

WFG Underwriting Bulletin



To: All New York Policy Issuing Agents of WFG National Title Insurance Company
From: WFG New York Underwriting Department
Date: June 7, 2021
Bulletin No: NY 2021-21
Subject: New Power of Attorney

On December 15, 2020, Governor Cuomo signed legislation making changes to the [New York State Power of Attorney \(POA\) law](#).

The following are the significant changes which will affect our industry **beginning June 13, 2021**:

- 1- The current standard of strict adherence with the POA form will be replaced with “substantial conformity” to the language in the legislation. We will now be able to accept a POA which substantially conforms to the statutory form. This will allow the title industry to use a POA for real estate transactions despite insignificant differences in the language of the power.
- 2- The Statutory Gift Rider has been eliminated. The new law authorizes the principal to make changes to the POA to allow for gifts in the modification section.
- 3- There are changes to the law regarding acceptance of the POA and penalties for non-acceptance. Rejection of the Power must be in writing within 10 days of receipt of the power and state the reason(s) for the rejection. There is an option for the party presenting the power to provide an opinion of counsel, at their own expense.
- 4- The new legislation allows for execution of the POA by a third party, in the presence of the principal, as long as the party signing is not the agent on the power.
- 5- The new Power of Attorney will require two witnesses to the POA. One of the witnesses may be the notary on the power. However, the agent on the power may not be a witness.

Please note, that although this will take effect on June 13, 2021, the changes will not impact the validity of an existing POA form if executed in accordance with the provisions of the current law.

NOTE: The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company’s Underwriting Department.

The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.