

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-183—sHB 5581

Planning and Development Committee

AN ACT CONCERNING SEWER ASSESSMENT APPEALS AND THE APPROVAL OF CERTAIN PROPERTY TAX EXEMPTIONS

SUMMARY: This act allows municipalities to adopt ordinances authorizing their boards of assessment appeals to hear appeals of municipal sewer system benefit assessments. Under prior law, anyone contesting a sewer benefit assessment had to appeal directly to the Superior Court.

The act requires owners claiming the property tax exemption for manufacturing or biotechnology machinery and equipment (MME) to annually file a request for the exemption by November 1. Existing law for other machinery and equipment-related tax exemptions allows for filing deadline extensions and retroactive exemption approval. The act extends these provisions to the MME exemption. It also extends to boards of selectmen the authority to grant retroactive exemptions for these property tax exemptions when the local legislative body is a town meeting.

EFFECTIVE DATE: October 1, 2014, and the MME exemption filing requirement is applicable to assessment years starting on or after October 1, 2014.

SEWER BENEFIT ASSESSMENT APPEALS

The act allows municipalities to adopt ordinances authorizing their boards of assessment appeals to hear benefit assessment appeals related to a municipal sewer system. An appeal to the board must be made within 21 days after the assessment is filed in the town clerk's office. The ordinance must specify the process for filing, hearing, and deciding an appeal. Under the act, within 21 days after the board renders its decision, an aggrieved party may appeal the board's decision to the Superior Court under the same process the court must otherwise use for these appeals.

In municipalities that do not adopt such an ordinance, anyone aggrieved by a sewer benefit assessment may appeal to the Superior Court, as under existing law.

CLAIMING THE MME EXEMPTION

The act requires owners claiming the MME exemption to apply to local assessors, on a form they prescribe, by November 1 annually.

Filing Extension

For certain other machinery and equipment-related tax exemptions with November 1 application deadlines, the law allows an assessor or board of

OLR PUBLIC ACT SUMMARY

assessors to extend the deadline to December 15, if an applicant requests it and pays a late fee. The act extends this provision to also allow extensions for MME exemptions. Unless waived, the late fee is as follows:

Assessed Value of Property	Fee
\$100,000 or less	\$50
More than \$100,000 but less than \$250,000	\$150
At least \$250,000 but less than \$500,000	\$250
\$500,000 or more	\$500

Retroactive Exemption

The act also extends to the MME exemption a law allowing a municipality, by vote of its legislative body, to grant certain retroactive machinery and equipment-related exemptions to an applicant who misses both the regular and extended filing deadlines. As is the case for these other exemptions, a municipality may set criteria for granting a retroactive MME exemption, including considering (1) a hardship that may account for the applicant's failure to meet the deadlines and (2) whether the exemption provides a net benefit to the municipality's economic development.

The act additionally specifies that if the legislative body is a town meeting, the board of selectman can grant the retroactive exemption. This provision is applicable to MME exemptions and exemptions for:

1. (a) manufacturing facilities in distressed municipalities, targeted investment communities, enterprise zones, airport development zones, or other specified areas and (b) certain manufacturing facilities located outside of an enterprise zone but in a targeted investment community (CGS § 12-81(59));
2. machinery and equipment in such facilities (CGS § 12-81(60));
3. machinery and equipment used to upgrade a manufacturing process (CGS § 12-81(70));
4. new or newly acquired machinery and equipment used in manufacturing, recycling, and biotechnology facilities (CGS § 12-81(72)); and
5. certain large commercial trucks (CGS § 12-81(74)).

OLR Tracking: JB:JO:VR:am