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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 429  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 429's Bill Analysis](#)

**Version:** As Passed by the House

**Primary Sponsors:** Reps. LaRe and Abrams

**Local Impact Statement Procedure Required:** No

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### Highlights

- The bill eliminates a provision that requires an applicant to change residence in order to be eligible for the Address Confidentiality Program, known as the Safe at Home Program. This could expand the number of applicants for the program. The Secretary of State pays for the costs of Safe at Home through the Address Confidentiality Fund (Fund 5SN0).
- The bill makes several changes related to the acquisition or disposition of real property, and the ability of local officials to access real property records of individuals in Ohio's "Safe at Home" address confidentiality program. These provisions could result in some cost increases to political subdivisions, but they only apply to property that program participants acquire after the effective date of the bill.
- The bill modifies some procedures pertaining to how the Secretary of State may disclose confidential information, and requires the Secretary of State to respond to some requests within ten business days. These changes may result in some negligible cost increases.
- The bill modifies county recorder fees to include fees for certifying electronic records, and updating the fee for entering marginal references. The bill does not increase the rate of any of these fees. However, by modifying how these fees are collected, there could be some revenue gains to county recorders under the bill.

### Detailed Analysis

#### Safe at Home Program

The bill makes numerous changes to the Address Confidentiality Program, which is managed by the Secretary of State (SOS) and commonly referred to as the Safe at Home Program.

Overall, these changes appear to result in minimal cost increases to the Secretary of State and to political subdivisions. Most notably, the bill removes a requirement that an applicant for the program be changing residence in order to be eligible for the program. Eliminating this requirement could potentially make more individuals eligible for the program. However, any additional applicants that would be eligible to participate in the program as a result of this change in qualifying criteria would be small. The bill makes some additional small changes to the procedures governing the Secretary of State's ability to disclose confidential information, and requires the SOS to respond to certain requests within ten business days. Any fiscal costs associated with these procedural changes would appear to be negligible.

The costs of the Safe at Home Program are paid from the Address Confidentiality Fund (Fund 5SN0). The fund was initially capitalized through a transfer of \$50,000 from the Business Services Fund (Fund 5990) and receives periodic annual transfers of up to that amount. Ongoing revenue comes from court fines and penalties imposed for certain offenses. These sources of revenue amounted to approximately \$13,000 in FY 2019. The SOS spent nearly \$39,000 administering the program in that fiscal year.

Additionally, the bill modifies the program as it relates to real property acquisition or disposition. The bill establishes procedures for individuals in the program who wish to purchase real property to submit notice to the county recorder and local authorities to maintain confidentiality. The bill also specifies the participant is responsible for notifying the applicable clerk of courts in order to maintain confidentiality. Next, the bill establishes procedures for the disposition of property by court order in which the property no longer remains in the Safe at Home Program. With regard to individuals who acquire property, the bill specifies that this provision applies only to program participants who acquire property after the effective date of the bill. This potentially limits the number of initial applicants under this portion of the program significantly. In addition, the bill establishes provisions by which chief legal officers of political subdivisions may view confidential records. These procedures are likely to be used infrequently. If that is the case, they would only impose minimal cost increases for the jurisdictions responsible.

Finally, the bill makes some modifications to the procedures of child custody hearings when those hearings involve an individual that is in the Safe at Home Program. The bill specifies that a court must document findings that disclosure of a program participant's confidential information is safe and necessary in certain circumstances. The bill also allows, instead of mandates, a court to disclose or withhold a participant's confidential information even if the court finds that disclosure is safe and necessary. There does not appear to be any apparent direct fiscal impact to applicable county courts related to these particular changes in the bill.

## **County recorder fees**

Modifying the county recorder fees could potentially result in some additional revenue for county recorders. Although the bill does not increase the rate of these fees, it does modify the manner in which these fees are charged, which in some cases could result in additional recordation revenues. The bill updates the fee that county recorders charge for certifying photocopies of recorded documents to apply to both copies and electronic records of recorded documents. The bill also updates the fee recorders charge for entering marginal references by separate recorded instrument to entering *or* indexing any reference by separate recorded instrument. The bill also allows that the fees that are charged for recording electronic items

may be paid by electronic means. Presumably this would only occur for those county recorders that have such technology available. Finally, the bill creates a recordation fee exemption for municipalities that act as subsidiaries of land banks to instances where documents being recorded pertain to the land bank's operations.