

CBA LPRC POSITION REQUEST FORM

The CBA Real Property Section **position request** is as follows:

1) Proposed legislative or regulatory concept:

Authorize the CBA to lobby the Governor's office to provide guidance/instructions to municipalities and other governmental agencies to provide reasonable, physical access to government offices for the purpose of accessing and researching public records, including Land Records, which in the reasonable opinion of the person seeking access, cannot be reasonably accessed online

2) Explanation and rationale for advancing this position:

A recent count of municipalities around the state shows that there are approximately (approximate because the number is always changing) thirty (30) municipalities whose town halls are closed to the public. This number does not include town halls which are closed but who accommodate members of the public by appointment.

The Real Property Section has a great interest in maintaining access to public records, including Land Records and building department files. While some of these records are maintained online, a great deal of them are not, and towns vary widely with regard to how far back in time their online land records are available, whether maps are available online, etc.

In many situations it has been extremely difficult, and sometimes impossible, to conduct an effective title search because of this lack of access.

While the Section fully understands the situation Town Halls are in because of the COVID pandemic, we believe that they should all provide measures to allow reasonable access to the physical, public records when needed. Most town halls are doing just that, using protective barriers, mask requirements, and restricting access to offices to a limited number of people at a time, often by appointment.

We believe Government, and governmental records, are a "necessary business" and, as such, the State and municipalities should allow such access, subject of course, to reasonable restrictions. While for profit enterprises have found a way to open and keep workers safe, many of our governmental entities have not done so.

3) Is draft regulation, legislation or proposed bill included?

No. We expect this to be a negotiation/conversation with the Governor's office, in concept at first.

4) What is the date of any legislative hearing, if known? N/A

5) Was this position previously approved by the CBA? If so, when does/did it expire? No

- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position? No

- 7) Potential or actual CBA opposition from another CBA section or committee? None expected

- 8) Strength of section position (including process and results of section vote taken on issue):
Unanimous at the September 24, 2020 meeting

- 9) Fiscal impact (on the state): None

- 10) Are you seeking “fast-track” approval? Yes