New England Regional Midweek Update
6/24/2026

Summer is fully in swing and the weather in most of New England has been great. We hope you can get out and enjoy it. In this week's Midweek Update, we discuss Rhode Island's newly passed Public Act on Real Estate Title Fraud when documents are recorded, along with a brief article on how to address a potential USA Patriot Act match. Lastly, we have some upcoming educational webinars for our New England agents, if you haven't already registered for them, links are below.

Rhode Island Enacts Comprehensive Anti-Title Fraud Legislation

By: Eileen C. O'Shaughnessy, Esq., Rhode Island State Underwriting Counsel

A new Rhode Island Public Act, Senate Bill 2715, signed by the Governor on June 10, 2026, establishes a sweeping framework aimed at preventing and responding to real estate title fraud. The law introduces enhanced criminal penalties, new authority for municipal recorders, identity verification requirements for electronic filings, and mandatory property alert programs. Although the Act became effective upon signing, several key provisions will not take effect until 2027 and 2028, as outlined below.

Immediate Criminal Penalties and Civil Remedies
Effective immediately, the Act creates felony-level penalties for knowingly recording forged or fraudulent instruments or creating false encumbrances. Penalties escalate for repeat or patterned conduct and may include substantial prison terms, fines, and restitution.

The Act also provides property owners with a private cause of action against persons who knowingly record false or fraudulent documents. Victims may recover actual damages—or a statutory minimum of $5,000—along with costs and attorneys' fees. Notably, liability does not require that the wrongdoer executed the forged document; it is sufficient that they knowingly recorded it.

Recorder Authority to Delay or Reject Suspicious Filings
Also effective immediately, municipal recorders are authorized to delay, reject, or report suspicious filings. The statute defines "suspicious documents" using objective indicators such as inconsistent notary information, noncompliance with recording standards, or materially false filings submitted by non-trusted parties. Recorders may notify the notaries listed on such documents and may refer matters to law enforcement, shifting part of the fraud-prevention responsibility to local recording offices.

Enhanced Identity Requirements for Remote Electronic Filings (Effective September 1, 2027) Beginning September 1, 2027, municipalities may not accept electronically filed deeds, mortgages, or other real estate instruments submitted remotely unless:

1. The filer provides sufficient documentation to establish identity, or
2. The document is submitted by a Trusted Submitter.

Acceptable identification includes a driver's license, passport, military ID, attorney registration or bar card, or other government-issued identification that provides positive identification.

Trusted Submitters include: Title insurers, title companies, title agents, or escrow agents as defined in R.I.G.L. Title 27, Chapter 2.6, Rhode Island–licensed attorneys, and regulated financial institutions as defined in R.I.G.L. §19-1-1.

Given that the Act presumes the reliability of filings submitted by Trusted Submitters, who retain streamlined e-recording privileges, there also appears to be an expectation of the role of attorneys, title insurers, and agents as key gatekeepers in the recording process. Given this, attorneys and title agents should understand and be able to identify fraud and forgery red flags.

Mandatory Property Alert Programs (Effective January 1, 2028)

By January 1, 2028, all municipalities must implement no-cost property alert programs that notify property owners within 10 business days of any document recorded against their property. Notifications may be delivered by email, text, phone, or mail. Municipalities may also maintain searchable indexes of recorded documents and conduct public outreach regarding deed fraud.

Several municipalities—including East Greenwich, Lincoln, Westerly, Coventry, Portsmouth, Tiverton, Bristol, and Smithfield—already offer property alert services.

Expanded Notary Authority

The Act amends R.I.G.L. §42-30.1-7 to expressly authorize notaries to refuse to perform notarial acts when identity proofing is inadequate. This measure strengthens front-end fraud prevention by ensuring that questionable transactions do not advance to the recording stage.

Implementation Challenges and Practical Considerations

Because Rhode Island maintains a municipal recording system, implementation will occur across 39 separate local offices. This decentralized structure increases the likelihood of inconsistent practices, particularly in smaller offices that may face staffing or technology constraints. As of this writing, no regulations or statewide guidance have been issued to standardize implementation. We will continue to monitor developments and share updates as they become available.

Conclusion

This legislation significantly reshapes Rhode Island's land-recording landscape by combining criminal enforcement, administrative safeguards, and consumer-notification tools. For title insurers, agents, and attorneys, the Act reinforces the importance of trusted submitter status, but also implicitly establishes the attorney and title agent's role of an initial and primary gatekeeper for detecting and preventing fraud.

If you have questions about this new legislation please contact your Stewart Rhode Island Underwriting Counsel.

When the USA Patriot Act Search Results in a Potential Match By: Jutta R. Deeney, Esq. New England Regional Underwriting Counsel

The Patriot Act Search, which is sometimes referred to as the OFAC or SDN search, is not new to real estate conveyancers. This required search must be completed for the buyers and sellers, along with other individuals and entities who will receive funds in a real estate transaction. Many title production software programs have built in search functionality, and searches can also be run through Stewart's Special Alert database.

In most transactions, the search is completed without any positive matches, and the transaction proceeds without further review or investigation; however, there are those times when the search results come back with a potential match. What should you do when this happens?

It is important to note that a potential match does not mean that the transaction is dead and cannot proceed; rather, further investigation needs to take place to determine whether the match is one that requires referral or inquiry with the federal government.

Pursuant to guidance provided by the Treasury Department, it is necessary to evaluate the quality of the match or hit. For example, if the search was for an individual in a transaction, and the hit is on the name of a vessel, this would not be a valid match. If a hit cannot be ruled out at this juncture, review the additional information provided on the list against the individual or entity that was searched. In many instances, the list will provide additional information such as address, date of birth, nationality, etc. If you have this information or can obtain the information and can determine there are no similarities with this information, it would not be a valid match. To view the Treasury's guidance on clearing a potential match, follow this link: 5 | Office of Foreign Assets Control

If you are unable to eliminate a potential match, then it is necessary to contact the compliance hotline which the treasury department has established, which requires you to submit an online inquiry through their website. The portal can be accessed through this link: OFAC Compliance Hotline | Office of Foreign Assets Control

Reminder For Upcoming Stewart Title Webinars

Stewart is offering two upcoming webinars for all New England agents. **Back to Basics: Commitment Preparation** is scheduled for July 8, 2026 at 11-11:30AM. **Selling the Value of Title Insurance** is scheduled for September 16, 2026 from 11-11:30AM. CLE credits will be available for CT, ME, NH, RI and VT. The links to register are as follows:

Commitment Preparation: Register here

Selling the Value of Title Insurance: Register here

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