



Senate

General Assembly

File No. 637

January Session, 2019

Substitute Senate Bill No. 1009

Senate, April 11, 2019

The Committee on Planning and Development reported through SEN. CASSANO, S. of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE OFFICE OF POLICY AND MANAGEMENT RELATED STATUTES.

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

1 Section 1. Subsections (c) and (d) of section 7-325 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2019*):

4 (c) The clerk of each district created pursuant to this chapter or any
5 provisions of the general statutes or any special act, shall report to the
6 town clerk of each town in which such district is located: (1) If created
7 by approval of a petition pursuant to subsection (a) of this section on
8 or after July 1, 1987, within seven days of such approval; and (2) on or
9 before July 31, 1993, and [annually thereafter for each such district,
10 irrespective of the date of creation] any time the charter or special act
11 of such district is amended. The first report filed after the creation of a
12 district shall include a list of the officers of such district, a copy of the
13 charter or special act of such district and such other information on the

14 organization and the financial status of such district as the Secretary of
15 the Office of Policy and Management may recommend. A copy of the
16 charter or special act of such district shall be included in any
17 subsequent report if such charter or special act was amended after the
18 date of the previous filing. No district, irrespective of the date of
19 creation, created by approval of a petition pursuant to subsection (a) of
20 this section shall exist as a body corporate and politic until the clerk of
21 such district has filed at least one report required by this subsection. If
22 a district is located in more than one town, the report shall be filed by
23 the district clerk with the town clerk of each town in which the district
24 is located.

25 (d) [Any fine imposed on and after July 1, 1992, on a clerk for failure
26 to file a report required pursuant to subsection (c) of this section shall
27 be waived.] Not later than July 1, 2020, and annually thereafter, the tax
28 collector of each district shall submit a statement to the Secretary of the
29 Office of Policy and Management on a form prescribed by the
30 secretary. Such statement shall include complete information
31 concerning the mill rate and tax levy in the district for the preceding
32 year. Any tax collector who neglects to file a true and correct statement
33 shall forfeit one hundred dollars to the state.

34 Sec. 2. Subsection (b) of section 12-81g of the general statutes is
35 repealed and the following is substituted in lieu thereof (*Effective July*
36 *1, 2019*):

37 (b) (1) Effective for the assessment year commencing October 1,
38 [2013] 2019, and each assessment year thereafter, any municipality
39 may, upon approval by its legislative body or, in any town in which
40 the legislative body is a town meeting, by the board of selectmen,
41 provide that, in lieu of the additional exemption prescribed under
42 subsection (a) of this section, any person entitled to an exemption from
43 property tax in accordance with subdivision (20) of section 12-81,
44 reflecting any increase made pursuant to the provisions of section 12-
45 62g, who has a disability rating of one hundred per cent, as
46 determined by the United States Department of Veterans Affairs, shall

47 be entitled to an additional exemption from such tax in an amount
48 equal to three times the amount of the exemption provided for such
49 person pursuant to subdivision (20) of section 12-81, provided such
50 person's total adjusted gross income as determined for purposes of the
51 federal income tax, [plus any other income not included in such
52 adjusted income,] excluding veterans' disability payments,
53 individually if unmarried, or jointly with spouse if married, during the
54 calendar year ending immediately preceding the filing of a claim for
55 any such exemption, is not more than twenty-four thousand dollars if
56 such person is married or not more than twenty-one thousand dollars
57 if such person is not married.

58 (2) The provisions of this subsection shall not limit the applicability
59 of the provisions of subsection (a) of this section for persons not
60 eligible for the property tax exemption provided by this subsection.

61 Sec. 3. Section 12-81cc of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective July 1, 2019*):

63 Any person who has established his or her entitlement to a property
64 tax exemption under [subdivisions] subdivision (19), (20), (22), (23),
65 (24), (25), (26), (28) or (53) of section 12-81 or section 12-81g, as
66 amended by this act, for a particular assessment year shall be issued a
67 certificate as to such entitlement by the tax assessor of the relevant
68 municipality. Such person shall be entitled to such exemption in any
69 municipality in this state for such assessment year provided a copy of
70 such certificate is provided to the tax assessor of any municipality in
71 which such exemption is claimed and further provided such person
72 would otherwise have been eligible for such exemption in such
73 municipality if he or she had filed for such exemption as provided
74 under the general statutes.

75 Sec. 4. Subdivision (2) of subsection (a) of section 12-170e of the
76 general statutes is repealed and the following is substituted in lieu
77 thereof (*Effective July 1, 2019*):

78 (2) The amounts of income at each level of qualifying income, as

79 provided in the table in subdivision (1) of this subsection, shall be
80 adjusted annually in a uniform manner to reflect the annual inflation
81 adjustment in Social Security income. Each such adjustment of
82 qualifying income shall be determined to the nearest one hundred
83 dollars and shall be applicable in determining the amount of grant
84 allowed under this subsection with respect to charges for rents,
85 electricity, gas, water and fuel actually paid during the preceding
86 calendar year. Each such adjustment of qualifying income shall be
87 prepared by the [Commissioner of Housing] Secretary of the Office of
88 Policy and Management in relation to the annual inflation adjustment
89 in Social Security, if any, becoming effective at any time during the
90 twelve-month period immediately preceding the first day of October
91 each year and shall be distributed to the assessors in each municipality
92 not later than the thirty-first day of December next following.

93 Sec. 5. Subsection (a) of section 12-170f of the general statutes is
94 repealed and the following is substituted in lieu thereof (*Effective July*
95 *1, 2019*):

96 (a) Any renter, believing himself or herself to be entitled to a grant
97 under section 12-170d for any calendar year, shall apply for such grant
98 to the assessor of the municipality in which the renter resides or to the
99 duly authorized agent of such assessor or municipality on or after
100 April first and not later than October first of each year with respect to
101 such grant for the calendar year preceding each such year, on a form
102 prescribed and furnished by the Secretary of the Office of Policy and
103 Management to the assessor. [A renter may apply to the secretary prior
104 to December fifteenth of the claim year for an extension of the
105 application period. The secretary may grant such extension in the case
106 of extenuating circumstance due to illness or incapacitation as
107 evidenced by a certificate signed by a physician or an advanced
108 practice registered nurse to that extent, or if the secretary determines
109 there is good cause for doing so.] A renter making such application
110 shall present to such assessor or agent, in substantiation of the renter's
111 application, a copy of the renter's federal income tax return, and if not
112 required to file a federal income tax return, such other evidence of

113 qualifying income, receipts for money received, or cancelled checks, or
114 copies thereof, and any other evidence the assessor or such agent may
115 require. When the assessor or agent is satisfied that the applying renter
116 is entitled to a grant, such assessor or agent shall issue a certificate of
117 grant in such form as the secretary may prescribe and supply showing
118 the amount of the grant due.

119 Sec. 6. Subsections (a) and (b) of section 16a-31 of the general
120 statutes are repealed and the following is substituted in lieu thereof
121 (*Effective July 1, 2019*):

122 (a) The following actions when undertaken by any state agency,
123 with state or federal funds, shall be consistent with the plan:

124 (1) The acquisition of real property when the acquisition costs are in
125 excess of two hundred thousand dollars;

126 (2) The development or improvement of real property when the
127 development costs are in excess of two hundred thousand dollars;

128 (3) The acquisition of public transportation equipment or facilities
129 when the acquisition costs are in excess of two hundred thousand
130 dollars; and

131 (4) The authorization of each state grant, any application for which
132 is not pending on July 1, 1991, for an amount in excess of two hundred
133 thousand dollars, for the acquisition or development or improvement
134 of real property or for the acquisition of public transportation
135 equipment or facilities.

136 (b) [A] Whenever an action described in subsection (a) of this
137 section is undertaken, and such action is subject to the public scoping
138 process described in section 22a-1b, the sponsoring state agency shall
139 request, and the secretary shall provide, an advisory statement
140 commenting on the extent to which [any of the actions specified in
141 subsection (a) of this section] such action conforms to the plan. [and
142 any] Any agency may request and the secretary shall provide such
143 other advisory reports as the state agency deems advisable.

144 Sec. 7. Subsection (a) of section 19a-308 of the general statutes is
 145 repealed and the following is substituted in lieu thereof (*Effective July*
 146 *1, 2019*):

147 (a) In any town in which there is a burial ground or cemetery
 148 containing more than six places of interment [and not under the
 149 control or management of any currently functioning cemetery
 150 association,] that has been neglected and allowed to grow up to weeds,
 151 briars and bushes, or about which the fences have become broken,
 152 decayed or dilapidated, the selectmen of such town may cause such
 153 burial ground or cemetery to be cleared of weeds, briars and bushes,
 154 may mow the ground's lawn areas and may cause its fences or walls to
 155 be repaired and kept in orderly and decent condition and its memorial
 156 stones to be straightened, repaired and restored.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	7-325(c) and (d)
Sec. 2	<i>July 1, 2019</i>	12-81g(b)
Sec. 3	<i>July 1, 2019</i>	12-81cc
Sec. 4	<i>July 1, 2019</i>	12-170e(a)(2)
Sec. 5	<i>July 1, 2019</i>	12-170f(a)
Sec. 6	<i>July 1, 2019</i>	16a-31(a) and (b)
Sec. 7	<i>July 1, 2019</i>	19a-308(a)

PD *Joint Favorable Subst.*

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:

Municipalities	Effect	FY 20 \$	FY 21 \$
Various Municipalities	Grand List Reduction	None	Potential

Explanation

The bill results in a potential grand list reduction in certain municipalities by increasing the number of people eligible for certain mandatory state and local option property tax exemptions for totally disabled veterans. It does so by 1) lowering the income threshold for eligibility for a local option tax exemption, and 2) allowing veterans who currently receive these tax exemptions to continue receiving them if they move from one Connecticut town to another.

In Federal FY 17, there were 3,418 totally disabled veterans¹ in Connecticut. It is not known how many of these people would be eligible for state or local property tax exemptions under the bill's provisions. Any grand list reduction that occurs as a result of the bill shifts the tax burden away from recipients of these tax exemptions.

The bill also makes a variety of unrelated changes that have no fiscal impact. These changes relate to 1) reporting requirements of special taxing districts, 2) the state Plan of Conservation and Development, 3) the Elderly Renters' Rebate program, and 4) the maintenance of neglected cemeteries by municipalities.

¹ Information obtained from the Federal Department of Veterans' Affairs.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to municipal grand lists and mill rates.

OLR Bill Analysis**sSB 1009*****AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE OFFICE OF POLICY AND MANAGEMENT RELATED STATUTES.*****SUMMARY**

This bill:

1. changes the conditions under which special taxing districts must report to the host municipality's town clerk and requires districts to report annually to the Office of Policy and Management (OPM) (§ 1);
2. expands eligibility, by changing how income is calculated, for a local option income-based property tax exemption for 100% disabled veterans (§ 2);
3. makes portable a certain state-mandated and local-option property tax exemption for veterans if an eligible veteran moves within the state during the tax year (§ 3);
4. eliminates OPM's authority to approve an extension of the Renters' Rebate Program application deadline (§ 5);
5. limits the circumstances under which OPM is required to provide an advisory opinion on state agencies' proposed actions' compliance with the state plan of conservation and development (POCD) (§ 6); and
6. expands municipal authority to maintain neglected cemeteries and burial grounds, thereby expanding the purposes for which municipalities can use Neglected Cemetery Account Grant Program funds (§ 7).

The bill also makes minor and technical changes.

EFFECTIVE DATE: July 1, 2019

§ 1 — SPECIAL TAXING DISTRICTS

The bill eliminates the requirement that the clerk of each special taxing district, whether established under the statutes or by a special act of the General Assembly, annually report to the town clerk of the host municipality. Instead, the bill requires district clerks to notify the town clerk whenever the district's home rule charter or special act charter is amended. Currently, any revised charter must be included in the district's annual report.

Beginning July 1, 2020, and annually thereafter, the bill requires each district's tax collector to submit to OPM a statement of the district's mill rate and tax levy for the preceding year. The OPM secretary must prescribe the form, which must require districts to provide "complete information." Tax collectors who do not file true and correct statements as required by the bill must forfeit \$100 to the state.

§ 2 — 100% DISABLED VETERANS' TAX EXEMPTION

Beginning in FY 21, the bill requires municipalities that opt to provide low-income 100% disabled veterans with three times the base state-mandated exemption (see BACKGROUND) to calculate income eligibility using only the veteran's federal adjusted gross income (AGI), excluding veterans' disability payments. Under current law, any other income not included in the veteran's federal AGI, excluding veterans' disability payments, must be added to it for purposes of determining income eligibility. By not including other income, the bill generally expands eligibility for the exemption.

§ 3 — VETERANS' EXEMPTION PORTABILITY

By law, most property tax exemptions for veterans are portable between municipalities. This means that veterans that have established their entitlement to an exemption remain eligible for it if during the tax year they move to another municipality. (Mid-tax year moves might

cause a veteran to miss the application deadline in the municipality they move to.) The bill adds to the list of portable tax exemptions the additional veterans' property tax exemption (both the state-mandated and local-option for 100% disabled veterans exemptions) (see BACKGROUND).

§§ 4 & 5 — RENTERS' REBATE PROGRAM

By law, individuals seeking a rebate under the Renters' Rebate Program (see BACKGROUND) apply annually to local assessors or their agents between April 1 and October 1 for reimbursement for payments made in the preceding calendar year. The bill eliminates the option for renters with extenuating health circumstances to apply to OPM by December 15 for an extension of the application deadline.

Additionally, the bill requires the OPM secretary, rather than the housing commissioner, to prepare annual Renters' Rebate income eligibility adjustments for distribution to municipal tax assessors, conforming to current practice.

§ 6 — ADVISORY OPTIONS REGARDING STATE POCD

By law, every five years, OPM must update the state POCD, which provides guidance to state agencies on the state's conservation and development priorities. Under current law, agencies must seek an advisory opinion from OPM to determine whether their proposed action complies with the plan, if they will use state or federal funds to:

1. acquire, develop, or improve real property at a cost of more than \$200,000;
2. acquire public transportation equipment or facilities at a cost of more than \$200,000; or
3. authorize a state grant for an amount over \$200,000 for the (a) acquisition, development, or improvement of real property or (b) acquisition of public transportation equipment or facilities.

The bill eliminates the requirement that agencies seek such advisory

opinions, unless the action is subject to the Connecticut Environmental Policy Act's early public scoping process. The early public scoping process is triggered if an action could significantly affect the environment. During the scoping process, an agency solicits comments from other agencies and the public about a proposed action's environmental effects.

§ 7 — NEGLECTED CEMETERIES

Under current law, municipalities can undertake certain maintenance of cemeteries and burial grounds that (1) have more than six places of interment; (2) are not under the control or management of a functioning cemetery association; and (3) show certain signs of neglect, including weeds or damage to fences. The bill allows municipalities to perform maintenance on neglected cemeteries regardless of whether they are overseen by a functioning cemetery association. It also expands the type of work that can be performed on memorial stones to include repairing and restoring such stones (currently, municipalities may only straighten such stones).

By expanding municipal authority to maintain neglected cemeteries and burial grounds, the bill also expands the purposes for which municipalities can use Neglected Cemetery Account Grant Program funds. By law, municipalities may use these OPM-distributed grants only to pay for maintenance that the neglected cemetery and burial ground law allows them to undertake (CGS § 19a-308b).

BACKGROUND

Additional Veterans Property Tax Exemption

By law, municipalities must exempt from taxation \$1,000 of the property owned by a veteran or his or her surviving spouse (CGS § 12-81(19)). Veterans who receive this base exemption are also eligible for the additional income-based exemption.

For a veteran whose income falls below a certain limit, the additional exemption is equal to 200% of the basic exemption (CGS § 12-81g(a)). For a veteran whose income exceeds the limit, the

additional exemption is 50% of the basic exemption (CGS § 12-81g(d)).

Municipalities may alternatively opt to provide 100% disabled veterans that meet specified income requirements with three times the amount provided under the additional income-based exemption.

Renters' Rebate Program

The Renters' Rebate Program reimburses older adult or totally disabled renters whose incomes do not exceed certain limits. It is open to people renting an apartment or room, or living in cooperative housing or a mobile home. To be eligible, the recipient, or his or her spouse, must be (1) age 65 or older; (2) age 50 or older and the surviving spouse of a renter who at the time of the renter's death had qualified for and was entitled to tax relief, provided such spouse lived with such renter at the time of the renter's death; or (3) age 18 or older with a total and permanent disability. The recipient also must have lived in the state for at least one year.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 22 Nay 0 (03/25/2019)