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Testimony of Matthew Cholewa, Legislative Liaison and Executive Committee Member  
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**In support of Section 1 of House Bill 5035, An Act Reducing Mandates for Municipalities**  
Planning and Development Committee  
February 22, 2012

Senator Cassano, Representative Gentile and members of Planning and Development Committee, thank you for the opportunity to appear and comment in support of Section 1 of House Bill 5035, An Act Reducing Mandates for Municipalities. The Connecticut Bar Association urges this committee and the General Assembly to pass the provisions contained in Section 1 of the bill with the greatest alacrity for the reasons set forth below.

In its recent decision in *Commissioner of Public Safety v. Freedom of Information Commission*, the State Supreme Court ruled that under section 1-217 of the General Statutes, a tax collector could not release the grand list of motor vehicles without first redacting the address of those persons protected by section 1-217. Section 1-217 states that “no public agency may disclose, under the Freedom of Information Act, the residential address” of certain protected classes of people, including all police officers, firefighters, and every employee of the Departments of Correction and Children and Families, the Commission on Human Rights and Opportunities, and the Judicial Department. While the court’s decision directly applies to motor vehicle records, the CBA believes that it sets a precedent that will apply to all requests for to view any public records, whether made or not made in advance or in writing.

Without a legislative remedy to this decision, many public agencies will not be able to comply with Section 1-217 and many public records likely will be made unavailable to the public for viewing.

My own business is in the area of real estate transactions. Attorneys in Connecticut spend every day helping people buy, sell, lease and finance homes and business property. In order for our system of land transactions to work,

- Land Records need to be open and readily accessible to evidence good title to property;

- Tax assessment and collection records, and water and sewer assessment and use records need to be open and readily accessible to establish that taxes and utilities are paid and not a lien on the land;
- Building, zoning, fire marshal, health department and other records need to be open and readily accessible to allow people to know that the property they want to buy does not have any outstanding violations against it.

There is a good reason all these records are open and readily available to the public. Restricting access to them or corrupting their integrity will result in significant foreseeable, and likely, unforeseeable consequences.

For example, suppose I was a volunteer firefighter, one of the classes of people listed in section 1-217. My wife and I have finally saved enough money for a down payment on our dream house. However, the town clerk will not record the deed, or will record a deed omitting my name or the description of the property. I cannot purchase the home because no one will lend me money on a title that will be uninsurable. Moreover, this would corrupt the title to all properties. When doing a title search, one has to have the ability to view all recorded instruments in order for a search to be thorough and complete.

A Town Clerk, who has no way of knowing whether the parties to a deed or mortgage might come within Section 1-217, would have to keep secure and secret all land records, lest the Town Clerk inadvertently and unknowingly disclose the residential address of a covered employee. That is, the only way to ensure compliance with the statute would be to prohibit all public access to the Land Records.

The problem is not just limited to Land Records. Other records affected by the Supreme Court's decision include other records in the office of the Town Clerk, Assessor, Tax Collector, Water and Sewer, Building, Planning, Zoning, Health, Fire Marshall, Registrar of Voters, State Library and other state and municipal agencies.

This decision has broad implications that affect every aspect of Government and commerce to the integrity of voting and town records. Redacting addresses that are integral to the purpose of the records that contain them irreparably damages the people's right to know that their government is functioning competently and fairly. While the purported goals of 1-217 are laudatory, the statute provides little actual safety benefit compared to the overwhelming burdens

it imposes.

As interpreted by the Connecticut Supreme Court, Section 1-217 will clearly harm our commercial and government institutions, which for centuries have relied on land records, tax rolls, voter lists, and other public records to be complete, accurate and open to the public.

Section 1 of House Bill 5035 will solve the vast majority of issues that have been raised and identified in the court's decision. Along with many other public agencies and organizations that have worked to craft this solution, **the Connecticut Bar Association supports passage of Section 1 of the bill and urges this committee and legislature to pass this legislation with all deliberate speed.**

Thank you for the opportunity to appear before you and to speak in support of Section 1 of HB 5035. I would be pleased to answer any questions you may have.

