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Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary

Vermont State Archives and Records Administration
Tanya Marshall, State Archivist

February 4, 2025

To: Hon. Michael Marcotte, Chair
House Committee on Ways and Means

From: S. Lauren Hibbert, Deputy Secretary of State
Tanya Marshall, State Archivist and Chief Records Officer

Re: Act 171 of 2022

Act 171 of 2022 (An act relating to modernizing land records and notarial acts law) charged the Vermont State Archives and Records Administration (VSARA) with analyzing and reporting on:

- “Fiscal, governance, and operational sustainability of uniform approaches to the modernization of the acceptance, recording, and availability of deeds and other property records, regardless of format;”
- Current technologies used by municipalities; and
- Anticipated costs to municipalities to modernize their land records.

To report on current technologies and costs and anticipated costs, VSARA analyzed:

- Data collected by the Vermont Municipal Clerks’ and Treasurers’ Association (VMCTA) and the Vermont League of Cities and Towns (VLCT) to prepare the Consolidated Town Fee Report required under 32 V.S.A. § 6111.
- Data collected by the Vermont Department of Taxes to prepare the quarterly Property Transfer Tax Reports and the Annual Property Valuation and Review Report based on municipal grand list data.

VSARA submitted an [interim report](#) in January 2023 and a [final report](#) in January 2024. Act 171 of 2022 and Act 68 of 2023 (An act relating to property valuation and reappraisals) both required recommendations and related to information systems for real property records and information, including data. Several of VSARA’s findings and recommendations relating to the needs of municipalities and clerks are similar to those of the Department of Taxes’ Act 68 of 2023 [final report](#) relating to the needs of municipalities and assessors/listers.

The Act 68 report also cites these common recommendations in the Act 171 report as opportunities for coordination and synergies using new and emerging technologies for seamlessly integrating real property and information within the State of Vermont to achieve the uniformity, consistency, efficiencies, and cost-savings desired by legislators, local and state government, stakeholders, including property owners, as well as other constituents.

A summary of our briefing to this Committee last March as well as our presentation to municipal clerks in Fall 2024 on electronic recording and next steps to modernization are attached.

**Act 171 Modernization Steps as reported to the
House Committee on Commerce and Economic Development on March 20, 2024**

First Step to Modernization | Policy Decision of Act 171 of 2022

Fully electronic (digital) process from submission to recording to post-recording management and long-term permanent digital access and preservation for all deeds and other instruments, and their associated data, required by law to be recorded by municipal clerks. Nationally, this is referred to as electronic recording or eRecording, which was enacted by other states starting in the 1990s. Vermont was the last state to do so.

Findings and recommendations for achieving this first step to modernization are what VSARA's January 2024 legislative report encompasses.

Second Step for Modernization (Future Policy Decision of the Legislature)

Integrated system/technologies for all records and data that "run with the land" ranging from those recorded by municipal clerks as "land records" to planning, zoning and permitting to appraisals and assessments to parcel mapping, etc.

- All records and data associated with a parcel are integrated, managed, and accessible digitally and online.
- Inclusion of adjacent types of records and information "filed" with municipal clerks (e.g. mobile home bills of sales).
- Allows for broader land development, land use, taxation, and related decision- and policy-making at the local and state level.
- Any and all property owners in Vermont have ready access to their deeds and conveyances; the property records and data used to assess taxes; and any restrictions or limitations on how their properties may be used.
- Streamline processes, information exchange, and, in most cases, associated costs.

In Vermont, real property records and information include those created and maintained locally and at the state level. In addition to municipalities, we also have regional districts. Due to changes in laws over time, some functions previously performed at the local level are now done at the state level and related records and data are bifurcated for certain properties.


Third Step for Modernization (Future Policy Decision of the Legislature)

Transformational (aspirational for larger states and more feasible for smaller states): Single portal of entry to integrated land/property records and information management systems for streamlined management and access, improved and uniform processes; data and information exchange; and, in most cases, lower costs and staff time.

September 2024 Annual Meeting of the Vermont Clerks and Treasurers Association

The Ins and Outs of Electronic Recording

Tanya Marshall, State Archivist & Chief Records Officer
Vermont State Archives and Records Administration
Office of Secretary of State



Vermont Municipal Clerks & Treasurers Association Annual Conference (September 2024)

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Agenda & Learning Objectives

- WHAT IS ELECTRONIC RECORDING?
- THE BASICS: PEOPLE, PROCESS & TECHNOLOGY
- STATE LAW, STANDARDS & BEST PRACTICES
- UPDATES & NEXT STEPS



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Electronic Recording in the United States




Property Records Industry Association (PRIA) eRecording Jurisdiction Coverage Map

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What is Electronic Recording?

Electronic Recording, better known as **eRecording** or more recently **digital recording**, is the ability to securely receive and record, in digital format, any recordable instrument including plat and survey maps.


Electronic recording began in the 1990s and, with Vermont passing Act 171 in 2022, is now authorized in all 50 states.



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What is Electronic Recording?


While **electronic delivery** or **eDelivery** of recordable instruments in digital format is a service option intended for banks, law firms, title companies, and other entities that record documents on a regular basis rather than one-time recordings...



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What is Electronic Recording?

Recordable instruments in paper format received through the mail or over the counter can also be **digitized** upon receipt to record in digital format the same as instruments electronically delivered.




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What is Electronic Recording?

After enabling eRecording, all **recorded instruments are digital** and access to them is provided electronically for legal research; and

Land records are **indexed in the form of data** and the data are findable, accessible, interoperable, and reusable.



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The Basics: People, Process & Technology



Transitioning from traditional recording to eRecording requires a combination of **PEOPLE, PROCESS and TECHNOLOGY.**




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The PEOPLE

Simply put, eRecording is a faster and easier way to record and provide access to land records. Both recorders and submitters are optimized for success through technology.


Greater Efficiencies. Greater Accuracy. Greater Productivity.



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Recorders – Optimizing For Success


- Secure delivery, receipt and tracking of submitted documents.
- Workflow designed to efficiently go through the recording process.
- Able to provide timely feedback on deficiencies and rejections.
- Cost savings in materials, postage, and staff time.
- Fewer fee payment issues.
- Delivery of quick online access to recorded instruments.




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Submitters – Optimizing For Success

- Ensures secure delivery, receipt and tracking of documents.
- Shortens the time between submitting and recordation.
- Provides timely feedback on deficiencies and rejections.
- Cost savings in materials, postage, and staff time.
- Fewer fee payment issues.
- Delivery of quick online access to recorded instruments.




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The PROCESS

The recording process is streamlined and accelerated with time and cost savings, improved security and compliance, fewer errors, and increased access and use.

Greater Efficiencies. Greater Accuracy. Greater Productivity.



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Recordable Instruments


All recordable instruments, including those electronically signed or notarized, can be submitted electronically, by mail, and in person; and

The same recording fees, as set by state law, are consistently applied, regardless of submission method; and

Fees for service with Automated Clearing House (ACH) credit transactions are accepted.




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Reviewing

Recordable instruments submitted for recording are accepted, or rejected, using state standards and best practices that are uniformly applied by recorders and the technology used; and

Instruments are not rejected due to minor variances or imperfections within indexing data provided by the submitter.



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Recording


Recordable instruments accepted for recording are recorded using state standards and best practices that are uniformly applied by recorders and the technology used; and

There are no variations in recording practices based on method or format submitted (electronic or paper), except

Paper documents submitted for recording are digitized at the time of acceptance.



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Indexing


Recorded instruments are accurately and reliably indexed using state standards and best practices that are uniformly applied by recorders and the technology used; and

The indexing standard is publicly available; and

There are no variations in indexing based on method or format submitted (electronic or paper).



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Long-Term Access and Use

All recorded instruments are maintained digitally for long-term access and use; and

State standards and best practices are uniformly applied by recorders and the technology used; and

Fees for copies, as set by state law, are consistently applied.




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Permanent Preservation

Appropriate preservation actions are in place to provide current and future users with access to authentic and accurate digital recorded instruments; and

Analog copies in microfilm and paper format can be readily produced.




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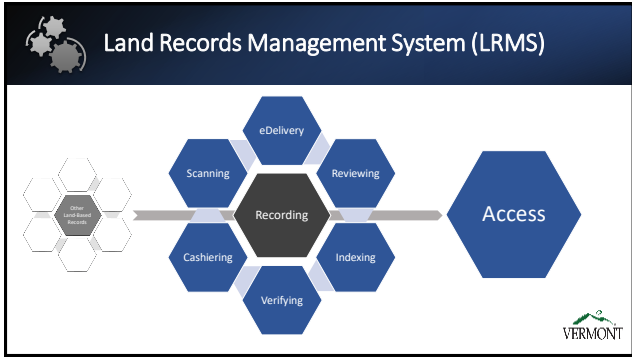
The TECHNOLOGY

Technology is the **tool that brings people and process together** and it has only gotten better over time. Being the last state has significant advantages!

Greater Efficiencies. Greater Accuracy. Greater Productivity.



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Industry Standard for eRecording

All recordable instruments submitted electronically are reviewed (including routing for additional review if necessary), recorded, and indexed in the LRMS; and

All recordable instruments submitted by mail or over the counter are reviewed and, if accepted, digitized, recorded and indexed in the LRMS.




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Vermont Goal

All towns have access to a Land Records Management System (LRMS) that meets industry standards and best practices for eRecording as promulgated by the Property Records Industry Association (PRIA); and

Vermont Standards and Best Practices (27 V.S.A. § 625); and

Is interoperable and can integrate with other systems.




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Industry Standard for eDelivery

With just a computer, a scanner, and an Internet connection, submitters can create an eDelivery account and:

- Scan document (if not already digital).
- Open secure portal, select document type, and submit document under profile or on behalf of someone else.
- Pay all related fees online.
- Receive notice electronically and view stamped copy of document online confirming recording date and time.




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 Vermont Goal

There are multi-town or statewide contracts with multiple eDelivery providers to securely deliver recordable instruments electronically to each town's LRMS; and


The eDelivery providers are responsible for contracting directly with submitters.




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 Industry Standard for Cashiering


The LRMS includes automated fee calculations and a simplified cashiering function that allows for multiple tender types, including Automated Clearing House (ACH), with appropriate internal controls as well as alerts for potential errors.




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 Vermont Goal

Simplified payment of fees and acceptance of fees with Automated Clearing House (ACH) transactions; the ability to record documents throughout the business day, culminating in a single, aggregated daily financial transaction; and robust reporting from eDelivery providers for daily batch payments by ACH.



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 Industry Standard for Preservation

The LRMS has a preservation strategy that is separate from disaster recovery and backup strategies; and the ability to:


Integrate with a digital preservation system; and

Export the index and the digital recorded instruments with their metadata; and


Export to create analog copies in microfilm.



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 Vermont Goal

For long-term preservation and access, there is LRMS integration with a digital preservation system to provide current and future users with access to authentic and accurate digital recorded instruments; and analog copies in microfilm can be readily produced.



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27 V.S.A. § 625: Standards and Best Practices

To ensure consistency in the standards and best practices of, and the technologies used by, recorders in this state, all recordings of deeds and other instruments or evidences respecting real estate, regardless of format, shall comply with standards and best practices issued by the Vermont State Archives and Records Administration pursuant to 3 V.S.A. § 117.

Recorders shall seek services from the Vermont State Archives and Records Administration to comply with the standards and best practices issued in accordance with [the Vermont Uniform Real Property Electronic Recording Act or URPERA].

No provisions of [URPERA] shall be implemented unless a recorder has complied with the standards and best practices issued by the Vermont State Archives and Records Administration in accordance with [URPERA].

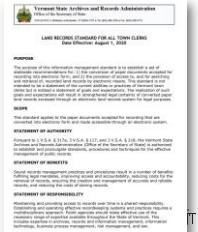


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3 V.S.A. § 117: Services, Standards & Systems

(1) Services of the Statewide Records and Information Management Program shall include:

- (1) providing professional services in organizing, maintaining, and implementing active and continuing essential records and information management programs for the effective management of records produced or acquired in the course of public agency business;
- (2) ensuring that low-cost, secure repositories and systems for public records, regardless of format, are available at an enterprise or statewide level and operated in a manner that supports compliance with generally accepted record-keeping practices, industry standards, best practices, the Public Records Act, this section, and, where applicable, section 216 of this title;
- (3) developing, issuing, and maintaining statewide records and information management standards and information governance frameworks;
- (4) performing formal appraisals of public records and issuing record schedules accordingly;
- (5) operating a Records Center to hold inactive analog State public records in accordance with record schedules;
- (6) accepting land records submitted on microfilm by Registrar and county clerks for storage in the Records Center;
- (7) taking legal custody of State archival records, regardless of format, in accordance with record schedules, and



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Industry Standards and Best Practices

Property Records Industry Association (PRIA) Standards and Best Practices are used by most recording jurisdictions and represent the most current guidance for land records management, including:

- eRecording Best Practices for Submitters (July 2022)
- eRecording Best Practices for Recorders (August 2021)
- Indexing Best Practices (October 2022)
- Land Records Management System Best Practices (2018)

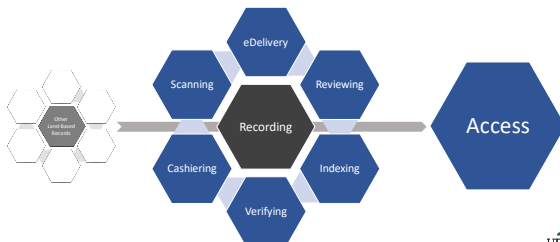


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Vermont standards and best practices based the national PRIA standards and best practices will facilitate uniformity and consistency in managing Vermont land records.

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Land Records Management System (LRMS)



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Agenda & Learning Objectives



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Vermont's eRecording & eNotarization Specialist



Lori Ashley

Lori's position was created by the Vermont legislature in 2022 to assure Vermont's land records modernization initiative has a full-time state employee working directly with towns and business stakeholders on land records management, recording standards and best practices, and the transition to eRecording.




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eRecording & Current LRMS

If your town is currently an Avenu Insights, Cott Systems or GovOS customer, you have a LRMS system that has eRecording capabilities; and

Some of the current workflows used in these systems are the same as those for eRecording.




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Multi-Town Land Records Management System Option

If your town does not have a LRMS or a LRMS with eRecording capabilities, please consider participating in the Proof-of-Concept pilot project for a low-cost Multi-Town LRMS option.

- One recorded demonstration available now
- Cost-modeling in Fall 2024
- Feasibility testing after General Election



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When Can eRecording in Vermont Start?

Electronic recording will be enabled in Vermont in 2025 with the issuance of state standards and best practices and the availability of a LRMS for each town that wants to transition to eRecording.

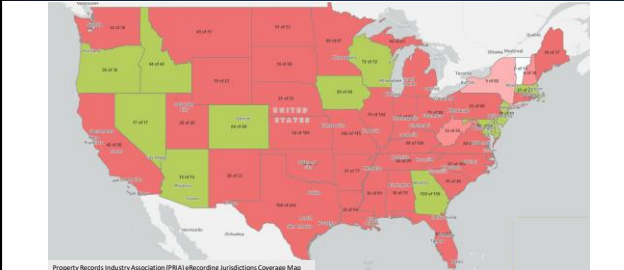
For towns that want to transition to eRecording when enabled, state law (27 V.S.A. § 625) also requires demonstrated compliance with the state standards and best practices.

Remember: Technology IS the tool that brings people and process together!



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Property Records Industry Association (PRIA) eRecording Jurisdictions Coverage Map


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Questions? Want To Get Involved?


sos.landrecords@vermont.gov




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