured by a state-regulated product, such as title insurance.

In recent years, Fannie Mae and Freddie Mac have allowed the use of attorney opinion letters as an alternative to title insurance on certain loans. The products do not offer the same protections as title insurance, nor are they subject to the same rigorous state-based regulatory framework. This has created gaps in consumer protections, exposing homebuyers and lenders to financial risk.

The Protecting America’s Property Rights Act would ensure that homebuyers and lenders are adequality protected against potential financial loss.

Why Is The Protecting America’s Property Rights Act Needed?

- Federally backed mortgages purchased by Fannie Mae and Freddie Mac are usually backed by title insurance to protect homebuyers and lenders against financial loss from future title defects.
- Fannie Mae and Freddie Mac have begun to accept alternative products, such as attorney opinion letters, in lieu of title insurance, although they do not offer the same comprehensive level of protection that title insurance does.
- These alternatives are also not subject to the same state-based regulatory regime as title insurance to ensure that consumers and lenders are adequately protected, and that prices are fair and transparent.
- Without proper regulatory oversight, it is unclear that consumers understand the difference between an attorney opinion letter and a title insurance policy, allowing them to go unknowingly unprotected.
- State insurance regulators, such as in Tennessee and Virginia, have voiced concern about the potential risk to consumers with the growing use of attorney opinion letters as an alternative to title insurance.
- This bill will ensure that any title-related product sold to homebuyers and lenders is subject to adequate oversight, helping consumers understand the best way to protect their most valuable asset.

The Protecting America’s Property Rights Act Would:

- Require mortgages purchased by Fannie Mae and Freddie Mac to be insured against title risk by a state-regulated product, such as title insurance.
- Require the enterprises to hold a 1% capital reserve for each mortgage purchased that isn’t insured by a state-regulated product.

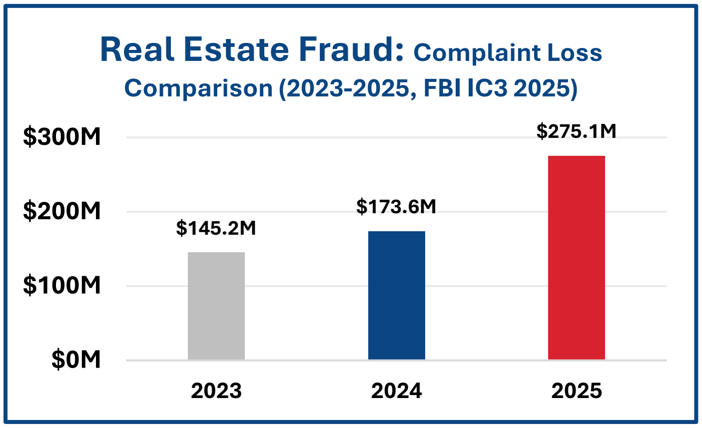
H.R. 3206 is led by Representatives Andrew Garbarino (R-NY) and Vicente Gonzalez (D-TX) with 20 bipartisan cosponsors.

www.alta.org

Additional Alternatives Resources

ONE PAGER:	**Title Insurance vs. Unregulated Alternatives (Attorney Opinion Letters)** (Click here)
OP-ED:	**Congress should protect property rights, not shift title risk to consumers and lenders**, by Chris Morton, June 2026 (Click here)
LETTERS:	**ALTA Letter on Fraud / Unregulated Alternatives to House Financial Services Subcommittee on Financial Institutions**, March 2026 (Click here)
	ALTA Letter to Colorado Commissioner Michael Conway, December 2025 (Click here)
	ALTA & State LTA Letter of Support for the Protecting America’s Property Rights Act, November 2025 (Click here)
	Virginia Insurance Commissioner Administrative Letter Regarding Title Insurance Alternatives, September 2025 (Click here)
	Tennessee-Led Multistate Attorneys General Letter to FHFA Director Sandra Thompson Regarding the Title Acceptance Pilot, July 2024 (Click here)
BULLETIN:	**Tennessee Department of Insurance Bulletin 25-2 Regarding Attorney Opinion Letters**, March 2025 (Click here)

ALTA
American Land Title Association



Scale of Fraud Losses

21%

Of all title claim dollars paid are from **fraud & forgery**

Source: Title industry claims data

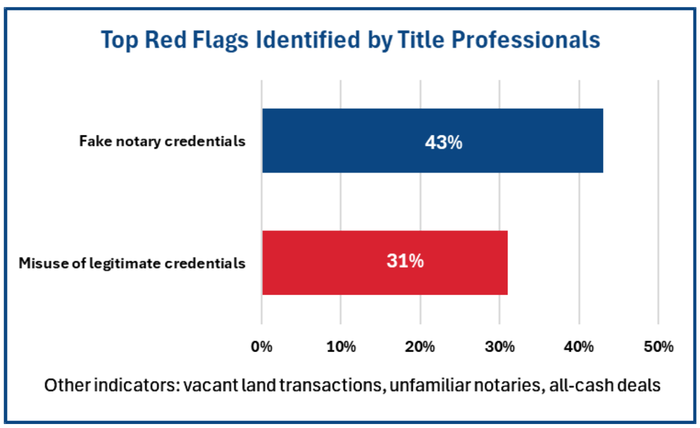
$275M

In **real estate-related fraud losses** reported

Source: FBI IC3, 2025

Real Estate-Related Fraud

- Title professionals are involved in nearly every residential and commercial real estate transaction, serving as a critical line of defense against criminals targeting large dollar transfers and sensitive financial information while protecting the integrity of the housing market.
- Title professionals specifically combat fraud by verifying identities, examining records, identifying red flags, and resolving risks before funds are transferred or ownership is conveyed.
- Despite the extensive curative work of title professionals, fraud remains one of the most expensive and damaging threats to homeowners. As reflected below, fraud and forgery account for approximately 21 percent of total claim dollars paid, with average losses exceeding $143,000 per claim.



28%

Of title companies experienced at least one SIF attempt in 2023

Source: Title industry claims data

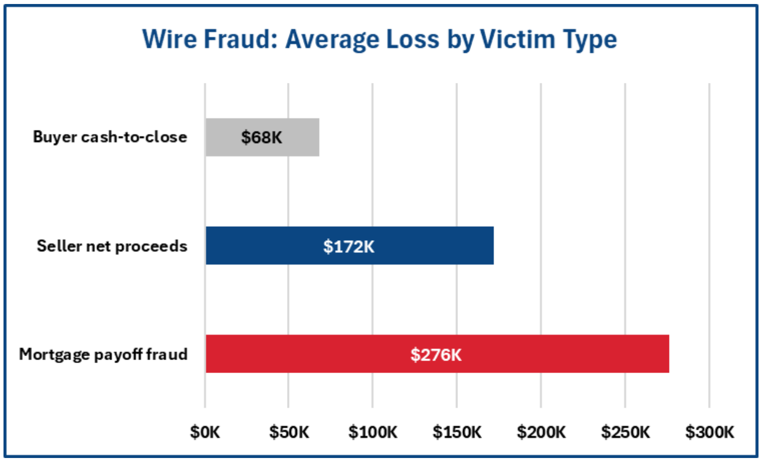
1 in 5

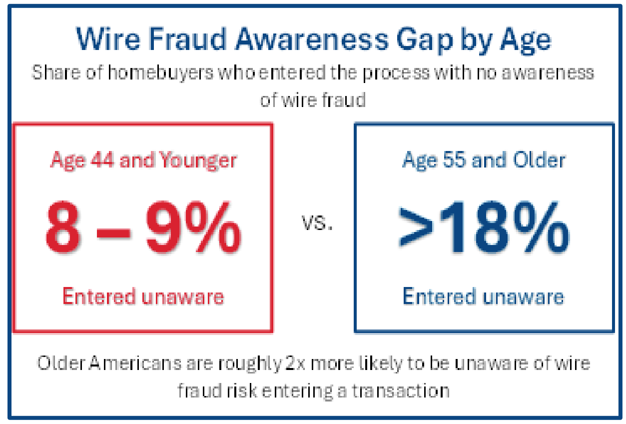
Title companies reported monthly SIF attempts in 2024

Source: FBI IC3, 2025

Seller Impersonation Fraud

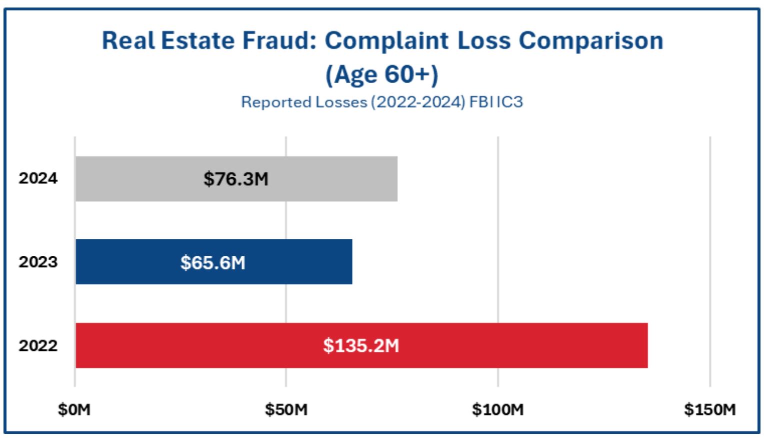
- Seller impersonation fraud remains a growing threat in real estate transactions, where criminals use falsified notarizations or stolen identities to fraudulently transfer property.
- Title professionals are trained to detect red flags of fraud, including suspicious notarizations or unknown notaries, use of stolen personal information, and requests for all-cash transactions, working diligently to identify and stop fraud before closing.
- In 2025, ALTA developed the ALTA 49 Endorsement, enabling homeowners to obtain coverage for losses from future instances of fraud, including the legal costs required to restore ownership and correct the public record.

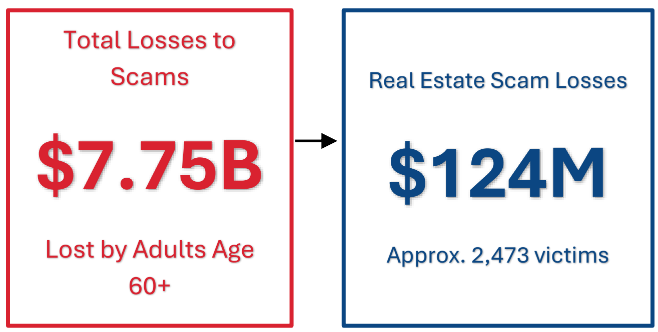




Wire Fraud

- Wire fraud, often executed through business email compromise schemes, is among the fastest-growing threats in residential real estate.
- This scam poses a threat to title companies and homebuyers alike, at risk of losing downpayments and other closing funds.
- ALTA worked with Congress to include data on wire fraud and business email compromise in the FBI's IC3 report.





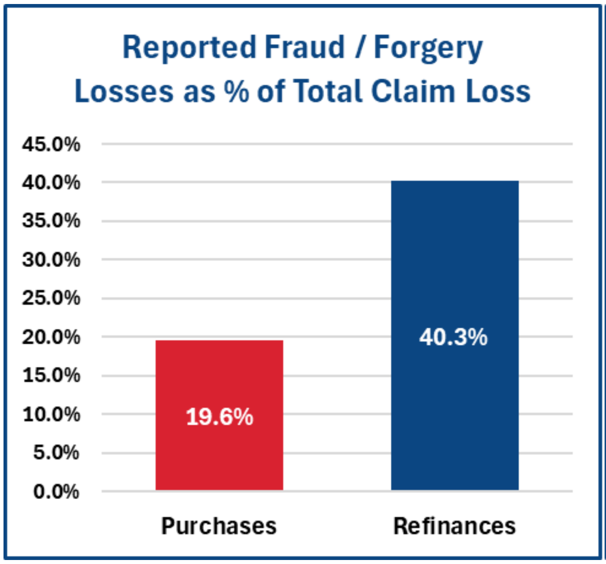
Elder Financial Abuse

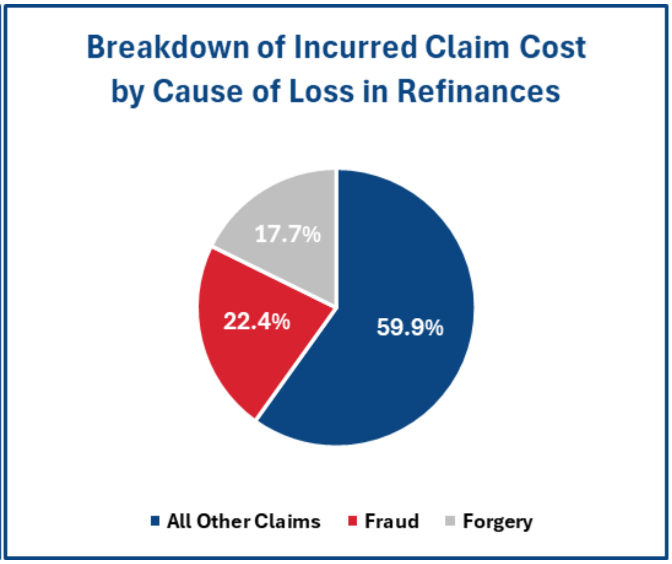
- Elder real estate fraud and financial exploitation present unique risks to older homeowners and refers to a broad range of actions including, but not limited to:
  - Forging a signature on a legal or financial document
  - Coercing or unduly influencing the signing of a legal or financial document
  - Non-disclosure of critical information
  - Inappropriate utilization of authority under a Power of Attorney (POA)
  - Defrauding older adults out of money or property

- ALTA partnered with the National Association of Realtors, AARP and the National Consumer Law Center to create this one pager **(right)** on elder financial abuse.

Fraud Risk in Refinance Transactions

- Fraud and forgery occur more than 2x as often in refinance transactions than purchase transactions, with average claim severity roughly 50 percent higher (at $207,000) than the combined purchase-and-refinance average ($143,000), and nearly seven times higher than the average cost of all other claim types (just over $30,000).



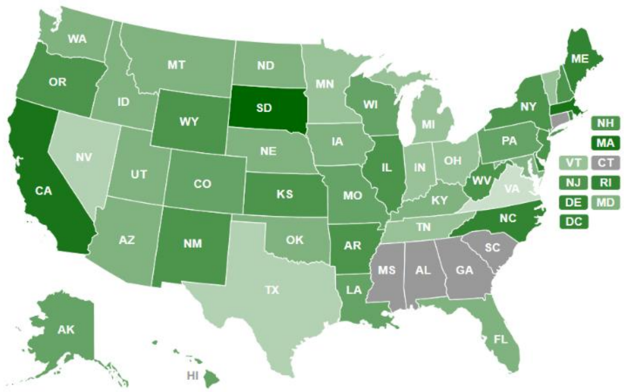


Additional Fraud Data & Resources

ONE PAGERS:	**ALTA Fraud in Real Estate Tri-Fold Brochure** (Click here)
	ALTA Fraud Policy Forms (Click here)
	ALTA Fraud Risk in Refinance Transactions (Click here)
	Be a Savvy Consumer, Protect Yourself from Seller Impersonation Fraud (Click here)
	Combating Seller Impersonation Fraud (SIF) & Benefits of ALTA's Homeowner's Policy (Click here)
	Seller Impersonation Fraud in Real Estate (Click here)
	Tips for Checking State Identification Cards (Click here)
	What is Deed Fraud? (Click here)
ALTA STUDIES:	**Milliman Analysis of Claims and Claims-Related Losses in the Land Title Insurance Industry**, November 2025 (Click here)
	Milliman Analysis of Claims and Claims-Related Losses in the Land Title Insurance Industry, May 2024 (Click here)
	ALTA Critical Issues Study—Seller Impersonation Fraud Report, 2024 (Click here)
FBI REPORTS:	**Federal Bureau of Investigation (FBI) Internet Crime Complaint Center (IC3) Annual Report**, 2025 (Click here)
	Federal Bureau of Investigation (FBI) Internet Crime Complaint Center (IC3) Annual Report, 2024 (Click here)

Remote Online Notarization (RON) / Digital Closings

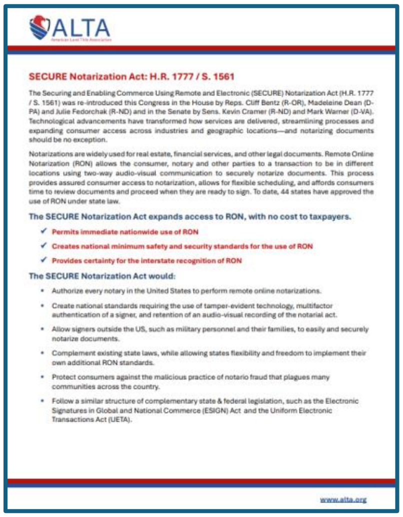
- The use of RON has become an increasingly common component of modern real estate transactions, however the standards governing identity proofing, record retention, and interstate recognition vary significantly across jurisdictions. To date, 45 states have passed some form of RON statute (map below).
- As adoption grows, the current patchwork of state requirements can lead to complications and delays at the closing table for certain multi-state transactions, and a minimum national standard is necessary to avoid uncertainty and ensure consistent safeguards that protect property rights and maintain confidence in real estate transactions across state lines.



The SECURE Notarization Act (H.R. 1777 / S. 1561)

- Passage of the Securing and Enabling Commerce Using Remote and Electronic (SECURE) Notarization Act remains a top ALTA advocacy priority. This bipartisan and bicameral legislation **would permit immediate nationwide use of remote online notarization, create national safety and security standards for RON, and provide certainty for interstate recognition of RON**.
- The SECURE Notarization Act was introduced in the House by Representatives Cliff Bentz (R-OR), Madeleine Dean (D-PA), and Julie Fedorchak (R-ND).
    - Click here to view bill text
    - Click here to view current cosponsors
- The bill was introduced in the Senate by Senators Kevin Cramer (R-ND) and Mark Warner (D-VA).
    - Click here to view bill text
    - Click here to view current cosponsors

ALTA has developed this document **(right)** to support member engagement and provide clear, consistent messaging as we advance this legislation at the federal level.



SECURE Notarization Act: H.R. 1777 / S. 1561

The Securing and Enabling Commerce Using Remote and Electronic (SECURE) Notarization Act (H.R. 1777 / S. 1561) was re-introduced this Congress in the House by Reps. Cliff Bentz (R-OR), Madeleine Dean (D-PA) and Julie Fedorchak (R-ND) and in the Senate by Sens. Kevin Cramer (R-ND) and Mark Warner (D-VA). Technological advancements have transformed how services are delivered, streamlining processes and expanding consumer access across industries and geographic locations—and notarizing documents should be no exception.

Notarizations are widely used for real estate, financial services, and other legal documents. Remote Online Notarization (RON) allows the consumer, notary and other parties to a transaction to be in different locations using two-way audio-visual communication to securely notarize documents. This process provides assured consumer access to notarization, allows for flexible scheduling, and affords consumers time to review documents and proceed when they are ready to sign. To date, 44 states have approved the use of RON under state law.

The SECURE Notarization Act expands access to RON, with no cost to taxpayers.

- ✓ Permits immediate nationwide use of RON
- ✓ Creates national minimum safety and security standards for the use of RON
- ✓ Provides certainty for the interstate recognition of RON

The SECURE Notarization Act would:

- Authorize every notary in the United States to perform remote online notarizations.
- Create national standards requiring the use of tamper-evident technology, multifactor authentication of a signer, and retention of an audio-visual recording of the notarial act.
- Allow signers outside the US, such as military personnel and their families, to easily and securely notarize documents.
- Complement existing state laws, while allowing states flexibility and freedom to implement their own additional RON standards.
- Protect consumers against the malicious practice of notario fraud that plagues many communities across the country.
- Follow a similar structure of complementary state & federal legislation, such as the Electronic Signatures in Global and National Commerce (ESIGN) Act and the Uniform Electronic Transactions Act (UETA).

www.alta.org

Native American Lands

- Title professionals engage regularly with tribes across the country as they look to convey fee lands. ALTA has established a Native American Land Work Group to address issues related to tribal lands.
- ALTA remains engaged with Members of Congress and congressional staff to address barriers created by the Nonintercourse Act that affect real estate transactions involving federally recognized Native American tribes.
- Because violations of the Act can invalidate title and unwind entire transactions, ALTA members and their insureds face significant legal and financial exposure when operating on tribal lands.
- These uncertainties stifle investment and constrain economic development in tribal communities. ALTA continues to elevate these concerns and advocate for policy changes that provide a more workable framework.

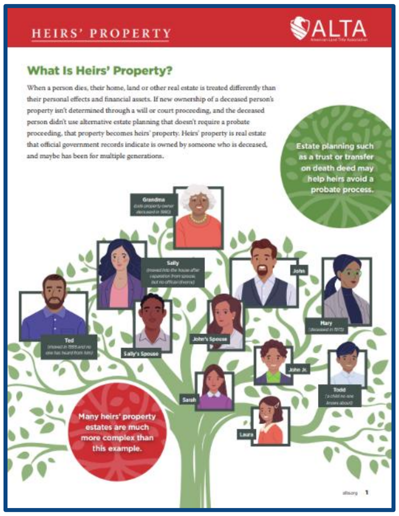
Additional Native American Lands Resources

ONE PAGER:	**ALTA Fee to Trust Transfers** (Click here)
WEBINAR:	**An Introduction—Title Insurance and Native American Lands** (Click here)

Heirs' Property

- In partnership with other industry groups and government leaders, ALTA is working to address the negative impacts of heirs' property – a major hurdle to wealth building.
- ALTA has brought together industry and outside experts to discuss the various ways industry and government can address the issue of heirs' property, including how to quantify heirs' property, how to better leverage estate planning tools and resources, and how to expand access to programs and services for those with heirs' property.
- ALTA has endorsed the Uniform Partition of Heirs Property Act (UPHPA), which has now been enacted in 22 states. In partnership with other industry groups and government leaders, ALTA is working to address the issue of heirs' property – a major hurdle to wealth building.
- The HEIRS Act of 2025 (H.R. 1640), led by Reps. Nikema Williams (D-GA) and Byron Donalds (R-FL), is an important priority for ALTA's work on heirs' property and seeks to improve pathways to establish clear title and expand access to federal programs and resources for affected property owners.
    - Click here to view bill text
    - Click here to view current cosponsors

ALTA has developed this document **(right)** to highlight the challenges associated with heirs' property and the importance of establishing clear, marketable title for property owners.


HEIRS' PROPERTY

ALTA

What Is Heirs' Property?

When a person dies, their home, land or other real estate is treated differently than their personal effects and financial assets. If new ownership of a deceased person's property isn't determined through a will or court proceeding, and the deceased person didn't use alternative estate planning that doesn't require a probate proceeding, that property becomes heirs' property. Heirs' property is real estate that official government records indicate is owned by someone who is deceased, and maybe has been for multiple generations.

Government-Sponsored Enterprise (GSE) Reform

- The government-sponsored enterprises (GSEs) are central to ensuring liquidity, stability, and affordability in the housing finance system, made possible by market incentives that support sound and marketable underlying collateral. To protect homeowners, lenders, and the economy, policymakers should ensure:

Mortgage Standardization:

- Uniform mortgage standards reduce costs, improve efficiency, and provide certainty for lenders, investors, and borrowers.
- Standardized underwriting requirements have helped the title industry achieve a 5% nominal reduction in the cost of title insurance coverage from 2018 to 2023, without sacrificing critical protections for homebuyers or lenders.

Strong Prudential Standards:

- Safety and soundness must remain central to any GSE reform.
- Reforms should maintain robust regulatory oversight of GSE guide changes and product offerings, and preserve the Prior Approval for Enterprise Products Rule. The GSEs should formally solicit and incorporate public comment into a transparent decision-making process for any new products, activities, or pilots.

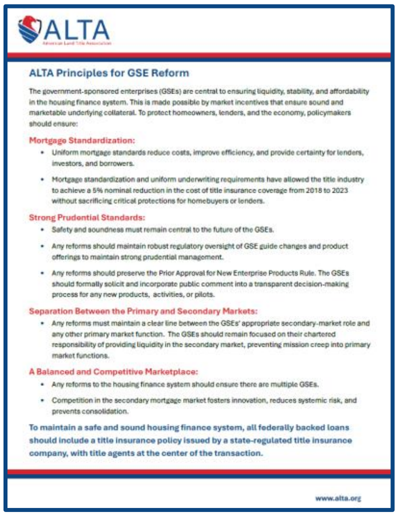
Separation Between the Primary and Secondary Markets:

- Reforms must preserve a "bright line" between the GSEs' appropriate secondary-market role and primary market functions. The GSEs should remain focused on their chartered responsibility of providing liquidity in the secondary market, preventing mission creep.

A Balanced and Competitive Marketplace:

- Any reforms should ensure multiple GSEs remain in the market.
- Competition in the secondary mortgage market fosters innovation, reduces systemic risk, and prevents harmful consolidation.

ALTA has developed this document **(right)** to support member engagement and provide clear, consistent messaging as policymakers continue to shape the future of the GSEs.



ALTA
American Land Title Association

ALTA Principles for GSE Reform

The government-sponsored enterprises (GSEs) are central to ensuring liquidity, stability, and affordability in the housing finance system. This is made possible by market incentives that ensure sound and marketable underlying collateral. To protect homeowners, lenders, and the economy, policymakers should ensure:

Mortgage Standardization:

- Uniform mortgage standards reduce costs, improve efficiency, and provide certainty for lenders, investors, and borrowers.
- Mortgage standardization and uniform underwriting requirements have allowed the title industry to achieve a 5% nominal reduction in the cost of title insurance coverage from 2018 to 2023 without sacrificing critical protections for homebuyers or lenders.

Strong Prudential Standards:

- Safety and soundness must remain central to the future of the GSEs.
- Any reforms should maintain robust regulatory oversight of GSE guide changes and product offerings to maintain strong prudential management.
- Any reforms should preserve the Prior Approval for New Enterprise Products Rule. The GSEs should formally solicit and incorporate public comment into a transparent decision-making process for any new products, activities, or pilots.

Separation Between the Primary and Secondary Markets:

- Any reforms must maintain a clear line between the GSEs' appropriate secondary-market role and any other primary market function. The GSEs should remain focused on their chartered responsibility of providing liquidity in the secondary market, preventing mission creep into primary market functions.

A Balanced and Competitive Marketplace:

- Any reforms to the housing finance system should ensure there are multiple GSEs.
- Competition in the secondary mortgage market fosters innovation, reduces systemic risk, and prevents consolidation.

To maintain a safe and sound housing finance system, all federally backed loans should include a title insurance policy issued by a state-regulated title insurance company, with title agents at the center of the transaction.

www.alta.org

Technology (AI & Blockchain)

- Technological innovation continues to reshape real estate and financial services, with artificial intelligence (AI) and blockchain drawing particular attention for their potential to improve efficiency, transparency, and risk management in property transactions. The title industry is evaluating these developments and, where appropriate, integrating them in ways that enhance operations while preserving the legal safeguards that underpin property rights.

Artificial Intelligence (AI) In Title Insurance

- Title companies have embraced AI, automation, and data analytics over the past decade to streamline title searches, improve processing times, and enhance operational efficiency.
- These tools allow local title professionals to focus on assessing and mitigating transactional risk, protecting what is often a homebuyer's largest asset.
- According to a recent industry survey, 90 percent of title insurance professionals report using some form of AI. Despite inflationary pressures, these investments contributed to a 5 percent decrease in the cost of title insurance coverage between 2018 and 2023.

Blockchain and Land Records

- Blockchain technology has attracted interest as a potential tool to modernize land records, increase transparency, streamline recording processes, reduce fraud, and simplify real estate transactions. However, significant challenges would need to be resolved before such systems could be implemented at scale.
- Real property rights are primarily governed at the state and local level across more than 3,600 recording jurisdictions, each operating under distinct statutory frameworks. Adoption of a nationwide blockchain-based records system would require:
  - Addressing the cost of transition, including who will bear the cost of digitization, clean-title verification, and implementation of a blockchain-based system
  - Updating real estate laws across all 50 states and ensuring blockchain-based systems can accommodate involuntary or non-consensual liens and transfers
  - Ensuring system security and reliability, including risks associated with a nationwide, data-rich system and the consequences of lost private keys
  - Addressing off-record risks that affect title and ensuring compliance with existing privacy laws in a blockchain-based system
- Even in a blockchain-based recording environment, title insurance is still critical to protecting homebuyers, lenders, and the broader housing finance system, as the fundamental risks in real estate transactions do not disappear. Recording information on a blockchain-based system does not mitigate risks posed by:
  - Fraud
  - Competing ownership claims
  - Recording errors
  - Undisclosed interests

Additional Technology Resources

ONE PAGER:	**ALTA Utilizing Blockchain Technology for Land Records Management** (Click here)
LETTER:	**ALTA Letter to Senate Banking Committee on title industry artificial intelligence/technology adoption,** July 2025 (Click here)

Data Privacy and Redaction

Depending on state law, the following best practices allow statutorily defined protected parties to transfer or finance real estate:

- Unredacted records providing constructive notice should be accessible to permissioned parties, including:
    - Someone with a signed release from the protected individual or a court order
    - Licensed professionals with existing consumer privacy or confidentiality obligations (attorneys, title professionals, assessors, etc.)
    - Licensed entities with a signed confidentiality agreement with a government entity
- Statewide uniform standards and processes must ensure all records pertaining to a protected party are properly shielded.
- Names or designated identifiers in a record index must not be hidden or redacted. Records must remain discoverable within the public records index, with a flag indicating the document is subject to statutory privacy protections.
- Privacy protections should apply only as long as the individual remains part of an address confidentiality program or qualifies as a statutorily defined protected party. Protections should be time-limited to minimize long-term impacts on the conveyancing system and preserve the accuracy of public records, with renewal available every four to six years.
- A record restoration process must exist to facilitate real estate transactions, transfers, and administration of estates.
- Authorized access to unredacted records should be available both electronically and in person to accommodate non-local parties.
- Government entities and third parties should maintain robust logs tracking access to protected records.

How do successful state programs and laws work?

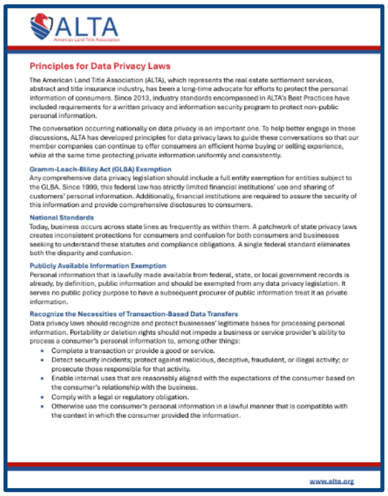
Successful state programs have taken one of two approaches:

1. **Arizona:** An eligible person files a court affidavit to restrict public access to their personal information. If approved, the court directs the county clerk to prohibit general public access. The restriction expires after a set period, and real estate and title professionals retain access to the unredacted record, providing constructive notice.
2. **Minnesota:** The Safe at Home address confidentiality program allows an eligible person to apply through a state agency, typically the Attorney General or Secretary of State, for program certification. Once certified, the participant may distribute forms to all parties in a real estate transaction requiring the privatization of their address information. Government entities are prohibited from publicly associating the person's name with their address without signed consent for a specified purpose.

These approaches balance protection with access to unredacted records, while full redaction risks unintended consequences for the public records system. Recorder offices should be adequately funded to implement effective protections.

Federal Data Privacy Principles

ALTA has developed this one-pager **(right)** to support member engagement and provide clear, consistent messaging as federal lawmakers consider the creation of a national data privacy standard.


ALTA
American Land Title Association

Principles for Data Privacy Laws

The American Land Title Association (ALTA), which represents the real estate settlement services, abstract and title insurance industry, has been a long-time advocate for efforts to protect the personal information of consumers. Since 2013, industry standards encompassed in ALTA's Best Practices have included requirements for a written privacy and information security program to protect non-public personal information.

The conversation occurring nationally on data privacy is an important one. To help better engage in these discussions, ALTA has developed principles for data privacy laws to guide these conversations so that our member companies can continue to offer consumers an efficient home buying or selling experience, while at the same time protecting private information uniformly and consistently.

Gramm-Leach-Bliley Act (GLBA) Exemption
Any comprehensive data privacy legislation should include a full entity exemption for entities subject to the GLBA. Since 1999, this federal law has strictly limited financial institutions' use and sharing of customers' personal information. Additionally, financial institutions are required to assure the security of this information and provide comprehensive disclosures to consumers.

National Standards
Today, business occurs across state lines as frequently as within them. A patchwork of state privacy laws creates inconsistent protections for consumers and confusion for both consumers and businesses seeking to understand these statutes and compliance obligations. A single federal standard eliminates both the disparity and confusion.

Publicly Available Information Exemption
Personal information that is lawfully made available from federal, state, or local government records is already, by definition, public information and should be exempted from any data privacy legislation. It serves no public policy purpose to have a subsequent procurer of public information treat it as private information.

Recognize the Necessities of Transaction-Based Data Transfers
Data privacy laws should recognize and protect businesses' legitimate bases for processing personal information. Portability or deletion rights should not impede a business or service provider's ability to process a consumer's personal information to, among other things:

- Complete a transaction or provide a good or service.
- Detect security incidents; protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity.
- Enable internal uses that are reasonably aligned with the expectations of the consumer based on the consumer's relationship with the business.
- Comply with a legal or regulatory obligation.
- Otherwise use the consumer's personal information in a lawful manner that is compatible with the context in which the consumer provided the information.

www.alta.org

Foreign Ownership of Land

- Real estate transactions represent approximately 13 percent of the U.S. gross domestic product. Given the importance of real estate to the U.S. economy, any law regarding foreign ownership should establish specific processes and procedures to protect valid property interests and avoid penalizing legitimate sellers, creditors, and future owners of property.
- Only buyers and their legal representatives have sufficient information to determine property ownership eligibility. If bills require reporting of a transaction to the state or other agency, this obligation should be on the buyer directly and should not be the responsibility of any other party.
- Any law must lay out a process for a forced divestment or forfeiture by a court of competent jurisdiction after a state agency brings an enforcement action. Unwinding a transaction via judicial proceeding allows legitimate interest holders and creditors (like mortgage and mechanics lienholders) to be made whole. State laws should expressly state that land titles are not invalid, impaired, or subject to forfeiture because of the foreign status of any former owner or other person having an interest in the property.
- To avoid harmful complications created by invalidating property transfers, legislation should give state agencies enforcement authority, providing investigative powers and establishing due process, followed by voluntary or forced divestment of the real estate as appropriate.
- The only remedy for violation of these laws should be a forfeiture or foreclosure-type action brought by the state to divest the property, which results in an unappealable judgment.
- Relevant documents and/or court orders must be recorded by authorized state agencies within local land records. Recordation provides notice of enforcement actions and creates a continuous chain of title, which are both necessary to protect future transactions.
- The foreign ownership bills should not impose obligations that would threaten the role of the title industry as a neutral third party in real estate transactions. To that end, no legislation should require title insurance companies or their employees to make a determination as to the buyer's national identity, require reporting or the submission of data to a state agency, or impose extra-contractual, civil, or criminal liability for closing a prohibited transaction in good faith.

Additional Foreign Ownership Resources

ONE PAGERS:	**Principles for Legislation Regarding Foreign Ownership of U.S. Real Estate** (Click here)
	Suggested Legislative Text for Bills Regarding Foreign Ownership of U.S. Real Estate (Click here)

Institutional Investor-Owned Residential Property

Real estate transactions represent approximately 13% of U.S. gross domestic product. Given the importance of real estate to the U.S. economy, any law regarding institutional investor ownership should avoid discouraging development of new housing units or clouding the ownership of existing units. When determining that institutional investor ownership of residential property should be limited or banned, some state lawmakers have considered the following enforcement mechanisms:

- Economic disincentives, such as limiting state tax deductions or depreciation, altering capital gains treatment, or imposing higher real property tax rates;
- Monetary penalties for violations such as civil fines assessed by a state agency or court or imposing statutory damages;
- Requiring institutional investors to register or report their property holdings;
- Empowering state attorneys general to investigate institutional investor activity and bring enforcement actions

Any laws that directly limit the acquisition of property should establish specific processes and procedures to protect valid property interests and the integrity of land title records. These include:

Impose Obligations Directly and Only on Buyers

- Only buyers and their legal representatives have sufficient information to determine property ownership eligibility. If a bill requires reporting of a transaction to the state or other agency, this obligation should be on the institutional buyer directly and should not be the responsibility of any other party.

State Laws Must Not Void Transactions and Should Follow Existing Divestment Procedures

- If legislation is intended to prohibit ownership of property under specified circumstances, the remedy for violation of that law should be a forfeiture or foreclosure type of action brought by the state to divest the property, which ultimately results in a final, unappealable judgment. State laws should expressly state that land titles are not invalid or impaired and are only subject to forfeiture or foreclosure while title is held by the prohibited investor.

Designate an Appropriate State Enforcement Authority

- To avoid harmful complications created by invalidating property transfers, legislation should give a specific state agency or the attorney general enforcement authority and provide investigative powers to verify purchase and ownership information.

Safeguard the Reliability of US Property Records

- Relevant documents and/or court orders must be recorded by authorized state agencies within local land records. Recordation provides notice of enforcement actions and creates a continuous chain of title, which is necessary to protect future transactions.

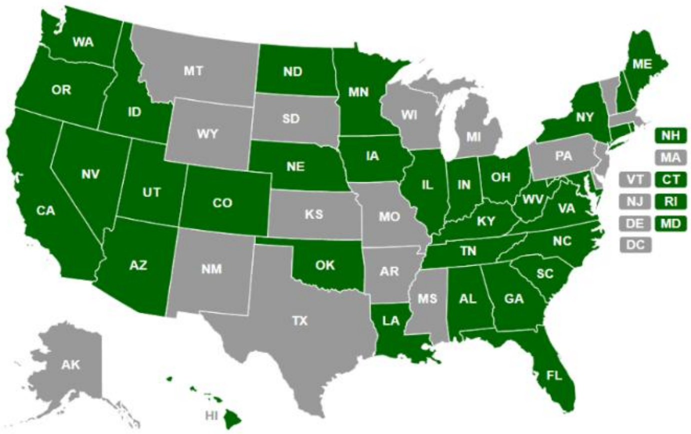
Protect the Neutral Role of Title Insurance and Real Estate Settlement Professionals

- The institutional investor owned bills should not impose obligations that would threaten the role of the title industry as a neutral third party in real estate transactions.

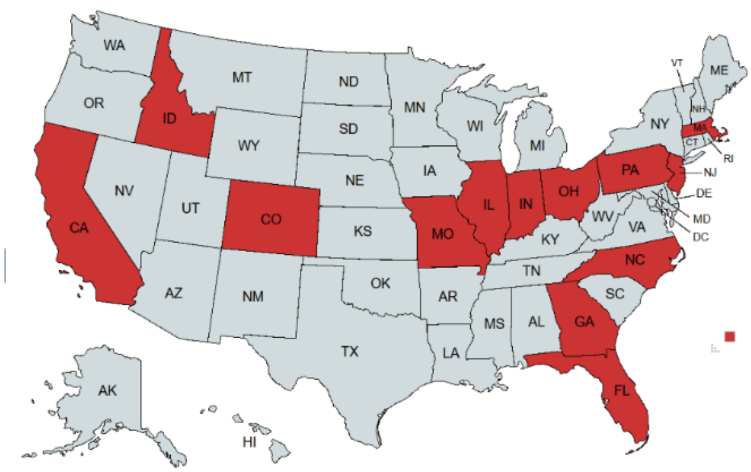
Non-Title Recorded Agreements for Personal Services (NTRAPS)

- The practice of submitting NTRAPS for inclusion in property records characterized as liens, covenants, encumbrances, or security interests in exchange for money has emerged throughout the country. These agreements obligate the current owner to use the property's services in the future, and further attempt to bind successor owners by purporting to create a real property interest. Failure to comply with these agreements may give rise to a lien against the property to secure liquidated damages.
- ALTA supports efforts to protect consumers by prohibiting the filing of unfair real estate fee agreements in property records, a practice that creates impediments and increases the cost and complexity of selling, refinancing, or transferring real estate. ALTA advocates for state laws and regulations preventing the enforcement of NTRAPS.

33 states have enacted NTRAPS laws



States with AG action (13)



Additional NTRAPS Resources:

MODEL BILL:	**ALTA Model Legislation** (Click here)
FAQS:	**NTRAPS FAQs** (Click here)

Other Consumer Issues

Property Tax Foreclosure Laws

- In 2023, the U.S. Supreme Court ruled in ***Tyler v. Hennepin County*** that it is unconstitutional for a local government to retain property equity beyond the tax debt and costs owed following a tax foreclosure. Many states will need to revisit their tax foreclosure laws to align with this precedent, and in doing so, should revise them to protect property owners from unnecessary foreclosures and preserve home equity.
- Property tax systems can foster sustainable homeownership, treat property owners fairly, and still generate the revenue needed for quality public services.

Discriminatory Covenants

- In the early 20th century, discriminatory covenants barring the sale or lease of property based on race, ethnicity, or religion were inserted into deeds, plats, and other property records. In Shelley v. Kraemer, the U.S. Supreme Court held that racially restrictive covenants were unenforceable under the 14th Amendment, and the Fair Housing Act of 1968 made them illegal outright.
- Despite this, many such covenants remain in public land records. Until recently, no uniform legislative approach existed to address them, leading to inconsistent state-level responses. As of late 2023, the Uniform Law Commission has finalized a model law to provide a consistent framework for addressing discriminatory covenants that remain in the public record.

Additional Consumer Issues Resources

ONLINE RESOURCE:	**Principles for Legislation Regarding Foreign Ownership of U.S. Real Estate** (Click here)
SUGGESTED BILL TEXT	**Suggested Legislative Text for Bills Regarding Foreign Ownership of U.S. Real Estate** (Click here)

Grassroots and Grasstops Advocacy

- Advocacy comes in many forms. Some of the most powerful advocacy comes from individuals like you. Grassroots advocacy relies on constituents of elected officials to band together to send in multiple communications about a given issue. The power of grassroots advocacy comes in numbers – the more people add their voice to the issue, the more attention it will get! Elected officials care about what is happening in their districts and states, and having messages come from their constituents makes a great impact. ALTA uses grassroots advocacy in our Title Action Network (TAN). TAN membership is free and open to all title professionals – see below for more information about the network and helpful resources to spread the word about this important program!
- Grasstops advocacy also connects individuals to elected officials but instead relies on personal relationships to provide targeted messaging to elected officials. Individuals with these relationships can join ALTA's Congressional Liaisons – our advocates at the highest level. See below for additional information on this program and how to get involved!
- Learn more about how to be a title industry advocate here

Title Action Network Resources

- The resources below will give you the tools to be a title advocate, and you can always reach us at titleactionnetwork@alta.org with any questions.
- Start your advocacy journey by joining TAN. This program is free to all title professionals, and you do NOT have to be an ALTA member to participate.
    - Sign up for TAN (with ALTA login): www.alta.org/advocacy/tan/
    - Sign up for TAN (without ALTA login): www.alta.org/advocacy/tan/join-tan-form
    - Get involved in active campaigns and find your Member of Congress by visiting our Action Center.

ONE PAGER:	**Title Action Network One Pager** (Click here) Use this resource to provide quick information about the program to your network, including a QR code for easy sign-up. This one pager can also be cobranded with your company or state LTA logo.
VIDEO:	**Join the Title Action Network Video** (Click here) Promote TAN using this video highlighting ALTA member testimony on why TAN's impact is vital to the success of the title industry.
SLIDE DECK:	**Join the Title Action Network Pitch** (Click here) Plug TAN using these pre-built slides with our QR code and talking points on why TAN is important.
SIGNAGE:	**Title Action Network Signage** (Click here) Advocates are encouraged to print for offices or LTA events.

Congressional Liaisons Resources

- Ready for the next step? TAN members who have personal relationships with elected officials can join Congressional Liaisons to showcase their leadership. Additionally, check out the below resources:

ONE PAGER:	**ALTA Congressional Liaison One Pager** (Click here) Provides information about our grasstops advocacy and how to get involved.
SLIDE DECK:	**Grasstops Advocacy 101** (Click here) Find helpful tips and tricks for being a successful grasstops advocate. Congressional Liaisons also get annual training to help them be effective.

Title Industry Political Action Committee (TIPAC)

- ALTA defends and promotes the title industry at every turn. A key part of our advocacy strategy is the Title Industry PAC (TIPAC).
- TIPAC is the leading nonpartisan Political Action Committee dedicated to supporting the re-election of federal elected officials who champion our industry in Congress.
- The difference between PACs and issue advocacy lies in their primary goals and methods of influence. PACs are focused on supporting candidates and building relationships, while issue advocacy is centered on public policy and legislative actions.
- PACs pool contributions from individuals and donate to campaigns, whereas issue advocacy engages in direct lobbying, public education, and other strategies to influence policy outcomes.
- In the 2023-2024 cycle, TIPAC raised $1M+ to help support our mission.
- In 2025, TIPAC contributed $562,000 to 120 candidates and committees.
- While distinct, PAC, grassroots, and issue advocacy all come together to make our voice heard in Washington. Each facet helps share our story and protects the future of the title industry.

Additional TIPAC Resources

Learn more about TIPAC using the resources below:

CONTRIBUTION LINK:	**www.TIPAC.org/donate**
PAC 101:	**Learn more about Political Action Committees (PACs) and their importance in the political process** (Click here)
TIPAC 101:	**Learn more about the Title Industry PAC (TIPAC), ALTA's nonpartisan federal PAC** (Click here)