



Senate

General Assembly

File No. 243

February Session, 2010

Substitute Senate Bill No. 200

Senate, April 1, 2010

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING TECHNICAL AND CONFORMING CHANGES TO CERTAIN PROPERTY TAX RELIEF AND MUNICIPAL GRANT PROGRAMS.

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

1 Section 1. Subsection (g) of section 7-536 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (g) Each municipality may apply to the secretary for expense
5 reimbursement at the time it submits a local capital improvement
6 project authorization request or any time after such authorization
7 request has been approved by the secretary. The application for
8 expense reimbursement shall be submitted on a form prescribed by the
9 secretary and shall contain identification of the expenses for which
10 reimbursement is sought and certification from the municipality that:
11 (1) Expenditures for the project conform to the provisions of
12 subdivision (4) of subsection (a) of this section and the municipality is

13 entitled to the reimbursement requested in the application; and (2) the
14 municipality agrees to maintain detailed accounting records of the
15 project reflecting the expenditures for which reimbursement has been
16 requested and to make such records available to its independent
17 auditor and the state. The municipality shall provide any other
18 certification required by the secretary. Not later than five business
19 days after [such certification] the date the secretary certifies to the
20 Comptroller the amount due to the municipality, the Comptroller shall
21 draw his or her order on the Treasurer, who shall pay the grant to the
22 municipality.

23 Sec. 2. Section 12-170d of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective from passage*):

25 (a) Beginning with the calendar year 1973 and for each calendar
26 year thereafter any renter of real property, or of a mobile
27 manufactured home, as defined in section 12-63a, which he occupies as
28 his home, who meets the qualifications set forth in this section, shall be
29 entitled to receive in the following year in the form of direct payment
30 from the state, a grant in refund of utility and rent bills actually paid
31 by or for him on such real property or mobile manufactured home to
32 the extent set forth in section 12-170e. Such grant by the state shall be
33 made upon receipt by the state of a certificate of grant, [with a copy of
34 the application therefor attached,] as provided in section 12-170f, as
35 amended by this act, provided [such] application for such grant shall
36 be made within one year from the close of the calendar year for which
37 the grant is requested. If the rental quarters are occupied by more than
38 one person, it shall be assumed for the purposes of this section and
39 sections 12-170e and 12-170f, as amended by this act, that each of such
40 persons pays [his] a proportionate share of the rental and utility
41 expenses levied thereon and grants shall be calculated on that portion
42 of utility and rent bills paid that are applicable to the person making
43 application for grant under said sections. For purposes of this section
44 and said sections 12-170e and 12-170f, a husband and wife shall
45 constitute one tenant, and a resident of cooperative housing shall be a
46 renter. To qualify for such payment by the state, the renter shall meet

47 qualification requirements in accordance with each of the following
48 subdivisions: (1) (A) At the close of the calendar year for which a grant
49 is claimed, shall be sixty-five years of age or over, or his spouse who is
50 residing with him shall be sixty-five years of age or over [,] at the close
51 of such year, or shall be fifty years of age or over and the surviving
52 spouse of a renter who at the time of his death had qualified and was
53 entitled to tax relief under this chapter, provided such spouse was
54 domiciled with such renter at the time of his death, or (B) at the close
55 of the calendar year for which a grant is claimed, shall be under age
56 sixty-five and (i) be eligible in accordance with applicable federal
57 regulations [,] to receive permanent total disability benefits under
58 Social Security, or (ii) if he has not been engaged in employment
59 covered by Social Security and accordingly has not qualified for
60 benefits thereunder, [but has become] be qualified for permanent total
61 disability benefits under any federal, state or local government
62 retirement or disability plan, including the Railroad Retirement Act
63 and any government-related teacher's retirement plan, determined by
64 the Secretary of the Office of Policy and Management to contain
65 requirements in respect to qualification for such permanent total
66 disability benefits which are comparable to such requirements under
67 Social Security; (2) shall reside within this state and shall have resided
68 within this state for at least one year or his spouse who is domiciled
69 with him shall have resided within this state for at least one year and
70 shall reside within this state at the time of filing the claim and shall
71 have resided within this state for the period for which claim is made;
72 (3) shall have taxable and nontaxable income, the total of which shall
73 hereinafter be called "qualifying income", during the calendar year
74 preceding the filing of [his] a claim in an amount of not more than
75 twenty thousand dollars, jointly with spouse, if married, and not more
76 than sixteen thousand two hundred dollars if unmarried, provided
77 such maximum amounts of qualifying income shall be subject to
78 adjustment in accordance with subdivision (2) of subsection (a) of
79 section 12-170e, and provided the amount of any Medicaid payments
80 made on behalf of the renter or the spouse of the renter shall not
81 constitute income; and (4) shall not have received financial aid or

82 subsidy from federal, state, county or municipal funds, excluding
83 Social Security receipts, emergency energy assistance under any state
84 program, emergency energy assistance under any federal program,
85 emergency energy assistance under any local program, payments
86 received under the federal Supplemental Security Income Program,
87 payments derived from previous employment, veterans and veterans
88 disability benefits and subsidized housing accommodations, during
89 the calendar year for which a grant is claimed, for payment, directly or
90 indirectly, of rent, electricity, gas, water and fuel applicable to the
91 rented residence. Notwithstanding the provisions of subdivision (4) of
92 this subsection, a renter who receives cash assistance from the
93 Department of Social Services in the calendar year prior to that in
94 which such renter files an application for a grant may be entitled to
95 receive such grant provided the amount of the cash assistance received
96 shall be deducted from the amount of such grant and the difference
97 between the amount of the cash assistance and the amount of the grant
98 is equal to or greater than ten dollars. Funds attributable to such
99 reductions shall be transferred annually from the appropriation to the
100 Office of Policy and Management, for tax relief for elderly renters, to
101 the Department of Social Services, to the appropriate accounts,
102 following the issuance of such grants. Notwithstanding the provisions
103 of subsection (b) of section 12-170aa, the owner of a mobile
104 manufactured home may elect to receive benefits under section
105 12-170e in lieu of benefits under said section 12-170aa.

106 (b) For purposes of determining qualifying income under subsection
107 (a) of this section with respect to a married renter who submits an
108 application for a grant in accordance with sections 12-170d to 12-170g,
109 inclusive, as amended by this act, the Social Security income of the
110 spouse of such renter shall not be included in the qualifying income of
111 such renter, for purposes of determining eligibility for benefits under
112 said sections, if such spouse is a resident of a health care or nursing
113 home facility in this state receiving payment related to such spouse
114 under the Title XIX Medicaid program. An applicant who is legally
115 separated pursuant to the provisions of section 46b-40, as of the thirty-
116 first day of December preceding the date on which such person files an

117 application for a grant in accordance with sections 12-170d to 12-170g,
118 inclusive, as amended by this act, may apply as an unmarried person
119 and shall be regarded as such for purposes of determining qualifying
120 income under subsection (a) of this section.

121 Sec. 3. Section 12-170f of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective from passage*):

123 (a) Any renter, believing himself or herself to be entitled to a grant
124 under section 12-170d, as amended by this act, for any calendar year,
125 shall make application for such grant to the assessor of the
126 municipality in which the renter resides or to the duly authorized
127 agent of such assessor or municipality on or after May fifteenth and
128 not later than September fifteenth of each year with respect to such
129 grant for the calendar year preceding each such year, [on a form] in the
130 form and manner prescribed [and furnished] by the Secretary of the
131 Office of Policy and Management. [to the assessor.] A renter may make
132 application to the secretary prior to December fifteenth of the claim
133 year for an extension of the application period. The secretary may
134 grant such extension in the case of extenuating circumstance due to
135 illness or incapacitation as evidenced by a physician's certificate to that
136 extent, or if the secretary determines there is good cause for doing so.
137 A renter making such application shall present to such assessor or
138 agent, in substantiation of the renter's application, a copy of the
139 renter's federal income tax return, and if not required to file a federal
140 income tax return, such other evidence of qualifying income, receipts
141 for money received, or cancelled checks, or copies thereof, and any
142 other evidence the assessor or such agent may require. When the
143 assessor or agent is satisfied that the applying renter is entitled to a
144 grant, such assessor or agent shall issue a certificate of grant [, in
145 triplicate,] in such form as the secretary may prescribe [and supply]
146 showing the amount of the grant due. The assessor or agent shall
147 forward [the original copy and attached application] such certificate of
148 grant to the secretary not later than the last day of the month following
149 the month in which the renter has made application. On or after
150 December 1, 1989, any municipality which neglects to transmit to the

151 secretary the [claim and supporting applications] certificate of grant as
152 required by this section shall forfeit two hundred fifty dollars to the
153 state, provided said secretary may waive such forfeiture in accordance
154 with procedures and standards adopted by regulation in accordance
155 with chapter 54. A duplicate of such certificate [with a copy of the
156 application attached] shall be delivered to the renter and the assessor
157 or agent shall [keep the third] maintain a copy of such certificate [and a
158 copy of the application] in the form and manner prescribed by the
159 secretary. After the secretary's review of each [claim] certificate of
160 grant, pursuant to section 12-120b, as amended by this act, and
161 verification of the amount of the grant the secretary shall, not later
162 than September thirtieth of each year, prepare a list of certificates
163 approved for payment, and shall thereafter supplement such list
164 monthly. Such list and any supplements thereto shall be approved for
165 payment by the secretary and shall be forwarded by the secretary to
166 the Comptroller, not later than ninety days after receipt of such
167 [applications and] certificates of grant from the assessor or agent, and
168 the Comptroller shall draw an order on the Treasurer, not later than
169 fifteen days following, in favor of each person on such list and on
170 supplements to such list in the amount of such person's [claim] grant
171 and the Treasurer shall pay such amount to such person, not later than
172 fifteen days following. Any claimant aggrieved by the results of the
173 secretary's review shall have the rights of appeal as set forth in section
174 12-120b, as amended by this act. Applications filed under this section
175 shall not be open for public inspection. Any person who, for the
176 purpose of obtaining a grant under section 12-170d, as amended by
177 this act, wilfully fails to disclose all matters related thereto or with
178 intent to defraud makes false statement shall be fined not more than
179 five hundred dollars.

180 (b) Any municipality may provide, upon approval by its legislative
181 body, that the duties and responsibilities of the assessor, as required
182 under this section and section 12-170g, shall be transferred to (1) the
183 officer in such municipality having responsibility for the
184 administration of social services, or (2) the coordinator or agent for the
185 elderly in such municipality.

186 Sec. 4. Subdivision (3) of subsection (a) of section 12-120b of the
 187 general statutes is repealed and the following is substituted in lieu
 188 thereof (*Effective from passage*):

189 (3) "Program" means (A) property tax exemptions under section 12-
 190 81g or subdivision (55), (59), (60), (70), (72) or (74) of section 12-81, (B)
 191 tax relief pursuant to section [12-129d] 12-129b or 12-170aa, and (C)
 192 rebates under section 12-170d, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	7-536(g)
Sec. 2	<i>from passage</i>	12-170d
Sec. 3	<i>from passage</i>	12-170f
Sec. 4	<i>from passage</i>	12-120b(a)(3)

Statement of Legislative Commissioners:

In section 2(a)(1)(B), after the words "for which a grant is claimed," the word "shall" was added for internal consistency.

PD Joint Favorable Subst.-LCO

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes minor and technical changes to the Local Capital Improvement Program (LOCIP) grants and the renter's property tax relief program, results in no state or municipal fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 200*****AN ACT CONCERNING TECHNICAL AND CONFORMING CHANGES TO CERTAIN PROPERTY TAX RELIEF AND MUNICIPAL GRANT PROGRAMS.*****SUMMARY:**

This bill makes minor and technical changes in requirements for Local Capital Improvement Program (LOCIP) payments and application procedures for the Renters' Tax Relief Program. It also corrects an erroneous reference relating to the state-reimbursed property tax freeze program for the elderly and disabled.

EFFECTIVE DATE: Upon passage

LOCIP

The bill explicitly requires the Office of Policy and Management (OPM) secretary to certify the amount of a municipality's LOCIP grant to the comptroller to allow the comptroller to draw a payment order on the state treasurer to actually pay the grant. Current law requires the comptroller to draw the payment order within five business days after the municipality certifies to the OPM secretary that its application for the grant meets the law's requirements, but it does not contain any mechanism for certifying the grant amount to the comptroller. The bill, instead, requires the comptroller to draw the order within five business days after the OPM secretary certifies the grant amount to the comptroller.

RENTERS' TAX RELIEF PROGRAM APPLICATIONS

The state elderly and renters' tax relief program reimburses rent and utility costs for low-income recipients. The bill makes minor and technical changes in the program's application paperwork. It

eliminates a requirement that the OPM secretary furnish application forms to local assessors and instead requires that the secretary simply specify the form and manner to apply. (The paper application has been replaced by a computerized application system.) The bill eliminates the requirement that the certificate the assessor must issue to approved recipients be (1) in triplicate, (2) supplied by OPM, and (3) forwarded to OPM for payment with the grant application and supporting documents attached.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 18 Nay 0 (03/17/2010)