



## **Housing and Executive Administration**

### **Public Hearing: Revised Uniform Law on Notarial Acts Amendment Act of 2021**

Good morning, Chair Bonds, Housing Committee, and staff. My name is Evan Loukadakis, I'm a Ward 6 resident, and a staff member at the D.C. Association of REALTORS® (DCAR). We are the state-level association representing over 3,000 Realtors®, real estate professionals, home buyers, sellers and homeowners in the District. DCAR would like to thank you, Chair Bonds, for holding this public hearing, I am here to offer DCAR's support for the Revised Uniform Law on Notarial Acts.

At its core, Remote Online Notarization (RON) provides flexibility and access to individuals seeking notarial services. It is an immensely helpful tool for underserved and unbanked communities, where notary services are not readily available because of the absence of traditional providers-- like bank branches or lawyers.

The pandemic underscored the critical need for certain government functions to utilize a virtual option. Without Zoom, access to Council meetings would have been a logistical nightmare. Numerous public witnesses have stated that they've never been able to participate in Council meetings or the legislative process, but now they can with a virtual platform. RON provides that same flexibility-- by removing barriers to entry.

Moving on to how this legislation works in practice. A notary and remotely located individuals (clients) meet virtually using communication technology, this could mean a virtual platform like Notarize.com or NotaryCan.com. Think of these as the Zoom or WebEx for RON. These types of platforms connect notaries and clients via any web-enabled desktop or laptop with a webcam or via any Smartphone or Tablet<sup>1</sup>.

Before the face-to-face interactions, documents and IDs are uploaded, then identities are verified. The verification process, or identity proofing, is a process or service by which a third person provides a notary public with a means to verify a client by review of personal information from private or public data resources. This legislation requires two forms of identity proofing; one common method is knowledge-based authentication, which offers the client specific questions that only they can answer. A potential question could be a multiple-choice asking you to identify a street you previously lived on.

Once the client's ID has been verified, the signing procedure begins. In most cases, the client signs the electronic document with an electronic signature. Then, the notary signs the notarial certificate with an electronic signature and affixes an electronic seal.

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<sup>1</sup> <https://www.notarize.com/how-it-works>

What's ironic about RON is that states and locals typically look to the District for policy innovation, but regrettably, we are behind on utilizing this tool. The only states that have not enacted, nor are considering RON currently, are Mississippi, Alabama, Georgia, South Carolina, Rhode Island and Delaware. Half a dozen states, including DC, are currently considering RON<sup>2</sup>.

To understand how RON is implemented in our neighboring states, I spoke to Realtor® title attorneys who have experience executing online notarization. Virginia enabled RON in 2013; Maryland in 2020. Before the pandemic, they had hardly any online closings-- now they are processing over 400 per month. And this is one firm I'm referencing. They have also expressed that RON, through identity proofing, is more effective at detecting fraud than in-person notarizations.

As always, DCAR appreciates your leadership, Chair Bonds, and the Committee for working to improve the quality of life for District residents. Thank you.

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<sup>2</sup> <https://www.mba.org/audience/state-legislative-and-regulatory-resource-center/remote-online-notarization>