



General Assembly

February Session, 2016

Raised Bill No. 5183

LCO No. 999



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

***AN ACT CONCERNING ATTORNEY FEE AGREEMENTS IN
MUNICIPAL TAX APPEALS.***

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

1 Section 1. Section 12-117a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Any person, including any lessee of real property whose lease
4 has been recorded as provided in section 47-19 and who is bound
5 under the terms of his lease to pay real property taxes, claiming to be
6 aggrieved by the action of the board of tax review or the board of
7 assessment appeals, as the case may be, in any town or city may,
8 within two months from the date of the mailing of notice of such
9 action, make application, in the nature of an appeal therefrom, with
10 respect to the assessment list for the assessment year commencing
11 October 1, 1989, October 1, 1990, October 1, 1991, October 1, 1992,
12 October 1, 1993, October 1, 1994, or October 1, 1995, and with respect
13 to the assessment list for assessment years thereafter, to the superior
14 court for the judicial district in which such town or city is situated,
15 which shall be accompanied by a citation to such town or city to

16 appear before said court. Such citation shall be signed by the same
17 authority and such appeal shall be returnable at the same time and
18 served and returned in the same manner as is required in case of a
19 summons in a civil action. The authority issuing the citation shall take
20 from the applicant a bond or recognizance to such town or city, with
21 surety, to prosecute the application to effect and to comply with and
22 conform to the orders and decrees of the court in the premises. Any
23 such application shall be a preferred case, to be heard, unless good
24 cause appears to the contrary, at the first session, by the court or by a
25 committee appointed by the court. The pendency of such application
26 shall not suspend an action by such town or city to collect not more
27 than seventy-five per cent of the tax so assessed or not more than
28 ninety per cent of such tax with respect to any real property for which
29 the assessed value is five hundred thousand dollars or more, and upon
30 which such appeal is taken. If, during the pendency of such appeal, a
31 new assessment year begins, the applicant may amend his application
32 as to any matter therein, including an appeal for such new year, which
33 is affected by the inception of such new year and such applicant need
34 not appear before the board of tax review or board of assessment
35 appeals, as the case may be, to make such amendment effective. The
36 court shall have power to grant such relief as to justice and equity
37 appertains, upon such terms and in such manner and form as appear
38 equitable, and, if the application appears to have been made without
39 probable cause, may tax double or triple costs, as the case appears to
40 demand; and, upon all such applications, costs may be taxed at the
41 discretion of the court. If the assessment made by the board of tax
42 review or board of assessment appeals, as the case may be, is reduced
43 by said court, the applicant shall be reimbursed by the town or city for
44 any overpayment of taxes, together with interest and any costs
45 awarded by the court, or, at the applicant's option, shall be granted a
46 tax credit for such overpayment, interest and any costs awarded by the
47 court. Upon motion, said court shall, in event of such overpayment,
48 enter judgment in favor of such applicant and against such city or
49 town for the whole amount of such overpayment, less any lien

50 recording fees incurred under sections 7-34a and 12-176, together with
51 interest and any costs awarded by the court. The amount to which the
52 assessment is so reduced shall be the assessed value of such property
53 on the grand lists for succeeding years until the tax assessor finds that
54 the value of the applicant's property has increased or decreased.

55 (b) A contingency fee agreement between an attorney and an
56 applicant is prohibited in any appeal brought pursuant to this section
57 where the property that is the subject of the appeal is commercially
58 used property having an assessed value of one million five hundred
59 thousand dollars or more.

60 Sec. 2. Section 12-119 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective October 1, 2016*):

62 (a) When it is claimed that a tax has been laid on property not
63 taxable in the town or city in whose tax list such property was set, or
64 that a tax laid on property was computed on an assessment which,
65 under all the circumstances, was manifestly excessive and could not
66 have been arrived at except by disregarding the provisions of the
67 statutes for determining the valuation of such property, the owner
68 thereof or any lessee thereof whose lease has been recorded as
69 provided in section 47-19 and who is bound under the terms of his
70 lease to pay real property taxes, prior to the payment of such tax, may,
71 in addition to the other remedies provided by law, make application
72 for relief to the superior court for the judicial district in which such
73 town or city is situated. Such application may be made within one year
74 from the date as of which the property was last evaluated for purposes
75 of taxation and shall be served and returned in the same manner as is
76 required in the case of a summons in a civil action, and the pendency
77 of such application shall not suspend action upon the tax against the
78 applicant. In all such actions, the Superior Court shall have power to
79 grant such relief upon such terms and in such manner and form as to
80 justice and equity appertains, and costs may be taxed at the discretion
81 of the court. If such assessment is reduced by said court, the applicant

82 shall be reimbursed by the town or city for any overpayment of taxes
83 in accordance with the judgment of said court.

84 (b) A contingency fee agreement between an attorney and an
85 applicant is prohibited in any appeal brought pursuant to this section
86 where the property that is the subject of the appeal is commercially
87 used property having an assessed value of one million five hundred
88 thousand dollars or more.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	12-117a
Sec. 2	<i>October 1, 2016</i>	12-119

Statement of Purpose:

To prohibit attorneys from entering into contingency fee agreements with property owners or lessors pursuing certain appeals in Superior Court concerning real property assessments for commercial properties.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]