



General Assembly

**Substitute Bill No. 63**

January Session, 2005

\* \_\_\_\_\_SB00063PD\_\_\_\_\_051705\_\_\_\_\_\*

**AN ACT CONCERNING PROPERTY TAX RELIEF FOR CERTAIN ELDERLY HOMEOWNERS.**

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

1 Section 1. (NEW) (*Effective October 1, 2005, and applicable to assessment*  
2 *years commencing on or after October 1, 2005*) (a) Any municipality, upon  
3 approval of its legislative body or in any town in which the legislative  
4 body is a town meeting, by the board of selectmen may provide that an  
5 owner of real property or any tenant for life or for a term of years  
6 liable for property taxes under section 12-48 who meets the  
7 qualifications stated in this subsection shall be entitled to pay the tax  
8 levied on such property, calculated in accordance with the provisions  
9 of subsection (c) for the first year the claim for such tax relief is filed  
10 and approved in accordance with the provisions of section 2 of this act,  
11 and such person shall be entitled to continue to pay the amount of  
12 such tax or such lesser amount as may be levied in any year, during  
13 each subsequent year that such person meets such qualifications, and  
14 the surviving spouse of such owner or tenant, qualified in accordance  
15 with the requirements pertaining to a surviving spouse in this  
16 subsection, or any owner or tenant possessing a joint interest in such  
17 property with such owner at the time of such owner's death and  
18 qualified at such time in accordance with the requirements in this  
19 subsection, shall be entitled to continue to pay the amount of such tax  
20 or such lesser amount as may be levied in any year, as it becomes due

21 each year following the death of such owner for as long as such  
22 surviving spouse or joint owner or joint tenant is qualified in  
23 accordance with the requirements in this subsection. After the first  
24 year a claim for such tax relief is filed and approved, application for  
25 such tax relief shall be filed biennially on a form prepared for such  
26 purpose by the assessor of such municipality. To qualify for the tax  
27 relief provided in this section a taxpayer shall meet all the following  
28 requirements: (1) Be eighty years of age or over, on or before July first  
29 of the calendar year in which the tax relief is claimed, or the spouse,  
30 who is domiciled with such taxpayer, shall be eighty years or over, on  
31 or before July first of the calendar year in which the tax relief is  
32 claimed or be fifty years of age or over and the surviving spouse of a  
33 taxpayer who at the time of death had qualified and was entitled to tax  
34 relief under this section and section 2 of this act, provided such spouse  
35 was domiciled with such taxpayer at the time of the taxpayer's death,  
36 (2) occupy such real property as his or her home, (3) either spouse shall  
37 have resided within this state for at least one year before filing the  
38 claim under this section and section 2 of this act, (4) the taxable and  
39 nontaxable income of such taxpayer, the total of which shall  
40 hereinafter be called "qualifying income", in the tax year of such  
41 homeowner ending immediately preceding the date of application for  
42 benefits under the program in this section, was not in excess of sixteen  
43 thousand two hundred dollars, if unmarried, or twenty thousand  
44 dollars, jointly with spouse if married, subject to adjustments in  
45 accordance with subsection (b) of this section, evidence of which  
46 income shall be submitted, in the form of a signed affidavit, to the  
47 assessor in the municipality in which application for benefits under  
48 this section is filed. The amount of any Medicaid payments made on  
49 behalf of such homeowner or the spouse of such homeowner shall not  
50 constitute income.

51 (b) The amounts of qualifying income as provided in this section  
52 shall be adjusted annually in a uniform manner to reflect the annual  
53 inflation adjustment in Social Security income, with each such  
54 adjustment of qualifying income determined to the nearest one

55 hundred dollars. Each such adjustment of qualifying income shall be  
56 prepared by the assessor of such municipality in relation to the annual  
57 inflation adjustment in Social Security, if any, becoming effective at  
58 any time during the twelve-month period immediately preceding the  
59 first day of October each year.

60 (c) The tax on the real property for which the benefits under this  
61 section are claimed shall be the lower of: The tax due for the 2005  
62 assessment year, or the tax due for any subsequent assessment year. If  
63 title to real property is recorded in the name of the person or the  
64 spouse making a claim and qualifying under this section and section 2  
65 of this act and any other person or persons, the claimant hereunder  
66 shall be entitled to pay the claimant's fractional share of the tax on such  
67 property calculated in accordance with the provisions of this section,  
68 and such other person or persons shall pay the person's or persons'  
69 fractional share of the tax without regard for the provisions of this  
70 section and section 2 of this act. For the purposes of this section, a  
71 "mobile manufactured home", as defined in section 12-63a, shall be  
72 deemed to be real property.

73 (d) If any person with respect to whom a claim for tax relief in  
74 accordance with this section and section 2 of this act has been  
75 approved for any assessment year transfers, assigns, grants or  
76 otherwise conveys subsequent to the first day of October, but prior to  
77 the first day of August in such assessment year the interest in real  
78 property to which such claim for tax relief is related, regardless of  
79 whether such transfer, assignment, grant or conveyance is voluntary or  
80 involuntary, the amount of such tax relief benefit, determined as the  
81 amount by which the tax payable without benefit of this section  
82 exceeds the tax payable under the provisions of this section, shall be a  
83 pro rata portion of the amount otherwise applicable in such  
84 assessment year to be determined by a fraction the numerator of which  
85 shall be the number of full months from the first day of October in  
86 such assessment year to the date of such conveyance and the  
87 denominator of which shall be twelve. If such conveyance occurs in the  
88 month of October the grantor shall be disqualified for such tax relief in

89 such assessment year. The grantee shall be required within a period  
90 not exceeding ten days immediately following the date of such  
91 conveyance to notify the assessor thereof, or in the absence of such  
92 notice, upon determination by the assessor that such transfer,  
93 assignment, grant or conveyance has occurred, the assessor shall  
94 determine the amount of tax relief benefit to which the grantor is  
95 entitled for such assessment year with respect to the interest in real  
96 property conveyed and notify the tax collector of the reduced amount  
97 of such benefit. Upon receipt of such notice from the assessor, the tax  
98 collector shall, if such notice is received after the tax due date in the  
99 municipality, no later than ten days thereafter mail or hand a bill to the  
100 grantee stating the additional amount of tax due as determined by the  
101 assessor or assessors. Such tax shall be due and payable and collectible  
102 as other property taxes and subject to the same liens and processes of  
103 collection, provided such tax shall be due and payable in an initial or  
104 single installment not sooner than thirty days after the date such bill is  
105 mailed or handed to the grantee and in equal amounts in any  
106 remaining, regular installments as the same are due and payable.

107       Sec. 2. (NEW) (*Effective October 1, 2005, and applicable to assessment*  
108 *years commencing on or after October 1, 2005*) (a) No claim shall be  
109 accepted under section 1 of this act unless the taxpayer or authorized  
110 agent of such taxpayer files an application with the assessor of the  
111 municipality in which the property is located, in affidavit form as  
112 provided by the assessor, during the period from February first to and  
113 including May fifteenth of any year in which benefits are first claimed,  
114 including such information as is necessary to substantiate such claim  
115 in accordance with requirements in such application. A taxpayer may  
116 make application to the assessor prior to August fifteenth of the claim  
117 year for an extension of the application period. The assessor may grant  
118 such extension in the case of extenuating circumstance due to illness or  
119 incapacitation as evidenced by a physician's certificate to that effect, or  
120 if the assessor determines there is good cause for doing so. The  
121 taxpayer shall present to the assessor a copy of such taxpayer's federal  
122 income tax return and the federal income tax return of such taxpayer's

123 spouse, if filed separately, for such taxpayer's taxable year ending  
124 immediately prior to the submission of the taxpayer's application, or if  
125 not required to file a federal income tax return, such other evidence of  
126 qualifying income in respect to such taxable year as the assessor may  
127 require. Each such application, together with the federal income tax  
128 return and any other information submitted in relation thereto, shall be  
129 examined by the assessor and a determination shall be made as to  
130 whether the application is approved. After a taxpayer's claim for the  
131 first year has been filed and approved such taxpayer shall file such an  
132 application biennially. In respect to such application required after the  
133 filing and approval for the first year the tax assessor in each  
134 municipality shall notify each such taxpayer concerning application  
135 requirements by regular mail not later than February first of the  
136 assessment year in which such taxpayer is required to reapply,  
137 enclosing a copy of the required application form. Such taxpayer may  
138 submit such application to the assessor by mail provided it is received  
139 by the assessor not later than March fifteenth in the assessment year  
140 with respect to which such tax relief is claimed. Not later than April  
141 first of such year the assessor shall notify, by certified mail, any such  
142 taxpayer for whom such application was not received by said March  
143 fifteenth concerning application requirements and such taxpayer shall  
144 submit not later than May fifteenth such application personally or for  
145 reasonable cause, by a person acting in behalf of such taxpayer as  
146 approved by the assessor.

147 (b) Any person knowingly making a false affidavit for the purpose  
148 of claiming property tax relief under section 1 of this act and this  
149 section shall be fined not more than five hundred dollars. Any person  
150 who fails to disclose all matters relating thereto or with intent to  
151 defraud makes a false statement shall refund to the municipality all tax  
152 relief improperly taken.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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