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San Diego, San Francisco City Attorneys Subpoena Home Title Lock Over Deceptive Ads

Company uses prominent conservatives to target elderly homeowners and stoke fear about unfounded threat of home title theft

San Diego City Attorney Mara Elliott and San Francisco City Attorney David Chiu announced today that they have issued a subpoena seeking information from Home Title Lock — a California-based company that uses its pervasive, deceptive advertising to convince homeowners to purchase unnecessary home title monitoring services.

The company’s television, radio, and online advertisements incite fear about a nationwide trend of so-called “home title theft,” claiming that scammers can easily steal a home or its equity by recording a fraudulent title document and that the prevalence of this crime is rising rapidly. However, a fraudulent deed has no legal effect in California and therefore cannot result in loss of a home or its equity. The company’s alarmist statements about the prevalence of fraudulently recorded deeds are undermined by the sources the company cites. After stoking fear of home title theft, Home Title Lock suggests that its service will safeguard a consumer’s home title. In actuality, the service does not and cannot do anything of the sort. Instead, it merely notifies homeowners after a fraudulent deed has been recorded.

“Home Title Lock targets and preys upon elderly Californians whose homes are their chief source of financial security,” San Diego City Attorney Mara W. Elliott said. **“It convinces its customers that they will wind up penniless if they do not invest in services they do not need. Home Title Lock’s conduct is not just illegal; it is unconscionable and cruel.”**

“Home Title Lock is a scam, plain and simple,” San Francisco City Attorney Chiu said. **“The company has manufactured a “home title theft” crisis to stir up fear amongst elderly homeowners and deceive them into buying a service that many local governments provide for free. False identity theft scares, like those created by Home**

Title Lock, take attention away from important privacy and data security efforts. We are seeking further information to understand how many California homeowners may have been harmed by these misleading advertisements.”

Background

Home Title Lock is a California-based company that utilizes deceptive advertising to sell its subscription home title monitoring service. It advertises aggressively across the United States and in California, targeting elderly consumers. The company partners with conservative spokespeople including Rudy Giuliani, Sean Hannity, Newt Gingrich, Ben Shapiro, Bill O’Reilly, Glenn Beck and Dana Loesch to advertise and endorse its services.

Home Title Lock routinely makes untrue and misleading claims in advertisements, including that home title theft is a widespread problem constituting a “nationwide crime wave” recognized by the FBI. It falsely claims that it is easy to fraudulently transfer a home title and that title fraud results in a loss of title or home equity. The ads then mislead the consumer by claiming that Home Title Lock’s service “locks” or protects a home title from fraudulent transfers.

In reality, title theft is impossible at least in California, where a fraudulently recorded title is void. Meanwhile, fraudulent recording of titles is rare and likely to be quickly discovered. The FBI does not collect data on home title fraud, nor has it issued a public warning about it. Even if home title fraud were a widespread problem, Home Title Lock’s service does not “lock” or secure a home title. The company merely provides notifications to consumers after a new document is recorded, which is a service that many county recorders’ offices provide for free.

In some advertisements, alleged victims and perpetrators of home title theft have described their experiences. Only later, media outlets discovered that one of the alleged “victims” depicted had voluntarily sold her home and no such fraud occurred.

Home Title Lock’s deceptive ads appear to violate multiple California laws, including California’s Unfair Competition Law, which authorizes courts to halt misleading advertising, provide refunds to consumers, and order civil penalties of \$2,500 per violation generally and \$5,000 per violation against elderly or disabled consumers. The subpoena seeks information about the impact of the company’s deceptive ads on Californians.

The subpoena reflects an early use of city attorneys’ authority under Assembly Bill 2766, effective since January 2023, to issue pre-litigation subpoenas to investigate potential violations of the Unfair Competition Law.

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