

**Standards Subcommittee
Teleconference Meeting
Summary
October 17, 2023**

Participants

Jayne Schultz, Winneshiek County Recorder
Joan McCalmant, Linn County Recorder
Ashten Wittrock, Carroll County Recorder

Jolynn Goodchild, Plymouth County Recorder
Katie Carlton, Union County Recorder
Naomi Ellis, Marion County Recorder

Other Participants

Ann Ditsworth, Dickinson County Recorder
Nancy Booten, Lee County Recorder
Deb McDonald, Greene County Recorder
Melissa Bahnsen, Cedar County Recorder
Sheri Jones, Jones County Recorder
Roxann Vokaty, Howard County Recorder
Shirley Troyna, Chickasaw County Recorder
Sue Meyer, Clayton County Recorder
Toni Wilkinson, Franklin County Recorder

Dianna Longhenry, Poweshiek County Recorder
Sue Meyer, Clayton County Recorder
Jamie Stargell, Adams County Recorder
Sue Meyer, Clayton County Recorder
Karen Mathis, Allamakee County Recorder
Shanna Eastvold, Winnebago County Recorder
Stacie Herridge, Story County Recorder
Teresa Olson, Worth County Recorder

Census Lo-Liyong, Iowa Land Records
Phil Dunshee, Iowa Land Records
Kay Kelleher, Iowa Land Records

Lisa Long, Iowa Land Records
Kristen Delany-Cole, Iowa Land Records

Welcome

A meeting of the ESS Standards Subcommittee was held via web conference. The participants included the regular ESS Standards Subcommittee members and members of the Document Formatting working group.

July Meeting Summary

The Subcommittee reviewed the July 18, 2023, meeting summary. Jayne Schultz made a motion to approve the meeting summary. Katie Carlton seconded, and the motion was approved.

Subcommittee Nominations and Appointments

The Subcommittee members have been notified that the terms of three current members will come to an end in December. It is the responsibility of the six districts to put forward nominees. Members of committees may serve multiple terms.

Software Development Updates

Search Application Transition Status - Submitters, Organization Searchers, Individual Searchers

ESS has successfully migrated E-Submission organizations to the new search application. As part of this transition, the legacy search system will be discontinued by the end of 2023. Notifications about this change have been prominently displayed on the Iowa Land Records website. Furthermore, all organizations and individual users now have the capability to submit online application forms.

Linn County

In early September, Linn County successfully launched its online registration renewal system, which has been operating smoothly. The integration of the Linn County application with the ESS payment service is functioning correctly, and daily reports are being provided to Linn County. Although there was a minor issue recently, it has been resolved, and the system is performing as planned and expected. Credit is due

to Linn County for achieving this significant milestone. The collaboration with Linn County will continue, and there are plans to explore expanding this service in the future.

CESAPI

This E-submission API for local service providers is now operational, with Solutions as the first service provider actively integrating it into the initial counties. ESS has completed the development work, and collaboration between the development team and local service providers is ongoing. The aim is to retire the legacy system (LCM). Solutions has made substantial progress in this transition, and other service providers are also working on it.

PENDING COUNTY UPLOAD TECHNICAL ADJUSTMENTS

County Upload API

A report was provided on the ongoing development of the County Upload API. The County Upload API acts as a bridge between county recording systems and the land records system for data exchange. This is how county records are added to the database and then posted on the ILR website. Some components of this new system are still under development, and service providers will likely receive extra time to complete these aspects. The targeted implementation date for the completed system is December 2024. This update will be shared with local service providers, and the emphasis is on ensuring a smooth data transfer process between county systems and land records databases.

One aspect of the County Upload API are the data elements which are transferred to Iowa Land Records. As a part of this update, ILR will be communicating with local service providers to ensure that certain data, if present in local systems, will be correctly transferred. These data elements are:

- Instrument Date. Generally, this is the date a document is executed – defined as when the parties sign the document traditionally, or by electronic means.
- Parcel Identification Numbers. The ILR database and website has included this data element since the beginning of the system. However, the information has either not been consistently indexed or it has not been consistently transferred to ILR. PIN numbers, if present in local systems, should be transferred to ILR.

There are some other data elements being considered for this County Upload API update. These elements include:

- Consideration Amounts. “Consideration” (the sale amount) and “Mortgage Consideration” are included in the ILR data schema. When the new API is published, local service providers would be instructed to transfer the data, if present, to Iowa Land Records, and the data would be persisted into the ILR database for presentation in the Search application.
- Additional Location Information for Platted Land. Stakeholder organizations have expressed a desire to use unplatted location elements, such as section numbers, when searching for platted land. The ILR data schema includes Section numbers with the platted land structure, and we’re exploring options for including it in the County Upload API.

No decisions have yet been made on these data elements. It is being discussed with local service providers and stakeholders.

Firewall As a Managed Service

The Project Manager reported that ESS is currently planning to transition from an internally managed firewall to a managed firewall service provided by the data center host, Lightedge. This will help ensure that ILR systems will have the appropriate redundancy and security, reduce risks associated with

equipment failure, and free up valuable time for members of the ILR development team. The change also signals a potential move of ILR systems from its own equipment to a cloud-based infrastructure. ESS already stores backups in the cloud using Amazon Web Services.

External Submitter API

The Subcommittee received information that ESS will be planning to update the External Submitter API, which is used by national eRecording companies and the Iowa Department of Revenue. Like other ILR systems it needs a technology update, but change may also be used to address some important service and support issues. For example, there is a need to require external submitters and their customers to process and return declined documents within the same package rather than abandoning them. There is also a desire to access end-user customer information to improve communication with customers – particularly when documents must be declined. Development work on an External Submitter API is expected to start sometime in 2024.

Redaction Policies and API

It was reported that current budget constraints due to declining housing and mortgage market activity is compelling a reevaluation of the document processing and redaction methodology for personally identifiable information (PII). This entails questioning whether every document, regardless of type, needs to undergo a redaction review, particularly documents like surveys which typically do not contain PII. Alternative redaction review processes and services may also be considered.

Policies and Procedures

Chapter 7 - Terms of Service

The Subcommittee received a recommendation from staff to make several changes to the ESS Terms of Service. Several substantive updates had recently been approved by the ESS Standards Subcommittee and the ESS Coordinating Committee. Following these actions, when updating the master Policies and Procedures document, several non-substantive words and phrases were identified as being in need of an update or correction. Proposed changes were as follows:

- Section 7.5 (Paragraph 1 and 6) Instead of using the term "he/she," the suggestion was to replace it with the phrase "they agree." As a result, the phrases would now read: "Each registered organization and user represents and warrants that they agree that the user identification and authentication procedures ..."
- Section 7.6 (unnumbered paragraph 2) A phrase is amended by inserting the term "physical" prior to the term document. It acknowledges the difference between physical and electronic documents. "Each registered organization and user agree that submission of a document through the Iowa Land Records Electronic Submission Service is equivalent to delivery of a physical document through the U.S. mail, courier service or over-the-counter at designated offices in each county or jurisdiction."
- Section 7.7 (Subsection 3) Language is added to clarify that ESS may require an applicant to provide government documents to verify their identity (such as a Passport or Real ID).
- Section 7.8 A corrective edit to consistently use the term ESS throughout the Terms of Service.
- Section 7.9 (subsections 1 and 2) Language is modified and added to clarify that Individual Users not affiliated with an organization may request a temporary adjustment to document image view limits.

The Subcommittee was asked to give approval to the proposed amendments to Chapter 7. Ashten Wittrock made a motion to approve the amendment to Chapter 7. Jolynn Goodchild seconded, and the motion was approved.

Chapter 3 – Associated Document References

Staff presented a proposed amendment to policies concerning Associated References. The Subcommittee had previously approved a similar amendment which was advanced to the ESS Coordinating Committee for consideration. The ESS Committee expressed concern that some might interpret the language in a way that would cause recorders to decline documents if they did not include an association reference, and they remanded it back to staff and the Standards Subcommittee for further consideration.

The amendment presented to the Standards Subcommittee included revisions intended to address this concern. Generally, language was added to require the indexing of associated references if it is present in a document and to affirm that certain contemporaneously filed documents a document should not be declined if no Associated Reference is present.

The Subcommittee discussed a question about whether the document type “Deed of Trust” and associated releases should be included in the policy. It was noted that some counties index Deed of Trust documents as mortgages. This topic was deferred to a future discussion.

Staff requested approval of the updated associated reference policy as presented. Joan McCalmant made a motion to approve the amendment to the associated reference policy. Jayne Shultz seconded, and the motion was approved.

Chapter 3 – Parcel Identification Numbers

Staff presented a proposed policy change pertaining to the use of Parcel Identification Numbers (Parcel ID Numbers or PIN) and their inclusion in electronic indexes. The primary purpose is to link these numbers to other data in assessor's offices and external databases like the Beacon system. The amendment updates the language and requires that all counties include parcel identification numbers assigned by an Assessor in their recording indexes. This is a common data element for geographic information systems.

As presented, the amendment would specify a number of business days for adding the PIN to the recorders index. The Subcommittee expressed that it would be more workable to say that a PIN should be entered as soon as practicable following the recording date. This change was accepted by consensus of the Subcommittee.

As presented, the amendment would become effective in January 2025.

A motion to approve of the proposed amendment, as modified by the Subcommittee was stated based on the group discussion. Ashten Wittrock made a motion to approve and Joan McCalmant seconded. The motion was approved.

Chapter 6 Back the Blue (PII)

The Subcommittee received information and discussed the operation of the Back the Blue program. The discussion revolved around Chapter 6, subsection 8 of the Policies and Procedures, which currently allows certain law enforcement officers to request the redaction of their names from property records. Redaction removes the individual's name but does not remove documents or index information from the Iowa Land Records website. This conforms to the requirements of the Iowa Code, but it may not match the expectations of the law enforcement community. The Project Manager advised that ESS is investigating alternative approaches that would allow for redacted records while providing information access to certain authorized parties. A stakeholder review process, involving representatives from the Land Title Association, Iowa Title Guaranty, and the Iowa State Bar Association, is currently in progress to address this issue. A summary of those discussions will be provided at a future meeting.

Affidavit Non-Transfer

The Subcommittee was asked to provide comment about the document type Affidavit Non-Transfer. The discussion centered on the configuration of this document type in the E-submission application. Currently, this document type is configured to enable "Additional Transactions." ESS staff has had internal discussions regarding whether this is correct. It was noted that affidavits often reference multiple previously recorded documents, which is viewed simply as a reference rather than as an additional transaction. A reference, if it takes no action or makes no modification to a previous transaction should not be considered as an Additional Transaction and no additional recording fee should be charged. It was determined that no change in configuration would be implemented at this time. However, there may be future conversations about this in the future.

Document Formatting Standards Work Group Homework

331.606B, Subsection 1

The Project Manager presented an updated version of the potential changes to the language in Section 331.606B of the Iowa Code relating to document formatting standards. The updated version focused only on potential changes to the Code of Iowa (not Policies and Procedures), and incorporate some changes suggested in previous discussions. The information has been labeled as "homework", because the Standards Subcommittee and other recorders participating in a document formatting work group have been asked to study and think about the potential changes. No action was requested at this meeting, and there are no plans to file any legislation in the 2024 legislative session.

The presentation began with a review of possible changes to Subsection 1 of 331.606B, which might be characterized as a "modernization" effort to reflect current technology and business practices. These potential changes were previously approved by the Standards Subcommittee and working group.

HOMEWORK

Recording PII (331.606, subsection 3)

ESS has identified a conflict between current practice and the law regarding the recording of documents containing PII. Presently, the practice encourages recording such documents despite legal prohibitions because they undergo a redaction process. To align the law with the existing practice, the proposal suggests adding language that allows the recording of documents containing PII, provided they undergo the specified redaction process as outlined in section 331.606, subsection 3. Essentially, this proposed change aims to legalize the organization's current procedures.

Section 331.606B Subsection 1 – Introductory Statement

It is suggested that the introduction to subsection 1 of 330-1606B be revised to have a more positive purpose. The proposed change aims to adopt a more customer-friendly approach by emphasizing the purpose of the standards, which is to create a high-quality, permanent, unaltered archive of information for the citizens of Iowa. Instead of using the term "shall refuse," it suggests using language that reflects the organization's objectives.

Other Concepts

Three-Inch Margin Requirement: The organization is discussing whether the three-inch margin requirement at the top of the first page could be replaced with a white area sufficient for a recording stamp. The goal is to make it more user-friendly for submitters and preparers. This would be similar to the current allowances for surveys and plats.

Information Required for Recording: Reordering and restructuring subsection 2 is suggested to place more focus on information necessary for a county recorder to archive and index documents accurately. It specifies what must be included in an instrument, emphasizing information needed for recording and indexing.

Inclusion of Preparer Information: The proposal suggests that documents retains the requirement that the name, mailing address, and phone number of the person who prepared the document be provided, but it also provides the alternative of providing the same information about the person is best able to respond to questions about a submitted document. This begs the questions about what is meant by “preparer” and what is the underling purpose of this information. It also offers the opportunity to position the information in a different location.

Metadata for Electronic Documents: Recognizing the differences between physical and electronic documents, the proposal allows information to be submitted as metadata for electronic documents. As a practical matter electronic and physical documents can and perhaps should have different standards. Is it sufficient to electronically present information about preparers (or best responders) electronically rather than “on the page”? If the purpose is retaining a history for a document, are there other ways this could be achieved?

Acknowledgment of Recorder's Role: The proposed changes emphasize that it is not the recorder's role to evaluate the legality of a document - reinforcing that this responsibility lies with the preparer or the legal parties.

1st Page, Index Legend, or Cover Sheet: The draft proposal explores the possibility of permitting submitters to prepare an index legend and include it as part of the document or cover sheet. This approach aims to encourage preparers to provide essential information for the recording process in a concise and easy-to-understand format. In the proposed draft for cover sheets, it is explicitly mentioned that attestation statements should not be included in a cover sheet. The rationale behind this is that a cover sheet is considered separate from the legal instrument itself and is primarily an artifact associated with the recording process.

No action was taken on these topics. Subcommittee members were encouraged to review the so-called “HOMEWORK” concepts, and the materials relating to other “Forward Looking” discussion topics which will be considered at a future meeting.

The meeting was adjourned at 12:00 PM. A prospective calendar was provided for the 2024 meeting schedule.

Next Meeting: January 23, 2024 (Regular Meeting) (Tentative)