



Staten Island Advance

Staten Island property records remain informational 'black hole'

Contributed by Karen O'Shea

Sunday May 4, 2008

When Legal Services attorney Margaret Becker wanted to research a fraudulent mortgage made on Staten Island, she tapped into an online city property data base to track information about the suspected phony buyer.

She could see the college student-turned-strawbuyer had signed his name to problematic deals in other boroughs, but she didn't get any hits for Staten Island.

That's because the Island is not part of the Finance Department's Automated City Register Integrated System, or ACRIS. The computerized property record system allows people to go online to search land records dating back to 1966 for all the boroughs except Staten Island.

Richmond County Clerk Stephen Fiala said there are financial, security and legal issues for why his office implemented its own computerized property records system and has resisted the city's repeated offers to incorporate Staten Island land records into the online ACRIS, which cost \$50 million to implement.

But Ms. Becker, director of the Homeowner Defense Project at Staten Island Legal Services in St. George, said the borough's absence online leaves a "black hole" in information.

She was able to get the data she needed when she went into the Richmond County Clerk's office and used the computer base there, but she said it's more difficult for homeowners, lawyers and advocates around the city to research and track trends about foreclosure and predatory lending on Staten Island without Internet access

TRANSPARENCY

"This is not your father's mortgage industry," she said during a recent editorial board meeting with the Advance. "What this industry needs is transparency and what it's lacking is transparency. The mortgage industry is very murky."

Fiala's office implemented its own computerized property records system that allows people to research 60 years of land documents when they go into the office.

In doing so, Fiala noted, he kept the project under its projected \$7 million budget and did not have to raise recording fees for customers -- something he would have had to do if he took the city up on its offer to go online and merge Staten Island with ACRIS, free of charge. Recording fees would have doubled to about \$100 for a mortgage and \$25 for a deed.

"The records are more accessible than ever before," Fiala said of his system, which replaced a complicated process of searching indexes and books. "Anybody can come in and type in a block and lot and find out everything that exists under that property."

He said the final step of his e-business initiative is to put the data base on the Internet, but he's also hoping the state legislature will pass long proposed bills establishing guidelines for county clerks on how to secure online systems.

Fiala is extra cautious about liability issues.

Staten Island was the only borough that did not merge its county clerk functions with the Finance Department back in 1944.

As a result, he is the only county clerk in the city who oversees the recording of both land and court records. In the rest of the boroughs, the Finance Department oversees land records and the county clerks oversee court records.

"This is not a city agency. This is an office established by the state constitution and we are guided by that," said Fiala. "I'm going on the Internet, but I'm doing it on my timetable and with review of my counsel and out of my budget."

SECURITY ISSUES

Other county clerks around the state have also wrestled with security issues, and last year the Texas attorney general issued a legal opinion that county clerks could be committing a crime by revealing Social Security numbers on the Internet.

Westchester County Clerk Timothy Idoni said his office settled on a fee-based, online system. His office offers a yearly online subscription for \$1,200, but any consumer can access the clerk's Internet system by paying a \$20 daily fee, he said.

Idoni said people who purchase on a daily basis must use their credit card. The office then uses a special verification system to make sure the user is the credit card holder.

"Both these systems give us some sense of who is using it," said Idoni. "We try to present as much information as we possibly can, but you also try to prevent identity theft at all costs."

Josh Zinner of the Neighborhood Economic Development Advocacy Project thinks the security issue is a red herring. Social Security numbers are rarely used today on property documents, and he said people who want to scam homeowners will pay to get the information even if it's not online.

Zinner said ACRIS has helped his agency track predatory lending trends in other boroughs, in part because the online system allows researchers to search by lender and identify where subprime banks made the most loans.

"On Staten Island, there is no chance of getting a macro picture," he added.

"ACRIS makes it easy for property owners to access their property records, easy for title companies and others to protect the public's property interests, and easy for homeowners to claim property tax reductions. We have repeatedly offered to pay to include Staten Island properties in ACRIS, and our offer still stands," Martha Stark, Finance Department Commissioner, said in a statement.

This document is provided for "fair use" not-for-profit, educational purposes (and other related purposes). If you wish to use this copyrighted material for purposes of your own that go beyond "fair use," you must obtain permission from the copyright owner.