



General Assembly

Substitute Bill No. 1124

January Session, 2001

**AN ACT CONCERNING A UNIFORM ADMINISTRATIVE REVIEW
PROCESS RELATED TO CERTAIN STATE-REIMBURSED PROPERTY
TAX EXEMPTIONS, PROPERTY TAX CREDITS AND RENTAL
REBATES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) As used in this section:

2 (1) "Claimant" means a person, company, limited liability company,
3 firm, association, corporation or other business entity having received
4 approval for financial assistance from a town's assessor or a municipal
5 official;

6 (2) "Financial assistance" means a property tax exemption, property
7 tax credit or rental rebate for which the state of Connecticut provides
8 direct or indirect reimbursement; and

9 (3) "Program" means (A) property tax exemptions under section 12-
10 81g of the general statutes or subdivision (55), (59), (60), (70), (72) or
11 (74) of section 12-81 of the general statutes, (B) tax relief pursuant to
12 section 12-129d of the general statutes, as amended by this act, or
13 section 12-170aa of the general statutes, as amended by this act, and
14 (C) rebates under section 12-170d of the general statutes.

15 (b) A claimant negatively affected by a decision of the Secretary of
16 the Office of Policy and Management with respect to any program may

17 appeal such decision in the manner set forth in subsection (d) of this
18 section. Any notice the secretary issues pursuant to this section shall be
19 sent by first class United States mail to a claimant at the address
20 entered on the application for financial assistance as filed unless,
21 subsequent to the date of said filing, the claimant sends the secretary a
22 written request that any correspondence regarding said financial
23 assistance be sent to another name or address. The date of any notice
24 sent by the secretary pursuant to this section shall be deemed to be the
25 date the notice is delivered to the claimant.

26 (c) The secretary may review any application for financial assistance
27 submitted by a claimant in conjunction with a program. The secretary
28 may exclude from reimbursement any property included in an
29 application that, in the secretary's judgment, does not qualify for
30 financial assistance or may modify the amount of any financial
31 assistance approved by an assessor or municipal official in the event
32 the secretary finds it to be mathematically incorrect, not supported by
33 the application, not in conformance with law or if the secretary
34 believes that additional information is needed to justify its approval.

35 (d) (1) If the secretary modifies the amount of financial assistance
36 approved by an assessor or municipal official under a program, or
37 determines that the claimant who filed written application for such
38 financial assistance is ineligible therefor, the secretary shall send a
39 written notice of preliminary modification or denial to said claimant
40 and shall concurrently forward a copy to the office of the assessor or
41 municipal official who approved said financial assistance. The notice
42 shall include plain language setting forth the reason for the
43 preliminary modification or denial, the name and telephone number of
44 a member of the secretary's staff to whom questions regarding the
45 notice may be addressed, a request for any additional information or
46 documentation that the secretary believes is needed in order to justify
47 the approval of such financial assistance, the manner by which the
48 claimant may request reconsideration of the secretary's determination
49 and the timeframe for doing so. Not later than ninety days after the
50 date an assessor receives a copy of such preliminary notice, the

51 assessor shall determine whether an increase to the taxable grand list
52 of the town is required to be made as a result of such modification or
53 denial, unless, in the interim, the assessor has received written
54 notification from the secretary that a request for a hearing with respect
55 to such financial assistance has been approved pursuant to
56 subparagraph (B) of subdivision (2) of this subsection. If an assessment
57 increase is warranted, the assessor shall promptly issue a certificate of
58 correction adding the value of such property to the taxable grand list
59 for the appropriate assessment year and shall forward a copy thereof
60 to the tax collector, who shall, not later than thirty days following,
61 issue a bill for the amount of the additional tax due as a result of such
62 increase. Such additional tax shall become due and payable not later
63 than thirty days from the date such bill is sent and shall be subject to
64 interest for delinquent taxes as provided in section 12-146 of the
65 general statutes. With respect to the denial or modification of financial
66 assistance for which a hearing is held, the assessor shall not issue a
67 certificate of correction until the assessor receives written notice of the
68 secretary's final determination following such hearing.

69 (2) (A) Any claimant aggrieved by the secretary's notice of
70 preliminary modification or denial of financial assistance under a
71 program may, not later than thirty business days after receiving said
72 notice, request a reconsideration of the secretary's decision for any
73 factual reason, provided the claimant states the reason for the
74 reconsideration request in writing and concurrently provides any
75 additional information or documentation that the secretary may have
76 requested in the preliminary notice of modification or denial. The
77 secretary may grant an extension of the date by which a claimant's
78 additional information or documentation must be submitted, upon
79 receipt of proof that the claimant has requested such data from another
80 governmental agency or if the secretary determines there is good cause
81 for doing so.

82 (B) Not later than thirty business days after receiving a claimant's
83 request for reconsideration and any additional information or
84 documentation the claimant has provided, the secretary shall

85 reconsider the preliminary decision to modify or deny said financial
86 assistance and shall send the claimant a written notice of
87 determination. If aggrieved by the secretary's notice of determination
88 with respect to said financial assistance, the claimant may, not later
89 than thirty business days after receiving said notice, make application
90 for a hearing before said secretary, or the secretary's designee. Such
91 application shall be in writing and shall set forth the reason why the
92 financial assistance in question should not be modified or denied. Not
93 later than thirty business days after receiving an application for a
94 hearing, the secretary shall grant or deny such hearing request by
95 written notice to the claimant. If the secretary denies the claimant's
96 request for a hearing, such notice shall state the reason for said denial.
97 If the secretary grants the claimant's request for a hearing, the
98 secretary shall send written notice of the date, time and place of the
99 hearing, which shall be held not later than thirty business days after
100 the date of the secretary's notice granting the claimant a hearing. Such
101 hearing may, at the secretary's discretion, be held in the judicial
102 district in which the claimant or the claimant's property is located. Not
103 later than thirty business days after the date on which a hearing is
104 held, a written notice of the secretary's final determination shall be
105 sent to the claimant and a copy thereof shall be concurrently sent to the
106 assessor or municipal official who approved the financial assistance in
107 question.

108 (3) If any claimant is aggrieved by the secretary's final
109 determination concerning the claimant's financial assistance or the
110 secretary's decision not to hold a hearing, such claimant may, not later
111 than thirty business days after receiving the secretary's notice related
112 thereto, appeal to the superior court of the judicial district in which the
113 claimant resides or in which the claimant's property that is the subject
114 of the appeal is located. Such appeal shall be accompanied by a citation
115 to the secretary to appear before said court, and shall be served and
116 returned in the same manner as is required in the case of a summons in
117 a civil action. The pendency of such appeal shall not suspend any
118 action by a municipality to collect property taxes from the applicant on

119 the property that is the subject of the appeal. The authority issuing the
120 citation shall take from the applicant a bond or recognizance to the
121 state of Connecticut, with surety, to prosecute the application in effect
122 and to comply with the orders and decrees of the court in the premises.
123 Such applications shall be preferred cases, to be heard, unless cause
124 appears to the contrary, at the first session, by the court or by a
125 committee appointed by the court. Said court may grant such relief as
126 may be equitable and, if the application is without probable cause,
127 may tax double or triple costs, as the case demands; and, upon all
128 applications which are denied, costs may be taxed against the
129 applicant at the discretion of the court, but no costs shall be taxed
130 against the state.

131 (4) Not later than the date by which the secretary is required to
132 certify to the Comptroller the amount of payment with respect to any
133 such program, the secretary shall notify each claimant of the final
134 modification or denial of financial assistance as claimed, in accordance
135 with the procedure set forth in subsection (d) of this section. A copy of
136 the notice of final modification or denial shall be sent concurrently to
137 the assessor or municipal official who approved such financial
138 assistance.

139 Sec. 2. Section 12-81g of the general statutes is repealed and the
140 following is substituted in lieu thereof:

141 (a) Effective for the assessment year commencing October 1, 1985,
142 and each assessment year thereafter, any person entitled to an
143 exemption from property tax in accordance with subdivision (19), (20),
144 (21), (22), (23), (24), (25) or (26) of section 12-81, reflecting any increase
145 made pursuant to the provisions of section 12-62g, shall be entitled to
146 an additional exemption from such tax in an amount equal to twice the
147 amount of the exemption provided for such person pursuant to any
148 such subdivision, provided such person's qualifying income does not
149 exceed the applicable maximum amount as provided under section
150 12-811, except that if such person has a disability rating of one hundred
151 per cent as determined by the Veterans' Administration of the United

152 States, the total of such adjusted gross income, individually, if
153 unmarried, or jointly, if married, in the calendar year ending
154 immediately preceding the assessment date with respect to which such
155 additional exemption is allowed, is not more than twenty-one
156 thousand dollars if such person is married or not more than eighteen
157 thousand dollars if such person is not married. Any claimant who, for
158 the purpose of obtaining an exemption under this section, wilfully fails
159 to disclose all matters related thereto or with intent to defraud makes
160 any false statement shall forfeit the right to claim such additional
161 veteran's exemption.

162 (b) Effective for the assessment year commencing October 1, 1986,
163 and each assessment year thereafter, any person entitled to an
164 exemption from property tax in accordance with subdivision (19), (20),
165 (21), (22), (23), (24), (25) or (26) of section 12-81, reflecting any increase
166 made pursuant to the provisions of section 12-62g, and who is not
167 receiving or is not eligible to receive the additional exemption under
168 subsection (a) of this section, shall be entitled to an additional
169 exemption from such tax in an amount equal to one-half of the amount
170 of the exemption provided for such person pursuant to any such
171 subdivision.

172 (c) The state shall reimburse each town, city, borough, consolidated
173 town and city and consolidated town and borough by the last day of
174 each calendar year in which exemptions were granted to the extent of
175 the revenue loss represented by the additional exemptions provided
176 for in subsections (a) and (b) of this section. The Secretary of the Office
177 of Policy and Management shall review each claim for such revenue
178 loss as provided in section 1 of this act. Any claimant aggrieved by the
179 results of the secretary's review shall have the rights of appeal as set
180 forth in section 1 of this act.

181 (d) The Secretary of the Office of Policy and Management shall
182 adopt regulations, in accordance with the provisions of chapter 54,
183 establishing: (1) A procedure under which a municipality shall
184 determine eligibility for the additional exemption under subsection (a)

185 of this section, provided such procedure shall include a provision that
186 when an applicant has filed for such exemption and received approval
187 for the first time, such applicant shall be required to file for such
188 exemption biennially thereafter, subject to the provisions of subsection
189 [(f)] (e) of this section; (2) the manner in which a municipality shall
190 apply for reimbursement from the state for the revenue loss
191 represented by the additional exemptions provided for in subsections
192 (a) and (b) of this section, which shall provide a penalty for late filing
193 of such application for reimbursement of two hundred fifty dollars but
194 shall also provide that the secretary may waive such forfeiture in
195 accordance with procedures and standards contained in such
196 regulations; and (3) the manner in which the Office of Policy and
197 Management may audit and make adjustments to applications for
198 reimbursement from municipalities for a period of not more than one
199 year next succeeding the deadline for such application.

200 [(e) Any person aggrieved by action of the assessor or board of
201 assessors in disapproving any application for an additional veteran's
202 exemption from property tax, as provided under this section, may
203 appeal to the Secretary of the Office of Policy and Management, in
204 writing, within thirty days following receipt of notice of denial of such
205 exemption by the assessor or board of assessors. The secretary shall
206 promptly consider such appeal and may approve or disapprove the
207 application, provided such decision shall be made not later than sixty
208 days following receipt of such written notice of appeal. Notice of the
209 secretary's determination regarding the appeal shall be sent to the
210 claimant in writing and a copy shall be forwarded to the assessor or
211 board of assessors. If the claimant is aggrieved with respect to any
212 action of the secretary under this section, such claimant may, within
213 thirty days, appeal to the superior court for the judicial district in
214 which such application is filed. Any claimant who, for the purpose of
215 obtaining such additional veteran's exemption under this section,
216 wilfully fails to disclose all matters related thereto or with intent to
217 defraud makes any false statement shall forfeit the right to claim such
218 additional veteran's exemption.]

219 ~~[(f)]~~ (e) Any person who has submitted application and been
220 approved in any year for the additional exemption under subsection
221 (a) of this section shall, in the year immediately following approval, be
222 presumed to be qualified for such exemption. If, in the year
223 immediately following approval, such person has qualifying income in
224 excess of the maximum allowed under said subsection (a), such person
225 shall notify the tax assessor in the town allowing the additional
226 exemption on or before the next filing date for such exemption and
227 shall be denied such exemption for the assessment year immediately
228 following and for any subsequent year until such person has reapplied
229 and again qualified for such exemption. Any person who fails to notify
230 the tax assessor of such disqualification shall make payment to the
231 town in the amount of property tax loss related to the exemption
232 improperly taken. Not more than thirty days after discovering such
233 person's ineligibility for the exemption, the assessor shall send written
234 notification of such person's identity to the Secretary of the Office of
235 Policy and Management. If any payment was remitted under
236 subsection (c) of this section with respect to a period for which such
237 person was not eligible for the exemption, the amount of the next
238 payment made to the town shall be reduced by the amount of payment
239 made erroneously.

240 Sec. 3. Section 12-94a of the general statutes is repealed and the
241 following is substituted in lieu thereof:

242 On or before July first, annually, the tax collector of each
243 municipality shall certify to the Secretary of the Office of Policy and
244 Management, on a form furnished by said secretary, the amount of tax
245 revenue which such municipality, except for the provisions of
246 subdivision (55) of section 12-81, would have received, together with
247 such supporting information as said secretary may require. Any
248 municipality which neglects to transmit to said secretary such claim
249 and supporting documentation as required by this section shall forfeit
250 two hundred fifty dollars to the state, provided said secretary may
251 waive such forfeiture in accordance with procedures and standards
252 adopted by regulation in accordance with chapter 54. Said secretary

253 shall review each such claim [and, not later than the July first next
254 succeeding the deadline for the receipt of such claims, shall notify each
255 municipality of his acceptance or modification of such claim. Any
256 municipality aggrieved by the action of the secretary under the
257 provisions of this section may appeal therefrom within thirty days to
258 the superior court for the judicial district in which the municipality is
259 located. The Secretary of the Office of Policy and Management] as
260 provided in section 1 of this act. Any claimant aggrieved by the results
261 of the secretary's review shall have the rights of appeal as set forth in
262 section 1 of this act. The secretary shall, on or before December first,
263 annually, certify to the Comptroller the amount due each municipality
264 under the provisions of this section, including any modification of
265 such claim made prior to December first, and the Comptroller shall
266 draw [his] an order on the Treasurer on or before the fifteenth day of
267 December following and the Treasurer shall pay the amount thereof to
268 such municipality on or before the thirty-first day of December
269 following. If any modification is made as the result of the provisions of
270 this section on or after the December first following the date on which
271 the tax collector has provided the amount of tax revenue in question,
272 any adjustments to the amount due to any municipality for the period
273 for which such modification was made shall be made in the next
274 payment the Treasurer shall make to such municipality pursuant to
275 this section. For the purposes of this section, "municipality" means a
276 town, city, borough, consolidated town and city or consolidated town
277 and borough.

278 Sec. 4. Section 12-94b of the general statutes is repealed and the
279 following is substituted in lieu thereof:

280 [(a)] On or before March fifteenth, annually, commencing March 15,
281 1998, the assessor or board of assessors of each municipality shall
282 certify to the Secretary of the Office of Policy and Management, on a
283 form furnished by said secretary, the amount of exemptions approved
284 under the provisions of subdivisions (72) and (74) of section 12-81,
285 together with such supporting information as said secretary may
286 require including the number of exemption claimants so approved and

287 the original copy of the [claims] applications filed by them. [Said
288 secretary may reevaluate any vehicle included in such claim when, in
289 his judgment, the valuation is inaccurate.] Said secretary shall review
290 each such claim [and modify the value of any property included
291 therein when, in his judgment, the value is inaccurate or exclude any
292 property when, in his judgment, it does not qualify pursuant to
293 subdivision (72) or (74) of section 12-81] as provided in section 1 of this
294 act. Not later than December first next succeeding the conclusion of the
295 assessment year for which [such exemption was approved by the
296 assessor or assessors] the assessor approved such exemption, the
297 secretary shall notify each claimant [and assessor or assessors] of the
298 modification or denial of [his] the claimant's exemption, in accordance
299 with the procedure set forth in [subsection (b) of this] section 1 of this
300 act. Any claimant aggrieved by the results of the secretary's review
301 shall have the rights of appeal as set forth in section 1 of this act. The
302 secretary shall, on or before December fifteenth, annually, certify to the
303 Comptroller the amount due each municipality under the provisions of
304 this section, including any modification of such claim made prior to
305 December first, and the Comptroller shall draw [his] an order on the
306 Treasurer on or before the twenty-fourth day of December following
307 and the Treasurer shall pay the amount thereof to such municipality
308 on or before the thirty-first day of December following. If any
309 modification is made as the result of the provisions of this section on
310 or after the December fifteenth following the date on which the
311 assessor has provided the amount of the exemption in question, any
312 adjustments to the amount due to any municipality for the period for
313 which such modification was made shall be made in the next payment
314 the Treasurer shall make to such municipality pursuant to this section.
315 As used in this section, "municipality" means each town, city, borough,
316 consolidated town and city and consolidated town and borough and
317 each district, as defined in section 7-324, and "next succeeding" means
318 the second such date.

319 [(b) (1) If the Secretary of the Office of Policy and Management
320 modifies the value of machinery and equipment or a commercial

321 motor vehicle which has been approved for exemption by the assessor
322 or board of assessors under subdivision (72) or (74) of section 12-81, or
323 determines that the person who filed written application for such
324 exemption is ineligible therefor, the secretary shall send written notice
325 of such modification or denial to said person, and shall forward a copy
326 to the assessor or assessors who approved such exemption. Not later
327 than ninety days after the date the assessor or assessors receive a copy
328 of such notice, he or they shall determine whether an increase to the
329 taxable grand list of the municipality is required to be made as a result
330 of such modification or denial, unless, in the interim, the assessor or
331 board of assessors have received notification from the Secretary of the
332 Office of Policy and Management that a request for a hearing with
333 respect to such exemption has been made and approved pursuant to
334 subdivision (2) of this subsection. If an increase is warranted, the
335 assessor or assessors shall promptly issue a certificate of correction
336 adding the value of such property to the taxable grand list and shall
337 forward a copy thereof to the tax collector, who shall, not later than
338 thirty days following, issue a bill for the amount of the additional tax
339 due as a result of such increase. Such additional tax shall become due
340 and payable not later than thirty days from the date such bill is sent,
341 and shall be subject to interest for delinquent taxes as provided in
342 section 12-146. With respect to the denial or modification of an
343 exemption for which a hearing is held, the assessor or assessors shall
344 not issue a certificate of correction until he or they receive notice from
345 the Secretary of the Office of Policy and Management of the
346 disposition of such hearing.

347 (2) Any person aggrieved by the modification or denial of an
348 exemption under subdivision (72) or (74) of section 12-81 by the
349 Secretary of the Office of Policy and Management may, not later than
350 one month after receiving the secretary's notice of such modification or
351 denial thereto, make application for a hearing before said secretary, or
352 his designee. Such application shall be in writing and shall set forth the
353 reasons why the exemption in question should not be modified or
354 denied. The secretary shall grant or deny such hearing request by

355 written notice to the applicant. If a request for hearing is denied by the
356 secretary such notice shall contain a statement of the reason for said
357 denial. Not later than sixty days after the date on which a hearing is
358 held, said secretary shall send notice of his decision concerning such
359 appeal to the applicant and shall forward a copy thereof to the assessor
360 or assessors who approved the exemption in question. If any person is
361 aggrieved by the secretary's decision concerning the disposition of his
362 appeal or the secretary's decision not to hold a hearing, such person
363 may, not later than one month after receiving a notice related thereto
364 from the secretary, make application in the nature of an appeal to the
365 superior court of the judicial district in which the manufacturing
366 facility is located or the commercial motor vehicle is subject to
367 property taxation. Such application shall be accompanied by a citation
368 to the secretary to appear before said court, and shall be served and
369 returned in the same manner as is required in the case of a summons in
370 a civil action. The pendency of such appeal shall not suspend any
371 action by the municipality to collect property taxes from the applicant
372 on the machinery and equipment or the commercial motor vehicle that
373 is the subject of the appeal. The authority issuing the citation shall take
374 from the applicant a bond or recognizance to the state of Connecticut,
375 with surety, to prosecute the application in effect and to comply with
376 the orders and decrees of the court in the premises. Such applications
377 shall be preferred cases, to be heard, unless cause appears to the
378 contrary, at the first session, by the court or by a committee appointed
379 by the court. Said court may grant such relief as may be equitable and,
380 if the application is without probable cause, may tax double or triple
381 costs, as the case demands; and, upon all applications which are
382 denied, costs may be taxed against the applicant at the discretion of the
383 court, but no costs shall be taxed against the state.]

384 Sec. 5. Section 12-129c of the general statutes is repealed and the
385 following is substituted in lieu thereof:

386 (a) No claim shall be accepted under section 12-129b unless the
387 taxpayer or [his] authorized agent of such taxpayer files an application
388 with the assessor of the municipality in which the property is located,

389 in affidavit form as provided by the Secretary of the Office of Policy
390 and Management, during the period from February first to and
391 including May fifteenth of any year in which benefits are first claimed,
392 including such information as is necessary to substantiate said claim in
393 accordance with requirements in such application. A taxpayer may
394 make application to the secretary prior to August fifteenth of the claim
395 year for an extension of the application period. The secretary may
396 grant such extension in the case of extenuating circumstance due to
397 illness or incapacitation as evidenced by a physician's certificate to that
398 extent, or if the secretary determines there is good cause for doing so.
399 The taxpayer shall present to the assessor a copy of such taxpayer's
400 federal income tax return and the federal income tax return of such
401 taxpayer's spouse, if filed separately, for such taxpayer's taxable year
402 ending immediately prior to the submission of the taxpayer's
403 application, or if not required to file a federal income tax return, such
404 other evidence of qualifying income in respect to such taxable year as
405 the assessor may require. Each such application, together with the
406 federal income tax return and any other information submitted in
407 relation thereto, shall be examined by the assessor and if the
408 application is approved by the assessor, it shall be forwarded to the
409 secretary on or before July first of the year in which such application is
410 approved, provided in the case of a taxpayer who received a filing date
411 extension from the secretary, such application shall be forwarded to
412 the secretary not later than ten business days after the date it is filed
413 with the assessor. After a taxpayer's claim for the first year has been
414 filed and approved such taxpayer shall be required to file such an
415 application biennially. In respect to such application required after the
416 filing and approval for the first year the tax assessor in each
417 municipality shall notify each such taxpayer concerning application
418 requirements by regular mail not later than February first of the
419 assessment year in which such taxpayer is required to reapply,
420 enclosing a copy of the required application form. Such taxpayer may
421 submit such application to the assessor by mail provided it is received
422 by the assessor not later than March fifteenth in the assessment year
423 with respect to which such tax relief is claimed. Not later than April

424 first of such year the assessor shall notify, by certified mail, any such
425 taxpayer for whom such application was not received by said March
426 fifteenth concerning application requirements and such taxpayer shall
427 be required not later than May fifteenth to submit such application
428 personally or for reasonable cause, by a person acting in behalf of such
429 taxpayer as approved by the assessor. [, however, in the case of
430 extenuating circumstance due to illness or incapacitation as evidenced
431 by a physician's certificate to that extent, the taxpayer may make
432 application to the Secretary of the Office of Policy and Management
433 prior to August fifteenth of the claim year for any extension of the
434 application period. In submitting any such application such taxpayer
435 shall present to the assessor in substantiation thereof a copy of such
436 taxpayer's federal income tax return and that of such taxpayer's
437 spouse, if filed separately, for such taxpayer's taxable year ending
438 immediately prior to the submission of such application, or if not
439 required to file a federal income tax return, such other evidence of
440 qualifying income in respect to such taxable year as the assessor may
441 require. Each such application, together with the federal income tax
442 return and any other information submitted in relation thereto, shall be
443 examined by the assessor and if the application is approved,
444 forwarded to the Secretary of the Office of Policy and Management on
445 or before July first of the year in which such application is approved.]

446 [(b) Applicants making application [in the calendar year 1974 and
447 eligible applicants under section 12-129b who have failed to make
448 application for benefits thereunder within sixty days following the
449 1973 assessment date, or in the towns of Glastonbury and South
450 Windsor the 1974 assessment date, shall be permitted to make
451 application for such benefits within sixty days following April 15,
452 1974, in the usual manner, on the basis of their income for the calendar
453 year 1973. Such affidavit shall not be open for public inspection.]

454 [(c)] (b) Any person knowingly making a false affidavit for the
455 purpose of [exemption from taxation] claiming property tax relief
456 under section 12-129b and this section shall be [imprisoned not more
457 than one year or] fined not more than five hundred dollars. [, or both]

458 Any person who fails to disclose all matters relating thereto or with
459 intent to defraud makes a false statement shall refund all tax relief
460 improperly taken.

461 Sec. 6. Section 12-129d of the general statutes is repealed and the
462 following is substituted in lieu thereof:

463 (a) On or before January first, annually, the tax collector of each
464 municipality shall certify to the Secretary of the Office of Policy and
465 Management, on a form furnished by [him] the secretary, the amount
466 of tax revenue which such municipality, except for the provisions of
467 section 12-129b, would have received, together with such supporting
468 information as said secretary may require. On or after December 1,
469 1989, any municipality which neglects to transmit [to the Secretary of
470 the Office of Policy and Management] the claim and supporting
471 information as required by this section shall forfeit two hundred fifty
472 dollars to the state, provided said secretary may waive such forfeiture
473 in accordance with procedures and standards adopted by regulation in
474 accordance with chapter 54. Said secretary shall review each such
475 claim [and, not later than the January first next succeeding the
476 deadline for the receipt of such claims, shall notify each municipality
477 of his acceptance or modification of such claim. Any municipality
478 aggrieved by the action of the secretary under the provisions of this
479 section may appeal therefrom within thirty days to the superior court
480 for the judicial district in which the municipality is located] in
481 accordance with the procedure set forth in section 1 of this act. Any
482 claimant aggrieved by the results of the secretary's review shall have
483 the rights of appeal as set forth in section 1 of this act.

484 (b) The Secretary of the Office of Policy and Management shall, on
485 or before August fifteenth, annually, certify to the Comptroller the
486 amount due each municipality under the provisions of subsection (a)
487 of this section, including any modification of such claim made prior to
488 August fifteenth, and the Comptroller shall draw [his] an order on the
489 Treasurer on or before the first day of September following and the
490 Treasurer shall pay the amount thereof to such municipality on or

491 before the fifteenth day of September following. If any modification is
492 made as the result of the provisions of subsection (a) of this section on
493 or after the August fifteenth following the date on which the tax
494 collector has provided the amount of tax revenue in question, any
495 adjustments to the amount due to any municipality for the period for
496 which such modification was made shall be made in the next payment
497 the Treasurer shall make to such municipality pursuant to this section.

498 [(c) If, in the process of verification, the Secretary of the Office of
499 Policy and Management finds a claim for tax relief under this section
500 to be mathematically incorrect, not supported by the application or not
501 in conformance with the law or that additional information is needed
502 to justify approving any such claim for reimbursement, he shall notify
503 the assessor or assessors and tax collector and advise him or them of
504 the deficiencies therein, or he may correct and fix the amount of such
505 tax relief and notify the assessor or assessors and tax collector thereof.
506 The assessors shall notify the applicant, in writing, of any correction to
507 the amount of tax relief as claimed. Any person aggrieved by the
508 action of the secretary or the assessor or assessors in fixing the amount
509 of such tax relief or in disapproving any such claim may appeal to the
510 secretary, in writing, within thirty days from the date of the
511 notification so given, giving notice of such grievance. The secretary
512 shall promptly consider such notice and may grant or deny the relief
513 requested, provided such decision shall be made not later than sixty
514 days after the receipt of such notice. If the relief is denied, the applicant
515 shall be notified forthwith and may, within thirty days after receipt of
516 such notification, request a hearing before such secretary. The
517 secretary shall fix a time and place for such hearing within the judicial
518 district in which the applicant resides and shall notify the applicant of
519 such time and place not later than fifteen days prior to such hearing.
520 At such time he may subpoena witnesses and may administer oaths
521 and make such inquiries as may be necessary to determine the amount
522 of tax relief to conform to the provisions of sections 12-129b to 12-129d,
523 inclusive. If the applicant is aggrieved in respect to any action of the
524 Secretary of the Office of Policy and Management under this section,

525 he may, within thirty days appeal to the superior court for the judicial
526 district in which he resides. Any applicant who wilfully fails to
527 disclose all matters relating thereto or with intent to defraud makes a
528 false statement shall refund all credits improperly taken and shall be
529 fined not more than five hundred dollars or imprisoned for one year or
530 both.]

531 Sec. 7. Section 12-170f of the general statutes is repealed and the
532 following is substituted in lieu thereof:

533 (a) Any renter, believing himself or herself to be entitled to a grant
534 under section 12-170d for any calendar year, shall make application for
535 such grant to the assessor [or assessors] of the municipality in which
536 [he] the renter resides or to the duly authorized [agents] agent of such
537 assessor or [assessors for such grant] municipality on or after May
538 fifteenth and not later than September fifteenth of each year with
539 respect to such grant for the calendar year preceding each such year,
540 on a form prescribed and furnished by the Secretary of the Office of
541 Policy and Management to the [local] assessor, [or assessors.] A renter
542 may make application to the [Secretary of the Office of Policy and
543 Management] secretary prior to December fifteenth of the claim year
544 for an extension of the application period. The secretary may grant
545 such extension [if he] in the case of extenuating circumstance due to
546 illness or incapacitation as evidenced by a physician's certificate to that
547 extent, or if the secretary determines there is good cause for doing so.
548 [Notwithstanding the provisions of this subsection a request for an
549 extension of the 1997 claim year application period may be made not
550 later than August 1, 1998.] A renter making such application shall
551 present to such assessor [, assessors] or [agents] agent, in
552 substantiation of [his] the renter's application, a copy of [his] the
553 renter's federal income tax return, and if not required to file a federal
554 income tax return, such other evidence of qualifying income, receipts
555 for money received, or cancelled checks, or copies thereof, and any
556 other evidence the assessor [, assessors] or such agent may require.
557 When the assessor [, assessors] or [agents] agent is [or are] satisfied
558 that the applying renter is entitled to a grant, such assessor or

559 [assessors or agents] agent shall issue a certificate of grant, in triplicate,
560 in such form as the [Secretary of the Office of Policy and Management]
561 secretary may prescribe and supply showing the amount of the grant
562 due. The assessor [or assessors] or agent shall forward the original
563 copy and attached application to the [Secretary of the Office of Policy
564 and Management] secretary not later than the last day of the month
565 following the month in which the renter has made application. On or
566 after December 1, 1989, any municipality which neglects to transmit to
567 the [Secretary of the Office of Policy and Management] secretary the
568 claim and supporting applications as required by this section shall
569 forfeit two hundred fifty dollars to the state, provided said secretary
570 may waive such forfeiture in accordance with procedures and
571 standards adopted by regulation in accordance with chapter 54. A
572 duplicate of such certificate with a copy of the application attached
573 shall be delivered to the [applicant] renter and the assessor [, assessors]
574 or [agents] agent shall keep the third copy of such certificate and a
575 copy of the application. [for their records.] After the secretary's review
576 of each claim, pursuant to section 1 of this act, and verification of the
577 amount of the grant the [Secretary of the Office of Policy and
578 Management] secretary shall, not later than September thirtieth of each
579 year prepare a list of certificates approved for payment, [by him,] and
580 shall thereafter supplement such list monthly. Such list and any
581 supplements thereto shall be approved for payment by the [Secretary
582 of the Office of Policy and Management] secretary and shall be
583 forwarded by [him] the secretary to the [State] Comptroller, not later
584 than ninety days after receipt of such applications and certificates of
585 grant from the assessor or [assessors] agent, and the [State]
586 Comptroller shall draw [his] an order [upon] on the [State] Treasurer,
587 not later than fifteen days following, in favor of each person on such
588 list and on supplements to such list in the amount of such person's
589 claim and the Treasurer shall pay such amount to such person, not
590 later than fifteen days following. Any claimant aggrieved by the
591 results of the secretary's review shall have the rights of appeal as set
592 forth in section 1 of this act. Applications filed under this section shall
593 not be open for public inspection. Any person who, for the purpose of

594 obtaining a grant under section 12-170d, wilfully fails to disclose all
595 matters related thereto or with intent to defraud makes false statement
596 shall be fined not more than five hundred dollars.

597 (b) Any municipality may provide, upon approval by its legislative
598 body, that the duties and responsibilities of the assessor, as required
599 under this section, [and section 12-170g,] shall be transferred to (1) the
600 officer in such municipality having responsibility for the
601 administration of social services, or (2) the coordinator or agent for the
602 elderly in such municipality.

603 [(c) Notwithstanding the provisions of subsection (a) of this section,
604 any renter who files an application for a grant pursuant to the
605 increased income levels as established in section 12-170e between July
606 1, 1988, and December 1, 1988, inclusive, shall be included on a claim
607 to be filed with the Secretary of the Office of Policy and Management
608 by the assessor or assessors, within sixty days of receipt of such
609 application. Such claims shall be reviewed and approved for payment
610 by said secretary and shall be forwarded by him to the State
611 Comptroller, not later than the fifteenth day of May next following.
612 The State Comptroller shall draw his order upon the State Treasurer,
613 not later than fifteen days following, in favor of each such person's
614 claim, and the Treasurer shall pay such amount to such person not
615 later than fifteen days following.]

616 Sec. 8. Subsection (f) of section 12-170aa of the general statutes is
617 repealed and the following is substituted in lieu thereof:

618 (f) Any homeowner, believing [himself] such homeowner is entitled
619 to tax reduction benefits under this section for any assessment year,
620 shall make application as required in subsection (e) of this section, to
621 the assessor of the municipality in which [he] the homeowner resides,
622 for such tax reduction at any time from February first to and including
623 May fifteenth of the year in which tax reduction is claimed. [In the case
624 of extenuating circumstances of the homeowner's illness or
625 incapacitation, evidenced by a physician's certificate to that effect, the

626 homeowner may make application to the Secretary of the Office of
627 Policy and Management prior to August fifteenth of the year in which
628 tax reduction is claimed for an extension of the application period] A
629 homeowner may make application to the secretary prior to August
630 fifteenth of the claim year for an extension of the application period.
631 The secretary may grant such extension in the case of extenuating
632 circumstance due to illness or incapacitation as evidenced by a
633 physician's certificate to that extent, or if the secretary determines there
634 is good cause for doing so. Such application for tax reduction benefits
635 shall be submitted on a form prescribed and furnished by the
636 [Secretary of the Office of Policy and Management] secretary to the
637 [local assessors] assessor. In making application the homeowner shall
638 present to such assessor, in substantiation of [his] such homeowner's
639 application, a copy of such homeowner's federal income tax return,
640 including a copy of the social security statement of earnings for such
641 homeowner, and that of such homeowner's spouse, if filed separately,
642 for such homeowner's taxable year ending immediately prior to the
643 submission of such application, or if not required to file a return, such
644 other evidence of qualifying income in respect to such taxable year as
645 may be required by the assessor. When the assessor is satisfied that the
646 applying homeowner is entitled to tax reduction in accordance with
647 this section, such assessor shall issue a certificate of credit, in such
648 form as the [Secretary of the Office of Policy and Management]
649 secretary may prescribe and supply showing the amount of tax
650 reduction allowed. A duplicate of such certificate shall be delivered to
651 the applicant and the tax collector of the municipality and the assessor
652 [or assessors] shall keep the fourth copy of such certificate and a copy
653 of the application. [for their records] Any homeowner who, for the
654 purpose of obtaining a tax reduction under this section, wilfully fails to
655 disclose all matters related thereto or with intent to defraud makes
656 false statement shall refund all property tax credits improperly taken
657 and shall be fined not more than five hundred dollars. Applications
658 filed under this section shall not be open for public inspection.

659 Sec. 9. Subsection (g) of section 12-170aa of the general statutes is

660 repealed and the following is substituted in lieu thereof:

661 (g) On or before July first, annually, each municipality shall submit
662 to the [Secretary of the Office of Policy and Management] secretary, a
663 claim for the tax reductions [to be claimed] approved under this
664 section in relation to the assessment list of October first immediately
665 preceding. On or after December 1, 1987, any municipality which
666 neglects to transmit to the [Secretary of the Office of Policy and
667 Management] secretary the claim as required by this section shall
668 forfeit two hundred fifty dollars to the state provided the secretary
669 may waive such forfeiture in accordance with procedures and
670 standards established by regulations adopted in accordance with
671 chapter 54. Subject to procedures for review and approval of such data
672 [, including additions and adjustments, to be established by
673 regulations] pursuant to section 1 of this act, said secretary shall, on or
674 before December first next following, certify to the Comptroller the
675 amount due each municipality as reimbursement for loss of property
676 tax revenue related to the tax reductions allowed under this section.
677 The Comptroller shall draw [his] an order on the Treasurer on or
678 before the fifteenth day of December and the Treasurer shall pay the
679 amount due each municipality not later than the thirty-first day of
680 December. [, next following, provided in a case of any credit adjusted
681 pursuant to section 12-170cc, the state may adjust the reimbursement
682 made to a municipality for the following calendar year to reflect the
683 adjustment made in relation to such credit] Any claimant aggrieved by
684 the results of the secretary's review shall have the rights of appeal as
685 set forth in section 1 of this act.

686 Sec. 10. Section 32-9s of the general statutes is repealed and the
687 following is substituted in lieu thereof:

688 The state shall make an annual grant payment to each municipality,
689 to each district, as defined in section 7-325, which is located in a
690 distressed municipality, targeted investment community or enterprise
691 zone and to each special services district created pursuant to chapter
692 105a which is located in a distressed municipality, targeted investment

693 community or enterprise zone (1) in the amount of fifty per cent of the
694 amount of that tax revenue which the municipality or district would
695 have received except for the provisions of subdivisions (59) and (60) of
696 section 12-81, and (2) in the amount of fifty per cent of the amount of
697 the tax revenue which the municipality or district would have received
698 except for the provisions of subdivision (70) of section 12-81. On or
699 before the first day of August of each year, each municipality and
700 district shall file a claim with the Secretary of the Office of Policy and
701 Management for the amount of such grant payment to which such
702 municipality or district is entitled under this section. The claim shall be
703 made on forms prescribed by the [Secretary of the Office of Policy and
704 Management] secretary and shall be accompanied by such supporting
705 information as the [Secretary of the Office of Policy and Management]
706 secretary may require. Any municipality or district which neglects to
707 transmit to the [Secretary of the Office of Policy and Management]
708 secretary such claim and supporting documentation as required by
709 this section shall forfeit two hundred fifty dollars to the state, provided
710 the secretary may waive such forfeiture in accordance with procedures
711 and standards adopted by regulation in accordance with chapter 54.
712 The [Secretary of the Office of Policy and Management] secretary shall
713 [notify each municipality or district which has made such a claim of
714 the acceptance or modification of the claim not later than the August
715 first next succeeding the deadline for the receipt of such claims. Any
716 municipality or district aggrieved by the action of the Secretary of the
717 Office of Policy and Management under the provisions of this section
718 may appeal, within one month of receipt of any notice made pursuant
719 to this section, to the superior court for the judicial district in which
720 such municipality or district is located. The Secretary of the Office of
721 Policy and Management] review each such claim as provided in
722 section 1 of this act. Any claimant aggrieved by the results of the
723 secretary's review shall have the rights of appeal as set forth in section
724 1 of this act. The secretary shall, on or before the December first next
725 succeeding the deadline for the receipt of such claims, certify to the
726 Comptroller the amount due under this section, including any
727 modification of such claim made prior to December first, to each

728 municipality or district which has made a claim under the provisions
729 of this section. The Comptroller shall draw an order on the Treasurer
730 on or before the following December fifteenth, and the Treasurer shall
731 pay the amount thereof to each such municipality or district on or
732 before the following December thirty-first. If any modification is made
733 as the result of the provisions of this section on or after the December
734 first following the date on which the municipality or district has
735 provided the amount of tax revenue in question, any adjustment to the
736 amount due to any municipality or district for the period for which
737 such modification was made shall be made in the next payment the
738 Treasurer shall make to such municipality or district pursuant to this
739 section.

740 Sec. 11. Subsection (b) of section 12-170d of the general statutes is
741 repealed and the following is substituted in lieu thereof:

742 (b) For purposes of determining qualifying income under subsection
743 (a) of this section with respect to a married renter who submits an
744 application for a grant in accordance with sections 12-170d to [12-170g]
745 12-170f, inclusive, the Social Security income of the spouse of such
746 renter shall not be included in the qualifying income of such renter, for
747 purposes of determining eligibility for benefits under said sections, if
748 such spouse is a resident of a health care or nursing home facility in
749 this state receiving payment related to such spouse under the Title XIX
750 Medicaid program. An applicant who is legally separated pursuant to
751 the provisions of section 46b-40, as of the thirty-first day of December
752 preceding the date on which such person files an application for a
753 grant in accordance with sections 12-170d to [12-170g] 12-170f,
754 inclusive, may apply as an unmarried person and shall be regarded as
755 such for purposes of determining qualifying income under subsection
756 (a) of this section.

757 Sec. 12. Section 12-170g and section 12-170cc of the general statutes
758 are repealed.

759 Sec. 13. This act shall take effect July 1, 2001.

PD *Joint Favorable Subst.-LCO*

FIN *Joint Favorable*