

HOUSE BILL REPORT

ESHB 1643

As Passed House:
March 6, 2019

Title: An act relating to property ownership for participants in the address confidentiality program.

Brief Description: Concerning property ownership for participants in the address confidentiality program.

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Doglio, Walsh, Dolan, Irwin, Orwall, Lovick, Macri, Appleton, Shewmake, Jinkins, Davis, Frame and Leavitt).

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/5/19, 2/13/19 [DPS].

Floor Activity:

Passed House: 3/6/19, 96-0.

Brief Summary of Engrossed Substitute Bill

- Requires the Secretary of State to work with the Office of Civil Legal Aid to provide information, online self-help resources, and other free legal aid services to participants in the Address Confidentiality Program that wish to own property without disclosing their address.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

Staff: Jason Zolle (786-7124).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 1991 the state created the Address Confidentiality Program (ACP) to protect people who are attempting to escape from domestic violence, sexual assault, trafficking, or stalking. The ACP helps preserve the confidentiality of a person's address by allowing the person to use a substitute mailing address designated by the Secretary of State (Secretary) for purposes of government records. In practice, an ACP participant receives a post office box (P.O. Box) address in Olympia to use on government documents. The Secretary forwards mail from the P.O. Box to the ACP participant's real address. More than 4,500 people are served by the ACP.

A person who wishes to participate in the ACP applies to the Secretary with a sworn statement that the applicant (or the minor or incapacitated person on whose behalf the application is made) is a victim of domestic violence, sexual assault, trafficking, or stalking and fears for his or her or his or her children's safety. An applicant may also be a criminal justice participant—e.g., a law enforcement officer, corrections officer, and prosecuting or defense attorney—who is the target of unlawful threats or harassment. Applicants may receive assistance from local agencies and nonprofits that provide counseling and shelter services to victims.

Other than the ACP participants' public address designated by the Secretary, participant files may not be disclosed, except by court order or to law enforcement in certain circumstances. Names of ACP participants are not included in lists of registered voters.

Washington's ACP was the first such program in the nation, and approximately 35 other states have established similar programs.

Summary of Engrossed Substitute Bill:

The Secretary must enter into an interagency agreement with the Office of Civil Legal Aid to develop and make available information, online self-help resources, and other free legal aid services to help ACP participants who wish to own property without publicly disclosing their address. These resources also must help participants purchase property in the name of a nonprofit to establish a safe house for other participants or for sex trafficking victims without public disclosure of their ownership. The Secretary and assisting agencies must publicize the availability of legal resources and assistance for these purposes.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The ACP is a really important program that protects domestic violence victims and law enforcement personnel that have been threatened. However, a loophole in the program does not allow participants to protect their address when they want to buy a home. Auditors can protect voter records and marriage records, but not home ownership records.

This bill would provide legal assistance for someone to set up a blind trust to protect disclosure of an ACP participant's address. This might not be the whole solution but it is a great start.

(Opposed) None.

(Other) In 2017 the Secretary created an ACP advisory council to examine the complexities of owning a home after surviving domestic violence. States face a challenge balancing its interests in having a public real estate recording system and keeping domestic violence victim information private. This bill codifies one option under consideration by the advisory council. This bill should be deferred until the advisory council has completed its research and presented recommendations. Everyone that needs property records is involved in the council's process, and it is obvious that no single solution will work for all ACP participants. For instance, many institutions will not lend to a blind trust because the trust has to qualify for ownership, not the individual, so that option would only work if someone is buying property with cash. There is currently no collection of accurate information or options for an attorney to give to participants. It is unclear how many organizations would respond to the Secretary's request for services, as well.

Persons Testifying: (In support) Representative Doglio, prime sponsor; and Mary Hall, Thurston County Auditor's Office.

(Other) Jay Jennings, Office of the Secretary of State; Rowland Thompson, Allied Daily Newspapers of Washington; and Vicky Dalton, Washington State Association of County Auditors.

Persons Signed In To Testify But Not Testifying: None.