General Assembly **Substitute Bill No. 1098**

January Session, 2003

AN ACT CONCERNING MUNICIPAL GRAND LISTS AND ASSESSMENT APPEALS.

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

Section 1. Section 12-55 of the general statutes is repealed and the following is substituted in lieu thereof *(Effective July 1, 2003)*:

[(a) When the declarations of any town have been so received or made by the assessor or board of assessors, they shall equalize the same, if necessary, and make any assessment omitted by mistake or required by law. The assessor or board of assessors may increase or decrease the valuation of property as named in any of such declarations or in the last-preceding grand list, but, in each case of any increase in valuation of such property above the valuation, if any, stated by the person filing such declaration or in each case of any increase of valuation above the valuation of such property in the last-preceding grand list, except with respect to the valuation of any motor vehicle, they shall send written notice by mail of such increase in accordance with subsection (b) of this section, or in accordance with subsection (f) of section 12-62 in the year of a revaluation, including in such notice the valuation prior to and after such increase with respect to each parcel of real property, the valuation of which has been increased, to the last-known address of the person whose valuation is so changed. If the methodology used to determine the value of personal property for which a notice of increase is required differs

21 from that previously used to determine the value of such property by
22 the assessor or assessors of such town, said notice shall include a
23 statement concerning such change, which shall indicate the current
24 methodology and that previously used. Such notice shall also include
25 information describing the manner in which an appeal may be filed
26 with the board of assessment appeals. When the review of such
27 declarations has been completed, the assessor or board of assessors
28 shall determine the assessed valuations resulting therefrom, including,
29 where applicable, the twenty-five per cent assessment penalty added
30 in accordance with section 12-41. The assessor shall publish all such
31 assessed values, together with the assessed value of all other property
32 in the town in the grand list abstract for the assessment year
33 commencing on the October first immediately preceding completion of
34 such grand list. Such grand list shall also reflect the statutory
35 exemption or exemptions to which each taxpayer is entitled. The
36 assessor or board of assessors shall lodge the same, except as otherwise
37 specially provided by law, in the office of the assessor, on or before the
38 thirty-first day of January following the commencement of such
39 assessment year, for public inspection. Such assessor or board of
40 assessors shall take and subscribe the oath provided by law, which
41 shall be certified by the officer administering the same and endorsed
42 upon or attached to such grand list abstract. For the grand list of
43 October 1, 2000, and each grand list thereafter, each assessor who signs
44 the grand list of the town shall be certified in accordance with the
45 provisions of section 12-40a. Any assessor or board of assessors of any
46 town who fails to comply with any provision of this section shall be
47 fined five dollars.

48 (b) The written notice of assessment increase as required in
49 subsection (a) of this section shall be mailed no earlier than the
50 assessment date and no later than the tenth calendar day immediately
51 following the date on which the grand list abstract is signed and
52 attested to by the assessor or board of assessors. If such assessment
53 increase notice is sent later than the time period herein prescribed,
54 such increase shall become effective on the next succeeding grand list.**]**

55 (a) On or before the thirty-first day of January of each year, except
56 as otherwise specifically provided by law, the assessors or board of
57 assessors shall publish the grand list for their respective towns. Each
58 such grand list shall contain the assessed values of all property in the
59 town, reflecting the statutory exemption or exemptions to which each
60 property or property owner is entitled, and including, where
61 applicable, any assessment penalty added in accordance with section
62 12-41 or 12-57a for the assessment year commencing on the October
63 first immediately preceding. The assessor or board of assessors shall
64 lodge the grand list for public inspection, in the office of the assessor
65 on or before said thirty-first day of January, or on or before the day
66 otherwise specifically provided by law for the completion of such
67 grand list. The town's assessor or board of assessors shall take and
68 subscribe to the oath, pursuant to section 1-25, which shall be certified
69 by the officer administering the same and endorsed upon or attached
70 to such grand list. For the grand list of October 1, 2000, and each grand
71 list thereafter, each assessor or member of a board of assessors who
72 signs the grand list shall be certified in accordance with the provisions
73 of section 12-40a.

74 (b) Prior to taking and subscribing to the oath upon the grand list,
75 the assessor or board of assessors shall equalize the assessments of
76 property in the town, if necessary, and make any assessment omitted
77 by mistake or required by law. The assessor or board of assessors may
78 increase or decrease the valuation of any property as reflected in the
79 last-preceding grand list, or the valuation as stated in any personal
80 property declaration or report received pursuant to this chapter. In
81 each case of any increase in valuation of a property above the
82 valuation of such property in the last-preceding grand list, or the
83 valuation, if any, stated by the person filing such declaration or report,
84 the assessor or board of assessors shall mail a written notice of
85 assessment increase to the last-known address of the owner of the
86 property the valuation of which has increased. All such notices shall be
87 subject to the provisions of subsection (c) of this section.
88 Notwithstanding the provisions of this section, a notice of increase

89 shall not be required in any year with respect to a registered motor
90 vehicle the valuation of which has increased. In the year of a
91 revaluation, the notice of increase sent in accordance with subsection
92 (f) of section 12-62 shall be in lieu of the notice required by this section.

93 (c) Each notice of assessment increase sent pursuant to this section
94 shall include: (1) The valuation prior to and after such increase; and (2)
95 information describing the manner in which an appeal may be filed
96 with the board of assessment appeals. If a notice of assessment increase
97 affects the value of personal property and the assessor or board of
98 assessors used a methodology to determine such value that differs
99 from the methodology previously used, such notice shall include a
100 statement concerning such change in methodology, which shall
101 indicate the current methodology and the one that the assessor or
102 assessors used for the valuation prior to such increase. Each such
103 notice shall be mailed not earlier than the assessment date and not
104 later than the tenth calendar day immediately following the date on
105 which the assessor or board of assessors signs and attests to the grand
106 list. If any such assessment increase notice is sent later than the time
107 period prescribed in this subsection, such increase shall become
108 effective on the next succeeding grand list.

109 Sec. 2. Section 12-64 of the general statutes is repealed and the
110 following is substituted in lieu thereof *(Effective from passage)*:

111 (a) All the following-mentioned property, not exempted, shall be set
112 in the list of the town where it is situated and, except as otherwise
113 provided by law, shall be liable to taxation at a uniform percentage of
114 its present true and actual valuation, not exceeding one hundred per
115 cent of such valuation, to be determined by the assessors: Dwelling
116 houses, garages, barns, sheds, stores, shops, mills, buildings used for
117 business, commercial, financial, manufacturing, mercantile and trading
118 purposes, ice houses, warehouses, silos, all other buildings and
119 structures, house lots, all other building lots and improvements
120 thereon and thereto, agricultural lands, shellfish lands, all other lands
121 and improvements thereon and thereto, quarries, mines, ore beds,

122 fisheries, property in fish pounds, machinery and easements to use air
123 space whether or not contiguous to the surface of the ground. An
124 easement to use air space shall be an interest in real estate and may be
125 assessed separately from the surface of the ground below it. Any
126 interest in real estate shall be set by the assessors in the list of the
127 person in whose name the title to such interest stands on the land
128 records. If the interest in real estate consists of an easement to use air
129 space, whether or not contiguous to the surface of the ground, which
130 easement is in the form of a lease for a period of not less than fifty
131 years, which lease is recorded in the land records of the town and
132 provides that the lessee shall pay all taxes, said interest shall be
133 deemed to be a separate parcel and shall be separately assessed in the
134 name of the lessee. If the interest in real estate consists of a lease of
135 land used for residential purposes which allows the lessee to remove
136 any or all of the structures, buildings or other improvements on said
137 land erected or owned by the lessee, which lease is recorded in the
138 land records of the town and provides that the lessee shall pay all taxes
139 with respect to such structures, buildings or other improvements, said
140 interest shall be deemed to be a separate parcel and said structures,
141 buildings or other improvements shall be separately assessed in the
142 name of the lessee, provided such separate assessment shall not alter
143 or limit in any way the enforcement of a lien on such real estate in
144 accordance with chapter 205, for taxes with respect to such real estate
145 including said land, structures, buildings or other improvements. For
146 purposes of determining the applicability of the provisions of this
147 section to any such interest in real estate, the term "lessee" shall mean
148 any person who is a lessee or sublessee under the terms of the lease
149 agreement in accordance with which such interest in real estate is
150 established.

151 (b) Except as provided in subsection (c) of this section, any land,
152 buildings or easement to use air rights belonging to or held in trust for
153 the state, not used for purposes attributable to functions of the state
154 government or any other governmental purpose but leased to a person
155 or organization for use unrelated to any such purpose, exclusive of any

156 such lease with respect to which a binding agreement is in effect on
157 June 25, 1985, shall be separately assessed in the name of the lessee and
158 **[**the lessee shall be required to pay property taxes applicable to the
159 assessed value of the portion of such property subject to the interest of
160 the lessee under the terms of the lease**]** subject to local taxation
161 annually in the name of the lessee having immediate right to
162 occupancy of such land or building, by the town wherein situated as of
163 the assessment day next following the date of leasing pursuant to
164 section 4b-38. If such property or any portion thereof is leased to any
165 organization which, if the property were owned by or held in trust for
166 such organization, would not be liable for taxes with respect to such
167 property under any of the subdivisions of section 12-81, as amended
168 by this act, such organization shall be entitled to exemption from
169 property taxes as the lessee under such lease, provided such property
170 is used exclusively for the purposes of such organization as stated in
171 the applicable subdivision of said section 12-81 and the portion of such
172 property so leased to such exempt organization shall be eligible for a
173 grant in lieu of taxes pursuant to section 12-19a. Whenever the lessee
174 of such property is required to pay property taxes to the town in which
175 such property is situated as provided in this subsection, the assessed
176 valuation of such property subject to the interest of the lessee shall not
177 be included in the annual list of assessed values of state-owned real
178 property in such town as prepared for purposes of state grants in
179 accordance with said section 12-19a and the amount of grant to such
180 town under said section 12-19a shall be determined without
181 consideration of such assessed value.

182 (c) The provisions of subsection (b) of this section shall not be
183 applicable to any land, building or easement belonging to or held in
184 trust for the state of Connecticut at (1) Bradley International Airport or
185 any other state-owned airport, and (2) any restaurant, gasoline station
186 or other service facility or public convenience as may be deemed
187 appropriate by the Commissioner of Transportation for state highway,
188 mass transit, marine or aviation purposes. In the event a lessee of
189 property, belonging to or held in trust for the state or a constituent unit

190 of the state system of higher education, who is subject to taxation
191 pursuant to the provisions of this subsection or pursuant to subsection
192 (g) of section 4b-38 is delinquent in the payment of such tax, a
193 municipal tax collector may enforce the collection of said tax by all
194 legal means available, except for the filing of a lien on such property.

195 Sec. 3. Section 12-111 of the general statutes is repealed and the
196 following is substituted in lieu thereof *(Effective July 1, 2003)*:

197 (a) Any person, including any lessee of real property whose lease
198 has been recorded as provided in section 47-19 and who is bound
199 under the terms of a lease to pay real property taxes and any person to
200 whom title to such property has been transferred since the assessment
201 date, claiming to be aggrieved by the doings of the assessors of such
202 town may appeal therefrom to the board of assessment appeals. Such
203 appeal shall be filed, in writing, on or before February twentieth. The
204 written appeal shall include, but is not limited to, the property owner's
205 name, name and position of the signer, description of the property
206 which is the subject of the appeal, name and mailing address of the
207 party to be sent all correspondence by the board of assessment
208 appeals, reason for the appeal, appellant's estimate of value, signature
209 of property owner, or duly authorized agent of the property owner,
210 and date of signature. The board shall notify each aggrieved taxpayer
211 who filed a written appeal in the proper form and in a timely manner,
212 no later than March first immediately following the assessment date, of
213 the date, time and place of the appeal hearing. Such notice shall be sent
214 no later than seven calendar days preceding the hearing date except
215 that the board may elect not to conduct an appeal hearing for any
216 commercial, industrial, utility or apartment property with an assessed
217 value greater than five hundred thousand dollars. The board shall, not
218 later than March first, notify the appellant that the board has elected
219 not to conduct an appeal hearing. The board shall determine all such
220 appeals and send written notification of the final determination of such
221 appeals to each such person within one week after such determination
222 has been made. Such written notification shall include information
223 describing the property owner's right to appeal the determination of

224 such board. Such board may equalize and adjust the grand list of such
225 town and may increase or decrease the assessment of any taxable
226 property or interest therein and may add an assessment for property
227 omitted by the assessors which should be added thereto; and may add
228 to the grand list the name of any person omitted by the assessors and
229 owning taxable property in such town, placing therein all property
230 liable to taxation which it has reason to believe is owned by such
231 person, at the percentage of its actual valuation, as determined by the
232 assessors in accordance with the provisions of sections 12-64, as
233 amended by this act, and 12-71, from the best information that it can
234 obtain, and if such property should have been included in the
235 declaration, as required by section 12-42 or 12-43, it shall add thereto
236 twenty-five per cent of such assessment; but, before proceeding to
237 increase the assessment of any person or to add to the grand list the
238 name of any person so omitted, it shall mail to such person, postage
239 paid, at least one week before making such increase or addition, a
240 written or printed notice addressed to such person at the town in
241 which such person resides, to appear before such board and show
242 cause why such increase or addition should not be made.

243 (b) If an extension is granted to any assessor or board of assessors
244 pursuant to section 12-117, as amended by this act, the date by which a
245 taxpayer shall be required to submit a written request for appeal to the
246 board of assessment appeals shall be extended to March twentieth and
247 said board shall conduct hearings regarding such requests during the
248 month of April. The board shall send notification to the taxpayer of the
249 time and date of an appeal hearing at least seven calendar days
250 preceding the hearing date, but no later than the first day of April. If
251 the board elects not to hear an appeal for commercial, industrial, utility
252 or apartment property described in subsection (a) of this section, the
253 board shall notify the taxpayer of such decision no later than the first
254 day of April.

255 Sec. 4. Section 12-117 of the general statutes is repealed and the
256 following is substituted in lieu thereof *(Effective July 1, 2003)*:

257 (a) **[**(1)**]** The period prescribed by law for the completion of the
258 duties of any assessor, board of assessors or board of assessment
259 appeals may, for due cause shown, be extended by the chief executive
260 officer of the town for a period not exceeding one month, and in the
261 case of the board of assessment appeals in any town in the assessment
262 year immediately following completion of a revaluation of all real
263 property in such town and adjustment of the assessment list for such
264 assessment year accordingly, such period may be extended by said
265 chief executive officer for a period not exceeding two months. Not later
266 than two weeks after granting an extension as provided under
267 **[**subdivision (1) or (2) of**]** this subsection, the chief executive officer
268 shall send written notice of the extension to the Secretary of the Office
269 of Policy and Management. **[**If an extension is granted to any assessor
270 or board of assessors, the date by which a taxpayer shall be required to
271 submit a written request for appeal to the board of assessment appeals
272 shall be extended to March twentieth and said board shall conduct
273 hearings regarding such requests during the month of April. The
274 board shall send notification to the taxpayer of the time and date of an
275 appeal hearing at least seven calendar days preceding the hearing
276 date, but no later than the first day of April. If the board elects not to
277 hear an appeal in accordance with the provisions of section 12-111 it
278 shall notify the taxpayer of such decision no later than the first day of
279 April. (2) In addition to the extensions provided under subdivision (1)
280 of this subsection, the period prescribed by law for the completion of
281 the duties of any assessor, board of assessors or board of assessment
282 appeals in any town subject to the provisions of section 7-344 which
283 fails to adopt its budget in the time prescribed shall be extended by the
284 chief executive officer for a period not exceeding three months,
285 provided the assessor or board notifies the chief executive officer of the
286 need for such extension. The date by which a taxpayer shall be
287 required to submit a written request for appeal to the board of
288 assessment appeals shall be extended for a three-month period and
289 said board shall conduct hearings regarding such requests during the
290 month following the end of the extended period for requests for
291 appeals under this subdivision. The board shall send notification to the

292 taxpayer of the time and date of an appeal hearing at least seven
293 calendar days preceding the hearing date, but no later than the first
294 day of the month in which the hearing is to be held. If the board elects
295 not to hear an appeal in accordance with the provisions of section 12-
296 111 it shall notify the taxpayer of such decision. All provisions of said
297 section 12-111, other than the extension of the filing and notification
298 dates as provided in subdivisions (1) and (2) of this subsection, shall be
299 applicable to such appeals. If an extension is granted to any board of
300 assessment appeals, the time period within which a taxpayer may
301 appeal from the decision of such board and the time within which the
302 assessor or board of assessors shall transmit a report of such grand list
303 to the Secretary of the Office of Policy and Management shall be
304 extended for a like period.**]**

305 (b) If, in the opinion of the board of assessment appeals and the
306 chief executive officer, the number of appeals pending before such
307 board is such as to preclude fair and equitable consideration of such
308 appeals within the time restriction prescribed **[**herein**]** <u>in this section</u>,
309 the Secretary of the Office of Policy and Management may, upon the
310 request in writing of the board of assessment appeals approved by the
311 chief executive officer, setting forth such opinion, authorize the
312 assessors to assess all real estate according to the grand list in effect
313 immediately prior to the grand list from which such appeals are taken,
314 subject only to transfers of ownership, additions for new construction
315 and reductions for demolitions. The grand list from which such
316 appeals are taken shall then become the grand list for the assessment
317 day next ensuing, subject only to such adjustments as are authorized
318 by the board of assessment appeals, unless the town has, in the
319 intervening time period, completed a revaluation of all real property in
320 accordance with section 12-62.

321 (c) During any assessment year in which the provisions of
322 subsection (b) of this section become applicable, the assessor or board
323 of assessors shall, within sixty days of the date on which the Secretary
324 of the Office of Policy and Management grants authorization, complete
325 the grand list as required by said subsection. Each owner whose

326 property valuation on such grand list has been increased above the
327 valuation of such property in the last-preceding grand list shall be sent
328 an increase notice. The notice shall be prepared in the manner
329 prescribed in section 12-55, as amended by this act, and shall be sent
330 not earlier than the date on which said secretary grants authorization
331 and not later than the tenth day following the date on which the
332 assessor completes the grand list as required by this subsection. If such
333 increase notice is sent later than the time period prescribed in this
334 subsection, such increase shall become effective on the next succeeding
335 grand list. Any owner may appeal said valuation to the board of
336 assessment appeals within thirty days of the date the notice was sent.

337 Sec. 5. Subdivision (53) of section 12-81 of the general statutes is
338 repealed and the following is substituted in lieu thereof (*Effective*
339 *October 1, 2003, and applicable to assessment years commencing on or after*
340 *October 1, 2003*):

341 (53) (a) One passenger motor vehicle belonging to, leased to or held
342 in trust for, any member of the United States armed forces or any
343 veteran described in subdivision (19) of this section, if such motor
344 vehicle is garaged outside the state;

345 (b) Any person claiming the exemption provided under this
346 subdivision for any assessment year shall, not later than the thirty-first
347 day of December next following the date on which property tax is due
348 in such assessment year, file with the assessor or board of assessors, in
349 the town in which such motor vehicle is registered, written application
350 claiming such exemption on a form approved for such purpose by
351 such assessor or board. Failure to file such application as prescribed
352 herein with respect to any assessment year shall constitute a waiver of
353 the right to such exemption for such assessment year.

This act shall take effect as follows:	
Section 1	*July 1, 2003*
Sec. 2	*from passage*
Sec. 3	*July 1, 2003*

Sec. 4	*July 1, 2003*
Sec. 5	*October 1, 2003, and applicable to assessment years commencing on or after October 1, 2003*

Statement of Legislative Commissioners:
In subsection (c) of section 1, the phrase "used for the valuation prior to such increase" was substituted for "previously used" for clarity.

FIN *Joint Favorable Subst.*