



General Assembly

Substitute Bill No. 6041

January Session, 2009

* HB06041APP 042409 *

**AN ACT CONCERNING MUNICIPAL ASSESSMENTS AND
ASSESSMENT APPEALS.**

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

1 Section 1. Section 9-199 of the general statutes is amended by adding
2 subsection (d) as follows (*Effective October 1, 2009*):

3 (NEW) (d) Beginning with the assessment year commencing
4 October 1, 2009, a member of the board of assessment appeals shall
5 complete the necessary training as prescribed by the education
6 committee of the Connecticut Association of Assessing Officers, at the
7 expense of said association, no later than one year after (1) the date of
8 such member's appointment or election to such board or (2) the
9 effective date of this section, whichever is later. Upon a board
10 member's successful completion of such training, the Connecticut
11 Association of Assessing Officers shall send a certificate of completion
12 to the chief administrative official of the town in which such member
13 serves.

14 Sec. 2. Subsection (a) of section 12-111 of the general statutes is
15 repealed and the following is substituted in lieu thereof (*Effective*
16 *October 1, 2009*):

17 (a) Any person, including any lessee of real property whose lease
18 has been recorded as provided in section 47-19 and who is bound

19 under the terms of a lease to pay real property taxes and any person to
20 whom title to such property has been transferred since the assessment
21 date, claiming to be aggrieved by the doings of the assessors of such
22 town may appeal therefrom to the board of assessment appeals. Such
23 appeal shall be filed, in writing, on or before February twentieth. The
24 written appeal shall include, but is not limited to, the property owner's
25 name, name and position of the signer, description of the property
26 which is the subject of the appeal, name and mailing address of the
27 party to be sent all correspondence by the board of assessment
28 appeals, reason for the appeal, appellant's estimate of value, signature
29 of property owner, or duly authorized agent of the property owner,
30 and date of signature. The board shall notify each aggrieved taxpayer
31 who filed a written appeal in the proper form and in a timely manner,
32 no later than March first immediately following the assessment date, of
33 the date, time and place of the appeal hearing. Such notice shall be sent
34 no later than seven calendar days preceding the hearing date except
35 that the board may elect not to conduct an appeal hearing for any
36 commercial, industrial, utility or apartment property with an assessed
37 value greater than [five hundred thousand] one million dollars. The
38 board shall, not later than March first, notify the appellant that the
39 board has elected not to conduct an appeal hearing. An appellant
40 whose appeal will not be heard by the board may appeal directly to
41 the Superior Court pursuant to section 12-117a. The board shall
42 determine all [such] appeals for which the board conducts an appeal
43 hearing and send written notification of the final determination of such
44 appeals to each such person within one week after such determination
45 has been made. Such written notification shall include information
46 describing the property owner's right to appeal the determination of
47 such board. Such board may equalize and adjust the grand list of such
48 town and may increase or decrease the assessment of any taxable
49 property or interest therein and may add an assessment for property
50 omitted by the assessors which should be added thereto; and may add
51 to the grand list the name of any person omitted by the assessors and
52 owning taxable property in such town, placing therein all property
53 liable to taxation which it has reason to believe is owned by such

54 person, at the percentage of its actual valuation, as determined by the
55 assessors in accordance with the provisions of sections 12-64 and 12-71,
56 from the best information that it can obtain, and if such property
57 should have been included in the declaration, as required by section
58 12-42 or 12-43, it shall add thereto twenty-five per cent of such
59 assessment; but, before proceeding to increase the assessment of any
60 person or to add to the grand list the name of any person so omitted, it
61 shall mail to such person, postage paid, at least one week before
62 making such increase or addition, a written or printed notice
63 addressed to such person at the town in which such person resides, to
64 appear before such board and show cause why such increase or
65 addition should not be made.

66 Sec. 3. Section 12-63b of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2009, and*
68 *applicable to assessment years commencing on or after October 1, 2009*):

69 (a) The assessor or board of assessors in any town, at any time,
70 when determining the present true and actual value of real property as
71 provided in section 12-63, which property is used primarily for the
72 purpose of producing rental income, exclusive of such property used
73 solely for residential purposes, containing not more than six dwelling
74 units and in which the owner resides, [and with respect to which
75 property there is insufficient data in such town based on current bona
76 fide sales of comparable property which may be considered in
77 determining such value,] shall determine such value on the basis of an
78 appraisal which shall include to the extent applicable with respect to
79 such property, consideration of each of the following methods of
80 appraisal: (1) Replacement cost less depreciation, plus the market
81 value of the land, (2) [the gross income multiplier method as used for
82 similar property and (3)] capitalization of net income based on market
83 rent for similar property, and (3) a sales comparison approach based
84 on current bona fide sales of comparable property. The provisions of
85 this section shall not be applicable with respect to any housing assisted
86 by the federal or state government except any such housing for which
87 the federal assistance directly related to rent for each unit in such

88 housing is no less than the difference between the fair market rent for
89 each such unit in the applicable area and the amount of rent payable
90 by the tenant in each such unit, as determined under the federal
91 program providing for such assistance.

92 (b) For purposes of subdivision [(3)] (2) of subsection (a) of this
93 section and, generally, in its use as a factor in any appraisal with
94 respect to real property used primarily for the purpose of producing
95 rental income, the term "market rent" means the rental income that
96 such property would most probably command on the open market as
97 indicated by present rentals being paid for comparable space. In
98 determining market rent the assessor shall consider the actual rental
99 income applicable with respect to such real property under the terms
100 of an existing contract of lease at the time of such determination.

101 Sec. 4. Section 12-63c of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective October 1, 2009, and*
103 *applicable to assessment years commencing on or after October 1, 2009*):

104 (a) In determining the present true and actual value in any town of
105 real property used primarily for purposes of producing rental income,
106 the assessor, which term whenever used in this section shall include
107 assessor or board of assessors, [shall have power to require, subject to
108 the conditions in subsection (b) of this section,] may require in the
109 conduct of any appraisal of such property pursuant to the
110 capitalization of net income method, as provided in section 12-63b, as
111 amended by this act, that the owner of such property annually submit
112 [or make available] to the assessor not later than the first day of June,
113 on a form provided by the assessor not later than forty-five days before
114 said first day of June, the best available information disclosing the
115 actual rental and rental-related income and operating expenses
116 applicable to such property. Submission of such information may be
117 required whether or not the town is conducting a revaluation of all real
118 property pursuant to section 12-62. Upon determination that there is
119 good cause, the assessor may grant an extension of not more than
120 thirty days to file such information, if the owner of such property files

121 a request for an extension with the assessor not later than May first.

122 (b) Any such information related to actual rental and rental-related
123 income and operating expenses and not already a matter of public
124 record which is submitted or made available to the assessor shall not
125 be subject to the provisions of section 1-210.

126 (c) If upon receipt of information as required under subsection (a) of
127 this section the assessor finds that such information does not appear to
128 reflect actual rental and rental-related income or operating expenses
129 related to the current use of such property, additional verification
130 concerning such information may be requested by the assessor. All
131 information received by the assessor under subsection (a) of this
132 section shall be subject to audit by the assessor or a designee of the
133 assessor. Any person claiming to be aggrieved by the action of the
134 assessor hereunder may appeal the actions of the assessor to the board
135 of assessment appeals and the Superior Court as otherwise provided in
136 this chapter.

137 (d) Any owner of such real property required to submit or make
138 available information to the assessor in accordance with subsection (a)
139 of this section for any assessment year, who fails to submit such
140 information or fails to make it available as required under said
141 subsection (a) or who submits information or makes it available in
142 incomplete or false form with intent to defraud, shall be subject to a
143 penalty [assessment] equal to a ten per cent increase in the assessed
144 value of such property for such assessment year. Notwithstanding the
145 provisions of this subsection, an assessor or board of assessment
146 appeals shall waive such penalty if the owner of the real property
147 required to submit the information is not the owner of such property
148 on the assessment date for the grand list to which such penalty is
149 added. Such assessor or board may waive such penalty upon receipt of
150 such information in any town in which the legislative body adopts an
151 ordinance allowing for such a waiver.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	9-199
Sec. 2	<i>October 1, 2009</i>	12-111(a)
Sec. 3	<i>October 1, 2009, and applicable to assessment years commencing on or after October 1, 2009</i>	12-63b
Sec. 4	<i>October 1, 2009, and applicable to assessment years commencing on or after October 1, 2009</i>	12-63c

APP *Joint Favorable Subst.*