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Looking outside a regulatory solution to the challenge of modernizing the Vermont Land Records opens other possible solutions. One such solution is the creation of a Centralized Land Records Repository. One concept for such a solution follows.

I. Premises

- a. The Vermont Constitution requires that land records be kept in Town Records.
- b. Nothing in the Constitution or Statute prohibits a duplicate set of records.
- c. URPERA is adopted contemporaneously with the creation of the framework described below.
- d. For the effective use of the provisions of URPERA, some form of digital recording is required.

II. Central Land Records Repository – An Elegant Solution to the Competing and Challenging Issues Presented by the Current State of Vermont Land Records

- a. As an alternative to forcing a standardized comprehensive system over the existing distributed recording system, this proposal would implement a parallel system for digital recording and management of land records.
- b. The existing system for recording documents would be maintained substantially in its current form. Two statutory revisions to the existing system would have to be implemented:
 - i. statewide standards for the process of indexing recorded documents based on the Property Records Industry Association Standards; and,
 - ii. mandatory participation in the Centralized Land Records Repository.
- c. A person seeking to record a document related to real property could submit a paper record to a municipal clerk in the same way it has always been done. The municipal clerk would process the recording in the same way it has historically been processed, and would add a small step creating a digital record, with index entries in a specific format.
- d. Municipalities could maintain their own online portal for access to local records, if they choose, but all municipalities would synchronize their records with the Central Land Records Repository.
- e. The Central Land Records Repository would provide either (a) equipment and training to clerks who do not presently have the capacity to create a digital record; or (b) funding for the municipality to adopt a digital solution that is vetted and approved by the Central Land Records Repository. All municipalities would be statutorily mandated to implement a suitable process for creating

digital records compatible with the Central Land Records Repository. To the extent municipalities are already creating digital records, no additional steps would be required.

- f. The Central Land Records Repository would include a suitable portal / gateway to allow those land records users who wished to do so, to submit digital documents (not paper records) to the Central Land Records Repository pursuant to the authority created in URPERA.
- g. On a nightly basis, the records in the Central Land Records Repository and the records of each municipality would exchange the recordings submitted during that day in digital form. Documents submitted to a municipality would be uploaded to the Central Land Records Repository and the documents submitted to the Central Land Records Repository would be transmitted to the municipality.
 - i. *Creating the redundant set of records is consistent with good records management practice by maintaining a duplicate set of records.*
 - ii. For example, the Tax Department and the municipal clerks / Listers presently exchange information on a regular schedule.
 - 1. Bi-Directional – Current Use Records
 - 2. Bi-Directional – Information related to statewide grand list
 - 3. Uni-directional - Transfer Tax Returns are filed with the Tax Department and transmitted to the municipality. The municipal clerk acknowledges receipt of the return, provides some additional information and returns that acknowledgement and data to the Tax Department.
- h. Historical data – past land records would be fed into the Central Land Records Repository by capturing existing digital records from municipalities, and also by converting microfilm / microfiche records managed by VSARA into digital format.
- i. The Central Land Records Repository might include a staff, potentially including field staff to go to the municipalities that: (a) do not already have complete digital or microfilm backup of historical records; (b) are unable to process digital duplicate records of paper records submitted for recording; (c) need assistance or training in the process of completing the conversion of paper records to digital records, or digital records to paper records.
- j. Statutes related to recording would be amended to recognize and give equal standing to the municipal land records and the Central Land Records Repository as official records related to proof of matters related to real estate.

III. **Technology**

- a. The backbone of the Central Land Records Repository would be an off-the-shelf solution for land records management.¹

¹ Presently 2393 recording jurisdictions are e-recording documents, and the majority of all recording jurisdictions in the United States are managing land records recording through digital records. <https://pria.us> A large

- i. For example, the Tax Department implemented a successful installation of their current tax management program using an off the shelf solution, with custom elements for Vermont’s tax systems. The very complex system was implemented on schedule and on-budget.
- b. The Central Land Records Repository would include (a) the portal for submitting digital documents, (b) the database for maintaining the records; (c) a portal allowing for the scheduled synchronization of municipal records and the Central Land Records Repository records; (d) a portal allowing public online access to the repository records.
- c. The Central Land Records Repository could be implemented, operated, and maintained by:
 - i. VSARA
 - ii. Vermont Geographic Information Services
 - iii. A public / private partnership in the form of a not-for-profit corporation.

IV. Funding

- a. Funding for the startup costs:
 - i. Pandemic Recovery Funds
 - ii. Implement a modest temporary mortgage recording tax (allocates the cost of operating the system directly onto the primary users of the system)
 - iii. Regular Recording Fees – the municipality would retain the fees paid for the submission of paper documents to municipal clerks.
 - iv. Digital Document Recording Fees – Legislature to create a reasonable fee for accepting and processing digital documents through the Central Land Records Repository. A portion of the fee would be shared with the municipality to whom a digital document was transmitted in the course of the regular synchronization of the municipal records and the Central Land Records Repository records.

proportion of counties throughout the United States have populations exceeding the total population of Vermont, meaning that many off-the-shelf, vetted, and comprehensive solutions are presently in use.