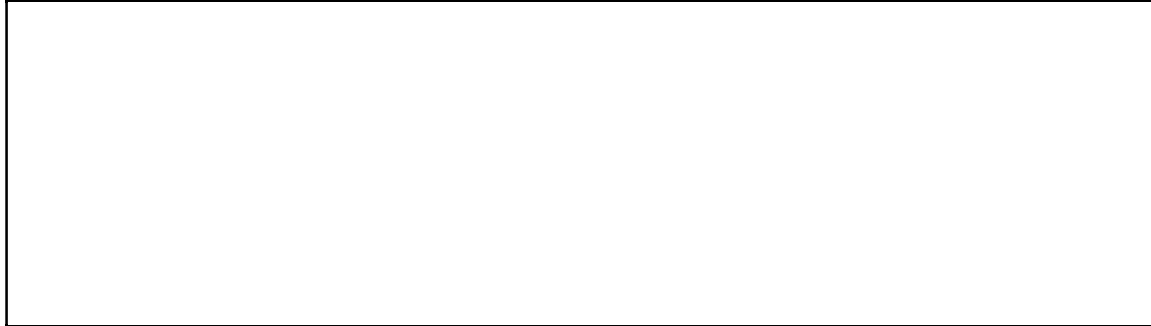

Subject:

FW: [External]Washington State - Ask Your State House Member to Oppose SHB 2298



Washington State - Ask Your State House Member to Oppose SHB 2298

Dear [REDACTED],

Washington Substitute House Bill (SHB) 2298 has been pulled from the House Rules Committee and **could be voted on by the full House at any time, possibly today. Your representative needs to hear from you about how SHB 2298 will fail to provide real protection to homeowners and will adversely affect all participants in the real estate marketplace.**

The Washington Land Title Association (WLTA) strongly supports the intent behind the bill: to protect homeowners from forged and fraudulent documents. But the WLTA has been forced to oppose the bill because its sponsor and primary supporters have declined to make changes needed to provide real protection and avoid unintended consequences.

Passage of SHB 2298 would allow every Washington county auditor to set up their own title protection program. Property owners could file a "property fraud protection instrument" that is supposed "to prohibit the recording of any transfer of ownership of that property without the use of a secure personal identification number, an approved override process, or until a release of fraud protection instrument for the same property is recorded." But the bill wouldn't really "prohibit"

fraudulent recordings. Instead, it would delay them for up to five business days. **SHB 2298 provides no workable guidance for running a program.** The bill is primitive in the extreme, with the main provisions a few sentences in a single section. The WLTA responded with its own preproposal, consisting of 19 separate sections that lay out a comprehensive and workable approach. So far, none of our suggestions have been incorporated into the bill.

Please see the attached draft TAN e-mail to your representative for a fuller discussion of the reasons the bill should not pass.

Please click on the Take Action button below to edit and send a pre-drafted letter to your state representative.

Thank You!

CONTACT YOUR REPRESENTATIVE

For more information

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SUBSTITUTE HOUSE BILL 2298

State of Washington

69th Legislature

2026 Regular Session

By House Local Government (originally sponsored by Representatives Parshley, Berry, Taylor, Ryu, Reed, Mena, Cortes, Zahn, Bronoske, Duerr, Doglio, Berg, Reeves, Fosse, and Hill)

READ FIRST TIME 02/03/26.

1 AN ACT Relating to authorizing county auditors to create a
2 voluntary property title protection program to prevent land record
3 fraud; amending RCW 65.04.030, 36.22.185, and 36.22.240; reenacting
4 and amending RCW 36.22.250; adding a new section to chapter 36.22
5 RCW; and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.22
8 RCW to read as follows:

9 (1)(a) Each county auditor is authorized to develop and implement
10 a voluntary property title protection program to prevent land record
11 fraud. A county auditor may coordinate with the county treasurer or
12 excise agent in developing the program.

13 (b) A voluntary property title protection program may give
14 property owners the option to record with the county auditor a
15 property fraud protection instrument in order to prohibit the
16 recording of any transfer of ownership of that property without the
17 use of a secure personal identification number, an approved override
18 process, or until a release of fraud protection instrument for the
19 same property is recorded. The program must allow for an emergency
20 override process through verified court orders or authorized legal
21 representative actions.

1 (2) If a county auditor receives any instrument transferring
2 ownership of real property for which a fraud protection instrument
3 has been recorded, the auditor may delay the recording of such
4 instrument or entering of such instrument on the transfer record for
5 up to five business days.

6 (3) A county treasurer, or excise agent, may delay processing a
7 real estate excise tax refund application for up to 5 days if the
8 property for which the refund application is submitted is the subject
9 of a recorded fraud protection instrument.

10 **Sec. 2.** RCW 65.04.030 and 1996 c 229 s 2 are each amended to
11 read as follows:

12 The auditor or recording officer must, upon the payment of the
13 fees as required in RCW 36.18.010 for the same, acknowledge receipt
14 therefor in writing or printed form and record in large and well
15 bound books, or by photographic, photomechanical, electronic format,
16 or other approved process, the following:

17 (1) Deeds, grants and transfers of real property, mortgages and
18 releases of mortgages of real estate, instruments or agreements
19 relating to community or separate property, powers of attorney to
20 convey real estate, and leases which have been acknowledged or
21 proved: PROVIDED, That deeds, contracts and mortgages of real estate
22 described by lot and block and addition or plat, shall not be filed
23 or recorded until the plat of such addition has been filed and made a
24 matter of record: AND PROVIDED FURTHER, That the auditor or recording
25 officer may delay recording an instrument conveying real property as
26 provided in section 1 of this act;

27 (2) Patents to lands and receivers' receipts, whether for
28 mineral, timber, homestead or preemption claims or cash entries;

29 (3) All such other papers or writing as are required by law to be
30 recorded and such as are required by law to be filed.

31 **Sec. 3.** RCW 36.22.185 and 2025 c 100 s 1 are each amended to
32 read as follows:

33 (1) Beginning January 1, 2024, except as provided in subsection
34 (2) of this section, the county auditor must collect a covenant
35 homeownership program assessment of \$100 for each document recorded,
36 which is in addition to any other charge, surcharge, or assessment
37 allowed by law. The county auditor may retain up to one percent of
38 the moneys for collection of the assessment and must remit the

1 remainder of the moneys to the state treasurer to be deposited in the
2 covenant homeownership account created in RCW 43.181.020.

3 (2) The assessment imposed in this section does not apply to: (a)
4 Documents recording a birth, marriage, divorce, or death; (b) any
5 recorded documents otherwise exempted from a recording fee or
6 additional assessments under state law; (c) marriage licenses issued
7 by the county auditor; (d) documents recording a name change order
8 under RCW 4.24.130; (~~(e)~~) (e) documents recording a federal, state,
9 county, city, or water-sewer district, or wage lien or satisfaction
10 of lien; or (f) fraud protection instruments and release of fraud
11 protection instruments recorded as part of the voluntary property
12 title protection program pursuant to section 1 of this act.

13 **Sec. 4.** RCW 36.22.240 and 2021 c 214 s 10 are each amended to
14 read as follows:

15 (1) Except as provided in subsection (2) of this section, a
16 surcharge of two dollars and fifty cents shall be charged by the
17 county auditor for each document recorded, which will be in addition
18 to any other charge or surcharge allowed by law. The auditor shall
19 remit the funds to the state treasurer to be deposited and used as
20 follows:

21 (a) Through June 30, 2024, funds must be deposited into the
22 growth management planning and environmental review fund created in
23 RCW 36.70A.490 to be used first for grants for costs associated with
24 RCW 36.70A.600 and for costs associated with RCW 36.70A.610, and
25 thereafter for any allowable use of the fund.

26 (b) Beginning July 1, 2024, sufficient funds must be deposited
27 into the growth management planning and environmental review fund
28 created in RCW 36.70A.490 for costs associated with RCW 36.70A.610,
29 and the remainder deposited into the home security fund account
30 created in RCW 43.185C.060 to be used for maintenance and operation
31 costs of: (i) Permanent supportive housing and (ii) affordable
32 housing for very low-income and extremely low-income households.
33 Funds may only be expended in cities that have taken action under RCW
34 36.70A.600.

35 (2) The surcharge imposed in this section does not apply to: (a)
36 Assignments or substitutions of previously recorded deeds of trust;
37 (b) documents recording a birth, marriage, divorce, or death; (c) any
38 recorded documents otherwise exempted from a recording fee or
39 additional surcharges under state law; (d) marriage licenses issued

1 by the county auditor; (~~and~~) (e) documents recording a federal,
2 state, county, city, or water-sewer district, or wage lien or
3 satisfaction of lien; or (f) fraud protection instruments and release
4 of fraud protection instruments recorded as part of the voluntary
5 property title protection program pursuant to section 1 of this act.

6 (3) For purposes of this section, the terms "permanent supportive
7 housing," "affordable housing," "very low-income households," and
8 "extremely low-income households" have the same meaning as provided
9 in RCW 36.70A.030.

10 **Sec. 5.** RCW 36.22.250 and 2025 c 408 s 3, 2025 c 100 s 2, and
11 2025 c 74 s 1 are each reenacted and amended to read as follows:

12 (1) A surcharge of \$183 per instrument shall be charged by the
13 county auditor for each document recorded, which will be in addition
14 to any other charge authorized by law. The following are exempt from
15 this surcharge:

16 (a) Documents recording a birth, marriage, divorce, or death;

17 (b) Any recorded documents otherwise exempted from a recording
18 fee or additional surcharges under state law;

19 (c) Marriage licenses issued by the county auditor; (~~and~~)

20 (d) Documents recording a federal, state, county, city, or water-
21 sewer district, or wage lien or satisfaction of lien; and

22 (e) Fraud protection instruments and release of fraud protection
23 instruments recorded as part of the voluntary property title
24 protection program pursuant to section 1 of this act.

25 (2) Funds collected pursuant to this section must be distributed
26 and used as follows:

27 (a) One percent of the total funds collected shall be retained by
28 the county auditor for its fee collection activities;

29 (b) 30 percent of the total funds collected shall be retained by
30 the county and used by the county as provided in subsection (3) of
31 this section;

32 (c) 54.1 percent of the total funds collected shall be
33 transmitted to the state treasurer to be deposited in the home
34 security fund account created in RCW 43.185C.060 and shall be used by
35 the department of commerce as provided in subsection (4) of this
36 section;

37 (d) 13.1 percent of the total funds collected shall be
38 transmitted to the state treasurer to be deposited in the affordable
39 housing for all account created in RCW 43.185C.190 and shall be used

1 by the department of commerce as provided in subsection (5) of this
2 section;

3 (e) 1.8 percent of the total funds collected shall be transmitted
4 to the state treasurer to be deposited in the landlord mitigation
5 program account created in RCW 43.31.615 and shall be used by the
6 department of commerce as provided in subsection (6) of this section.

7 (3) The county shall use their portion of the collected funds as
8 follows:

9 (a) Except as provided in (b) of this subsection, up to 10
10 percent for the county's administration and local distribution of the
11 funds collected from the surcharge in this section, and
12 administrative costs related to the county's homeless housing plan;

13 (b)(i) At least 75 percent will be retained and used by the
14 county to accomplish the purposes of its local homeless housing plan
15 pursuant to chapter 484, Laws of 2005, unless a city in the county
16 elects, as authorized in RCW 43.185C.080, to operate its own local
17 homeless housing program.

18 (ii) If a city in the county elects, as authorized in RCW
19 43.185C.080, to operate its own local homeless housing program, the
20 10 percent for administrative costs retained under (a) of this
21 subsection and the 75 percent for local homeless housing plans
22 retained under (b) of this subsection must be combined and
23 distributed as follows: For each city in the county that elects as
24 authorized in RCW 43.185C.080 to operate its own local homeless
25 housing program, a percentage of the surcharge assessed under this
26 subsection equal to the percentage of the city's local portion of the
27 real estate excise tax collected by the county shall be transmitted
28 at least quarterly to the city treasurer, without any deduction for
29 county administrative costs, for use by the city for program costs
30 which directly contribute to the goals of the city's local homeless
31 housing plan. Each county or city receiving funds under this
32 subsection (3) may use up to 10 percent of their share of the total
33 funding retained or received under this subsection (3) after the
34 completion of the required city distributions for costs related to:

35 (A) The county's administration and local distribution of the
36 funds collected from the surcharge in this section;

37 (B) Administrative costs related to the county's homeless housing
38 plan; and

39 (C) Administrative costs related to the city's homeless housing
40 program;

1 (c) At least 15 percent will be retained and used by the county
2 for eligible housing activities, as described in this subsection,
3 that serve extremely low and very low-income households in the county
4 and the cities within a county according to an interlocal agreement
5 between the county and the cities within the county consistent with
6 countywide and local housing needs and policies. A priority must be
7 given to eligible housing activities that serve extremely low-income
8 households with incomes at or below 30 percent of the area median
9 income. Eligible housing activities to be funded are limited to:

10 (i) Acquisition, construction, or rehabilitation of housing
11 projects or units within housing projects that are affordable to very
12 low-income households with incomes at or below 50 percent of the area
13 median income, including units for homeownership, rental units,
14 seasonal and permanent farmworker housing units, units reserved for
15 victims of human trafficking and their families, and single room
16 occupancy units;

17 (ii) Supporting building operation and maintenance costs of
18 housing projects or units within housing projects eligible to receive
19 housing trust funds, that are affordable to very low-income
20 households with incomes at or below 50 percent of the area median
21 income, and that require a supplement to rent income to cover ongoing
22 operating expenses;

23 (iii) Rental assistance vouchers for housing units that are
24 affordable to very low-income households with incomes at or below 50
25 percent of the area median income, including rental housing vouchers
26 for victims of human trafficking and their families, to be
27 administered by a local public housing authority or other local
28 organization that has an existing rental assistance voucher program,
29 consistent with or similar to the United States department of housing
30 and urban development's section 8 rental assistance voucher program
31 standards; and

32 (iv) Operating costs for emergency shelters and licensed
33 overnight youth shelters.

34 (4) The department of commerce shall use the funds from the
35 document recording fee or other fund sources deposited in the home
36 security fund account as follows, except that the department of
37 commerce shall provide counties with the right of first refusal to
38 receive grant funds distributed under (b) of this subsection (4). If
39 a county refuses the funds or does not respond within a time frame
40 established by the department, the department shall make good faith

1 efforts to identify one or more suitable alternative grantees
2 operating within that county. The alternative grantee shall
3 distribute the funds in a manner that is in compliance with this
4 chapter. Funding provided through the office of homeless youth
5 prevention and protection programs created in RCW 43.330.705 is
6 exempt from the county first refusal requirement.

7 (a) Up to 10 percent for administration of the programs
8 established in chapter 43.185C RCW and in conformance with this
9 subsection (4), including the costs of creating and implementing
10 strategic plans, collecting and evaluating data, measuring and
11 reporting performance, providing technical assistance to local
12 governments, providing training to entities delivering services, and
13 developing and maintaining stakeholder relationships;

14 (b) At least 90 percent for homelessness assistance grant
15 programs administered by the department, including but not limited
16 to: Temporary rental assistance; eviction prevention rental
17 assistance per RCW 43.185C.185; emergency shelter and transitional
18 housing operations and maintenance; outreach; diversion; HOPE and
19 crisis residential centers; young adult housing; homeless services
20 and case management for adult, family, youth, and young adult
21 homeless populations and those at risk of homelessness; project-based
22 vouchers for nonprofit housing providers or public housing
23 authorities; tenant-based rent assistance; housing services; direct
24 cash assistance as provided for in RCW 43.185C.220(5)(a); rapid
25 rehousing; emergency housing; acquisition; operations; maintenance;
26 and service costs for permanent supportive housing as defined in RCW
27 36.70A.030 for individuals with disabilities. Grantees may also use
28 these funds in partnership with permanent supportive housing programs
29 administered by the office of apple health and homes created in RCW
30 43.330.181. Priority for use must be given to purposes intended to
31 house persons who are chronically homeless or to maintain housing for
32 individuals with disabilities and prior experiences of homelessness,
33 including families with children.

34 (5) The department of commerce shall use the funds from the
35 document recording fee or other fund sources deposited in the
36 affordable housing for all account as follows:

37 (a) Up to 10 percent for program administration and technical
38 assistance necessary for the delivery programs and activities under
39 this subsection (5);

40 (b) At least 90 percent for the following:

1 (i) Grants for building operation and maintenance costs of
2 housing projects, or units within housing projects, that are in the
3 state's housing trust fund portfolio, are affordable to extremely
4 low-income households with incomes at or below 30 percent of the area
5 median income, and require a supplement to rent income to cover
6 ongoing operating expenses;

7 (ii) Grants to support the building operations, maintenance, and
8 supportive service costs for permanent supportive housing projects,
9 or units within housing projects, that have received or will receive
10 funding from the housing trust fund or other public capital funding
11 programs. The supported projects or units must be dedicated as
12 permanent supportive housing as defined in RCW 36.70A.030, be
13 occupied by extremely low-income households with incomes at or below
14 30 percent of the area median income, and require a supplement to
15 rent income to cover ongoing property operations, maintenance, and
16 supportive services expenses.

17 (6) The department of commerce shall use the funds from the
18 document recording fee or other fund sources deposited in the
19 landlord mitigation program account to administer the landlord
20 mitigation program as established in RCW 43.31.605. The department of
21 commerce may use up to 10 percent of these funds for program
22 administration and the development and maintenance of a database
23 necessary to administer the program.

24 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of
26 the state government and its existing public institutions, and takes
27 effect immediately.

--- END ---

When recorded return to:

**PERSONAL REPRESENTATIVE DEED
(Bargain and Sale Deed – RCW 64.04.040)**

THE GRANTOR(S)

for and in consideration of

in hand paid, bargains, sells, and conveys to

the following described real estate, situated in the County of

State of Washington:

Abbreviated Legal: (Required if full legal not inserted above.)

Tax Parcel Number(s):

Dated:

State of _____
County of _____

This record was acknowledged before me on (date) by (name(s) of individuals) as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

(Signature of notary public)

(Stamp)

(Title of office)

My commission expires:

(date)

When recorded return to:

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