



February 18, 2016

Submitted by Email: pdtestimony@cga.ct.gov

**OPPOSITION to House Bill 5183
An Act Concerning Attorney Fee Agreements in Municipal Tax Appeals**

**To: The Hon. Catherine A. Osten, Co-Chair; The Hon. Philip J. Miller, Co-Chair;
The Hon. Steve Cassano, Vice-Chair; The Hon. Michael D'Agostino, Vice-Chair;
The Hon William Aman, Ranking Member; The Hon. Art Linares, Ranking Member
and the members of the Planning and Development Committee**

Please accept this written testimony IN OPPOSITION to H.B. 5183. Diamond Properties owns and manages medical office, entertainment/mixed use and warehouse properties in Stamford, Danbury and Watertown, Connecticut, respectively. In total, we currently own 44 properties, totaling in excess of 3.7 million square feet, across multiple states.

Diamond Properties has utilized Connecticut's tax assessment appeal process on a few occasions, when the assessment was far higher than the true value as of the revaluation date. We always retain a local Connecticut attorney who is familiar with the process to handle the appeals on our behalf. We hire our Connecticut attorney on a contingency fee basis, which is the same basis on which we hire our tax certiorari attorneys in New York State and elsewhere.

H.B. 5183 unfairly limits our ability to hire our attorney on terms upon which we mutually agree. From a commercial property owner's perspective, we know that there are no guarantees in the litigation process, and a complete victory is almost never achieved – by either the property owner or the municipality. If we are forced to hire legal counsel on a time billing basis, we will be all but assured going in that our fixed costs to pursue an appeal will be in the deep-five-figures, when the appraiser and other costs of litigation are included. In many cases, that could lead to a commercial property owner being forced to accept an inequitable assessment, particularly when you consider that the cost of defense to municipalities is minimal when the cases are handled by an in-house town attorney or corporation counsel.

For all these reasons, Diamond Properties opposes H.B. 5183.

Sincerely,



James A Diamond
President