

# Fiscal Note

**BILL #** SB 1110

**TITLE:** recorded documents; property; notification

**SPONSOR:** Rogers

**STATUS:** As Introduced

**PREPARED BY:** Ryan Fleischman

## Description

The bill would require County Recorders to provide a system for notifying a property owner via email, text message, or other similar means when a document is recorded against the owner's property. The bill specifies that the system is voluntary on the part of property owners; the property owner must opt in to receive notifications.

## Estimated Impact

The bill may have a fiscal impact on counties to the extent that they do not currently have the technological or personnel capacity to meet the bill's requirements.

According to 5 county responses received by the County Supervisors Association (CSA) and Arizona Association of Counties (AACo), 2 counties (Graham and Mohave) do not currently have a notification system in place and 2 counties (Pinal and Yavapai) currently have a notification system. Maricopa County reports that it is in the process of implementing a notification system and is spending \$50,000 in one-time start-up costs and \$20,000 in ongoing expenditures for a similar notification system.

## Analysis

A.R.S. § 11-461 requires County Recorders to maintain custody of all records that are deposited into the Recorders' offices and that all "instruments or writings" required by law be recorded separately by "typewriting, in a legible hand or copy machine" and consecutively as of the time they are received. County Recorders are then required to affix each instrument with a notation by hand or digital copy that provides a record identification to uniquely identify each instrument and a record location to enable each instrument to be retrieved for purposes of inspection.

SB 1110 would require the County Recorder to notify a property owner who opts in through a "system that can include email, text message, or other similar means" when a document has been recorded against the owner's property. The cost to County Recorders depends upon their current technological and personnel capacity. Counties with a highly automated system of storing records would likely have one-time costs to develop an electronic or phone-based notification system. Counties without a highly automated system might have ongoing personnel costs to review records to comply with any such requests for notification pursuant to the bill.

2/6/23

