

Testimony of Charles Storrow, Leonine Public Affairs, LLP  
On Behalf of Connecticut Attorneys Title Corporation  
Senate Government Operations Committee  
April 23, 2020

**1. Current Status of One's Ability to Access Land Records**

On April 17 Governor Scott issued Addendum 10 to his "Stay Safe/Stay Home" Executive Order. Among other things the addendum provides as follows:

"Services operating with a single worker (such as appraisers, realtors, municipal clerks, attorneys, property managers, pet care operators, and others) may operate if they can comply with the mandatory health and safety requirements listed above, with no more than 2 persons (service provider and client) present at one time."

Many municipal clerks, including, by way of example, [South Burlington](#), were previously shuttered but re-opened on April 20 and now allow limited access to municipal land records, e.g. "on appointment only" basis. Some appointment times are limited to as short as 15- or 30-minutes duration.

Other clerks' offices, including by way of example, Jericho, remain completely shuttered despite the April 20 amendment. No searchers are allowed in these municipal offices. Of the clerks' offices that are completely closed, most – but not all – clerks cooperate with searchers and provide them with information and copies of documents.

Finally, some offices, including by way of example, Burlington, Colchester and Middlebury, have their records available online and searching has generally not been affected.<sup>1</sup>

**2. Changes to the Municipal Land Records System**

Changes to the state's system of 251 municipal land records are needed due to, among other things, the:

- a. Lack of uniformity and consistency of hours of operation and recording practices;
- b. Very limited online accessibility; and

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<sup>1</sup> Working with the Vermont Municipal Clerks and Treasurers Association the Secretary of State's office has compiled and posted a spreadsheet showing the status of clerk's offices, in terms of their accessibility by the public. However, the information on the spreadsheet may not, understandably, be current as the situation has been frequently changing. See: <https://sos.vermont.gov/municipal-division/laws-resources/covid-19-response/>

- c. Uneven physical condition of records.

### **3. Uniform Law Commission's Uniform Real Property Electronic Recording Act (URPERA)**

One possible option to facilitate change and improve access to records in a relatively quick and relatively inexpensive manner is to enact the Uniform Law Commission's Uniform Real Property Electronic Recording Act (URPERA). Adoption of the model Act would give municipalities the option of accepting electronic documents for recording.

With the adoption of URPERA comes the creation of a commission or board, overseen by a state agency like the Secretary of State's office, which would create and implement procedures and protocols for recording electronic documents. Creating such a framework could lead to the existence of a single, statewide recording system. Under a statewide system, municipal clerks would still control and oversee the important task of day to day recording of land records documents, however, information and documents would be shared with state agency which would manage the statewide recording system. Portals exchanging such information already exist in Vermont agencies. While details need to be worked out, municipalities could potentially see huge financial savings.

### **4. Funding**

Possible sources of funding for changes to the land records are:

- a. Federal money
- b. State money
- c. User fees (recording fees, vault/usage fees)<sup>2</sup>
- d. Restoration and Preservation Reserve Fund<sup>3</sup>

### **5. We're Willing to Roll Up Our Sleeves**

CATIC and its "allies" (the Vermont Bar Association, the Vermont Bankers Association and the Vermont Realtors Association) are happy to work with the Vermont Municipal Clerks and Treasurers Association, the Vermont League of Cities and Towns and the Secretary of State's office on developing a proposal for consideration during the 2021 legislative session.

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<sup>2</sup> Act 38 (H.526) of the 2019 session increased recording fees from \$10 per page to \$15 per page and increased "vault fees" from \$2 per hour to \$4 per hour.

<sup>3</sup> Act 38 (H.526) of the 2019 session requires towns to maintain a Restoration and Preservation Reserve Fund (previously, having such a fund was discretionary), and that of the \$15 per page recording fee \$4 be deposited into the fund. Act 38 also expanded the scope of activity that can be funded by a Restoration and Preservation Reserve Fund to include the digitization of land records.