



CITY OF PHILADELPHIA

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MEMORANDUM

TO: James Leonard, Records Commissioner

FROM: Sierra Applegate, Deputy City Solicitor
Law Department

CC: Brendan O'Rourke, Chief Deputy City Solicitor

DATE: May 9, 2025

SUBJECT: Department of Records Regulation Concerning Vital Statistics Verification for Deed Fraud Prevention.

I have reviewed the attached Department of Records "Regulation Concerning Vital Statistics Verification for Deed Fraud Prevention" that was submitted to the Law Department and find the regulation to be legal and in proper form. In accordance with Section 8-407(a) of The Philadelphia Home Rule Charter, you may make this regulation available for public inspection.



Department of Records

CITY OF PHILADELPHIA

REGULATION NO. 3

Preventing Fraudulent Deed Recordings Through Automated Vital Records Verification

BACKGROUND

1. Deed fraud is a persistent problem in the City of Philadelphia that threatens the preservation of existing home ownership and therefore the generational wealth and economic opportunity of Philadelphia families, causing significant harm to property owners and their heirs, with a disproportionate effect on communities of color and seniors.
2. Thieves often steal the identities of deceased individuals to execute fraudulent property transfers, thus resulting in there being no valid grantor under the deed, as required under Pennsylvania law.
3. Once recorded, fraudulent deeds create a cloud on title that is difficult and expensive to correct through judicial proceedings.
4. The Department of Records has a responsibility to maintain the integrity of the public land records.
5. Without a valid grantor, a deed is not in recordable form and must be rejected in accordance with Pennsylvania law.
6. Technological advancements now enable the Department of Records to perform automated verification of grantor vital status at the time of an attempted deed recording, which will assist in the prevention of deed fraud and preservation of existing housing.

SECTION 1. INTENT

(a) The City of Philadelphia has experienced numerous instances of deed fraud wherein individuals have presented fraudulent deeds for recording, particularly those purporting to transfer property from deceased individuals.

(b) These fraudulent schemes typically involve:

1. Identifying properties owned by deceased individuals;
2. Creating forged deed documents with falsified signatures;

3. Using false identification to impersonate legitimate parties; and
4. Recording these fraudulent instruments with the Department of Records.

(c) Once recorded, these fraudulent deeds create a false appearance of ownership that requires costly and time-consuming legal action to correct, often creating significant hardship for legitimate heirs and property owners.

(d) The intent of this regulation is to preserve home ownership by preventing such fraudulent recordings through the implementation of automated verification measures at the point of over-the-counter deed recording.

SECTION 2. DEFINITIONS

As used in this regulation, the following terms have the meanings indicated:

- (a) “Department” means the Department of Records of the City of Philadelphia.
- (b) “Recorder of Deeds” means the Commissioner of the Department of Records or the Commissioner’s designee.
- (c) “Grantor” means any individual purporting to convey an interest in real property through a deed or similar instrument.
- (d) “Over-the-Counter Recording” means the physical presentation of a deed or similar instrument for recording at the Department’s office by an individual, whether in-person or via mail, rather than through electronic submission.
- (e) “Vital Status Verification” means the automated process of determining whether a named Grantor was deceased as of the date of execution of the deed.

SECTION 3. VITAL STATUS VERIFICATION

- (a) Upon receipt of any deed or similar instrument presented for Over-the-Counter Recording, the Department shall perform a Vital Status Verification for each named Grantor to determine if any Grantor was deceased as of the execution date of the instrument.
- (b) The Department shall utilize the Social Security Death Master File and databases of the City of Philadelphia Department of Revenue to perform the Vital Status Verification.
- (c) If the Vital Status Verification indicates that any Grantor was deceased as of the date of the deed’s execution, the Department shall:
 1. Decline to record the instrument; and
 2. Provide written notice to the presenter explaining the reason for non-recordation, which shall include instructions for how the presenter may contest the rejection of the instrument.

SECTION 4. PROCEDURE FOR CONTESTING VITAL STATUS VERIFICATION RESULTS

(a) If a presenter contests the results of the Vital Status Verification, the presenter may submit documentation to the Department in accordance with the requirements set forth in this Section.

(b) In order to contest a non-recording due to Vital Status Verification results and record the instrument, the presenter must submit to the Department in Room 111, City Hall, 1400 John F. Kennedy Boulevard, Philadelphia, PA 19107, a copy of the notice of non-recording, along with the instrument to be recorded, accompanied by documentation demonstrating that the Grantor was alive at the time of the deed's execution, which may include the following records:

1. In cases of database error, official documentation from vital records authorities confirming a correction to death records;
2. Passport;
3. Valid driver's license;
4. Employee ID card;
5. Military Record;
6. School ID card, record or report card;
7. Marriage or divorce record;
8. Adoption record;
9. Health insurance card (except a Medicare card);
10. Certified copy of a medical record;
11. Life insurance policy;
12. Court order for name change; or
13. Church (or other religious organization) membership that establishes your identity.

(c) The Department shall review documentation that is submitted in accordance with the requirements of this Section and shall make a determination in accordance with its standard procedures for reviewing the recordability of instruments under Pennsylvania law.

(d) If the Department determines the documentation sufficiently establishes the Grantor was alive at the time of execution, and the deed is otherwise in recordable form under Pennsylvania law, then the deed will be accepted for recording.

SECTION 5. DISCLAIMER

This regulation represents the Department's good faith effort to prevent one type of deed fraud and is not intended to provide certainty about whether a Grantor was alive or deceased at the time of execution of a deed.

SECTION 6. EFFECTIVE DATE

This regulation shall take effect immediately upon adoption.