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Testimony of Matthew Cholewa, Legislative Liaison and Executive Committee Member
Real Property Section of the Connecticut Bar Association
Senate Bill 491 *An Act Concerning Liens on Real Property Related to Taxes, Assessments and Charges*
Judiciary Committee
March 26, 2010

Senator McDonald, Representative Lawlor and members of the Judiciary Committee, thank you for the opportunity to appear before the committee to comment in support of Senate Bill 491, *An Act Concerning Liens on Real Property Related to Taxes, Assessments and Charges*. My name is Matthew Cholewa and I am the Legislative Liaison and a member of the Executive Committee of the Connecticut Bar Association's Real Property Section. The section has a great interest in legislation that concerns land records in general and the accuracy and reliability of information provided by towns and cities related to liens that might affect title to property. The Real Property Section supports passage of **Senate Bill 491**, and respectfully requests that the committee favorably report the bill.

Among other things, the bill would require tax collectors to provide, upon request, a certificate listing all taxes, assessments and other charges collected by the municipality that would constitute a lien on the specified parcel as of the date of the request. The bill also applies to private and regional water and sewer companies, special taxing districts and the like.

There is a \$25 fee for the certificate, which will provide a source of revenue to the municipality.

Upon the recording of the certificate, the lien for all charges that are not included on the certificate, but should be, would be discharged. The taxpayer's personal liability to pay such charges would remain intact. The tax collector could not, however, seek payment of any such charges that do not appear on the certificate from the property or from another person, such as a buyer of the property.

The reason for this bill is simple. It would allow someone such as a prospective purchaser of property to request the status of municipal taxes and other charges against a piece of property and be able to rely on the answer they get. Such is not currently the case. There are many instances where persons have purchased property relying on erroneous information supplied by the town only to find out later that the town is not estopped from later collecting charges that they previously denied existed.

For these reasons, the CBA Real Property Section urges the committee to favorably report SB 491.

Thank you for the opportunity to appear and testify on this matter. I would be pleased to answer any questions that you may have.