



March 27, 2020

## **A CALL TO ACTION REGARDING PROPOSED FEDERAL REMOTE ONLINE NOTARIZATION LEGISLATION**

I hope that this letter finds all of you and your families safe and well. As we struggle through some very difficult and unprecedented times, I want you to know that CATIC is here to assist you in any way possible. As your business partner and advocate, CATIC will continue to provide you with the service and support that you need to navigate the current situation. I am certain that we will come through on the other side of this stronger and more resilient than we have ever been.

I would like to update you regarding important events taking place in Massachusetts, and nationally, that will have an impact on real estate practice in Massachusetts.

### **Proposed Federal Legislation**

As you may be aware, legislation at the federal level that could have a significant negative impact on Massachusetts is now being considered on Capitol Hill. The Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2020 (SECURE Notarization Act), promoted by some of the national underwriters and national settlement groups, would impose permanent remote online notarization ("RON") standards upon Massachusetts and, if passed, would fundamentally change real estate practice forever.

While this legislation appears to respect and defer to Massachusetts precedent regarding the unauthorized practice of law, we believe that it will open up the floodgates to national title insurance underwriters and their out-of-state national agents to conduct closings in Massachusetts. Under the federal legislation those out-of-state entities could conduct closings in Massachusetts without the need to leave their desks in whatever jurisdiction they happen to be located.

Over the past year, CATIC, in partnership with REBA, retained the services of a lobbyist to track and respond to RON legislation proposed in Massachusetts. Our goal has been to ensure that any RON legislation proposed in Massachusetts would not facilitate the unauthorized practice of law and that the role of the attorney is preserved and protected. Unfortunately, the SECURE Notarization Act would undermine those efforts. If the federal legislation is passed, Massachusetts would not be permitted to engage in careful and deliberate legislative action with feedback from Massachusetts residents and members of the legal and business communities. If the federal legislation is passed, Massachusetts would not be permitted to determine the version of RON that works for our state, taking into consideration our customs and practices. Instead, a permanent version of RON would be imposed at the federal level.

CATIC opposes this federal legislation. Therefore, I urge each of you to speak with both U.S. Senators from Massachusetts as well as the members of the U.S. House of Representatives in your districts. Please let them know that the SECURE Notarization Act is bad for Massachusetts. [\*Click here to see contact information for U.S. Senators and Representatives from Massachusetts.\*](#)

### **Proposed State Legislation**

With respect to local legislation, as I write this letter, REBA, along with a group of leading Massachusetts real estate attorneys and the Estate Planning Bar are working diligently to pass legislation (*An Act relative to remote notarization during COVID-19 state of emergency*) that will permit remote closings in Massachusetts, on a temporary basis, for as long as the current crisis persists.

CATIC supports this legislation which: (i) permits real estate closings to continue; (ii) ensures that our industry does its part to encourage social distancing to stop the spread of the virus; (iii) protects Massachusetts consumers and the integrity of the settlement process; and (iv) protects the role of the attorney in all Massachusetts real estate transactions.

At this time, there is no action required on your part, however, CATIC will continue to monitor this legislation and keep you advised.

Thank you again for all of your support and loyalty. CATIC is, and will always remain, your business partner and advocate. WE DON'T COMPETE...WE PARTNER; AND WE WILL GET THROUGH THIS TOGETHER!

I have included my email address and cellphone number below and would appreciate hearing from you regarding these important matters.

Jim Bilodeau  
Massachusetts State Manager  
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**CATIC is open for business and ready to help.**

**Please let us know how we can assist you.**

**Please continue to check out our [dedicated webpage](#) for COVID-19 information and guidance, on a regular basis. We will be updating the material as we learn of new developments.**

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