

Connecticut Association of Assessing Officers

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April 8, 2011

Re: RB 1234

Members of the Committee:

I speak today representing the CAAO in regards to RB 1234. The comments we share are neither in favor or opposition to the proposed legislation, but moreover, in regards to what is missing from both the current law and this proposed amendment in regards to administration.

No one can argue that it is a noble cause to want to protect those who serve our municipal, state and federal governments. With that being said, CGS 1-217 in both its current and the proposed form, is vague, unclear, and fails to address many questions municipalities ponder. If the legislature is to open up Sec. 1-217, we believe additional issues must be addressed.

Current and proposed law states that "no public agency may disclose the residential addresses of certain public officials and employees" but does not require those "certain public officials" to inform each and every public agency. Both CGS 1-217, and RB 1234's modifications, require agencies to disclose the business address in lieu of the residential address with the problem being those agencies have no idea who is a Federal Judge, works for the Department of Corrections, etc. Additionally, they have no idea what their business addresses are. The current and proposed law finds an uninformed agency at fault for disclosing something they had no idea was confidential. In the event of something gone terribly wrong they are, guilty of violating statutes, suspect to being sued and facing costly litigation.

At a minimum, we would recommend additional language requiring the public officials/employees to inform the agencies of their existence and business address. FOI could prescribe a standardized form which should also verify such person is one of the public officials or employees so listed. Additionally, it should also remove the requirement to suppress data for any agency that has not received the prescribed form.

Suggested language:

"Any public official or employee who meets the criteria set forth in section a of this section, may make application to have their residential address suppressed from any public agency. Such application must be submitted, on a form prescribed by the Freedom of Information Commission, to each and every agency so requested. Upon receipt of the request, from that date forward, such public agency may not disclose [, under the Freedom of Information Act,] the residential address of any of such quailed public official or employee. Failure to submit the prescribed form to any agency as outlined in this section shall be a waiver of your right to have your residential address suppressed."

RB 1234 would modify the current law so that the address "shall not be disclosed under any provision of the general statutes". This brief superseding language requires much definition and possibly some exceptions. Agencies have statutory requirements to maintain land records/title of real estate, file an annual grand list, and collect taxes. In many instances, the "residential address" is a home owned by said person. The homeownership cannot be suppressed. If a town lists an owner of record in the town clerk's office, the assessor files a grand list showing ownership of the residence, or the tax collector files a delinquent report with the person's name and "property location" which also happens to be their residence, have they disclosed the data?

Every agency has statutory requirements now superseded by RB 1234. If that is the intent, the new legislation must specifically address how each agency processes the information they are required to maintain and what shall be written in place of info that has been suppressed.

Land records, Grand Lists and Tax Collector posted rate books do not get destroyed and go back more than 100 years. Currently they are open for public inspection. That historical hard copy data cannot be suppressed and will continue to be accessible yet RB 1234 makes no exception for existing documents.

Banks file a mortgage on the land records to protect their interest (loan) but if the Town Clerk suppresses the name or property location (residence), the bank has no claim to their lien. Title searchers must verify the chain of title and produce reports in order for properties to receive mortgages and be transferred with a clean title. Without access to this data, a title search would become difficult, if not impossible, but certainly more costly.

There are a dozen more areas that would need to be addressed as how this new law would be implemented as well as if releasing historical data is viewed as a violation.

Other options could be considered i.e. change certain records so that they are no longer open to the public. Except for statutory exceptions, DMV records are not public. In some states, the assessor's property record card is not a public document.

The technology that is available today, and how it has advanced in just the last twenty years is truly amazing. Unfortunately, in some instances it can be abused. With 5 minutes and a home computer, you can search out and find just about anyone's address, phone number and view their home from satellite pictures. If HB 1234 were to pass, it cannot change that fact but it would leave agencies scrambling on how and what to suppress and for who?

Although so much of our personal information is already out on the internet does not mean that we should not continue to do as much as we can to protect these individuals. But for every action; there is a reaction and HB 1234 will cause numerous problems, confusion, uncertainty, and possibly put municipalities in a position to be liable and sued. CAAO merely asks that this amendment not be rushed and recommends a study group consisting of legislators as well as members of all the agencies in question, so that the ramifications can be identified and everything is taken in consideration.

Respectfully submitted,



John Chaponis