



General Assembly

**Amendment**

January Session, 2019

LCO No. 10419



Offered by:

SEN. CASSANO, 4<sup>th</sup> Dist.

SEN. MARONEY, 14<sup>th</sup> Dist.

To: Senate Bill No. 1074

File No. 602

Cal. No. 295

**"AN ACT CONCERNING ECONOMIC DEVELOPMENT."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 12-141 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2019*):

5 ["Municipality"] Except as otherwise indicated in the context: (1)  
6 "Municipality", wherever used in sections [12-142 to 12-170] 12-122 to  
7 12-195h, inclusive, includes each town, consolidated town and city,  
8 consolidated town and borough, city, borough, school district, fire  
9 district, fire and sewer district, sewer district, lighting district and  
10 improvement association and each municipal organization and taxing  
11 district not previously mentioned; [. Except as otherwise indicated in  
12 the context,] (2) "tax", wherever used in said sections, includes each  
13 property tax and each installment and part thereof due to a  
14 municipality, including any interest, penalties, fees and charges,

15 including collection fees of a collection agency, attorney's fees and  
16 those fees and charges set forth in section 12-140; and (3) "tax  
17 collector", "collector of taxes" and "collector", wherever used in sections  
18 12-122 to 12-195h, inclusive, includes any assistant, agent, counsel or  
19 other person authorized to perform the duties of such collector.

20 Sec. 2. Section 12-157 of the general statutes is repealed and the  
21 following is substituted in lieu thereof (*Effective October 1, 2019*):

22 (a) When a collector levies one or more tax warrants on real estate,  
23 he or she shall prepare notices thereof, containing the name of the  
24 taxpayer, a legal description of the real property or citation to an  
25 instrument in the land records, an assessor's map or another publicly  
26 available document identifying the real property's boundaries, the  
27 street address, if such real property has one, the amount of the tax or  
28 taxes due, including any interest and charges attributable to the  
29 property as of the last day of the month immediately preceding the  
30 notice, a statement that additional taxes, interest, fees and other  
31 charges authorized by law accruing after the last day of the month  
32 immediately preceding the notice are owed in addition to the amount  
33 indicated as due and owing in the notice, and the date, time and place  
34 of sale. The collector shall post one notice on a bulletin board in or near  
35 the collector's office in the town where such real estate is situated, if  
36 any, or at some other exterior place near the office of the town clerk,  
37 which is nearest thereto; one shall be filed in the town clerk's office of  
38 such town and such town clerk shall record and index the same as a  
39 part of the land records of such town, which recording shall serve as  
40 constructive notice equivalent to a lis pendens for all purposes, and  
41 one shall be sent by certified mail, return receipt requested, to the  
42 taxpayer and each mortgage, lienholder and other encumbrancer of  
43 record whose interest is choate and will be affected by the sale. Such  
44 posting, filing and mailing shall be done not more than twelve and not  
45 less than nine weeks before the time of sale and shall constitute a legal  
46 levy of such warrant or warrants upon the real estate referred to in the  
47 notice. Such collector shall also publish a similar notice for three  
48 weeks, at least once each week, in a newspaper published in such

49 town, or in a newspaper published in the state having a general  
50 circulation in such town. The first notice shall be published beginning  
51 not more than twelve and not less than nine weeks before the time of  
52 sale and the last shall be published not more than four weeks nor less  
53 than two weeks before such sale. He shall also send by certified mail,  
54 return receipt requested, to the delinquent taxpayer and to each  
55 mortgagee, lienholder and other encumbrancer of record whose  
56 interest in such property is choate and will be affected by such sale, a  
57 similar notice which shall not be required to list information pertaining  
58 to properties in which the person to whom the notice is directed has no  
59 interest. The notice shall be sent at least twice, the first not more than  
60 eight nor less than five weeks before such sale and the last not more  
61 than four weeks nor less than two weeks before such sale. The notice  
62 shall be addressed to his or her place of residence, if known to the  
63 collector; [ ] or to his or her estate or the fiduciary thereof if the  
64 collector knows him or her to be deceased, which shall serve as  
65 constructive notice to each of the delinquent taxpayer's heirs, devisees  
66 and creditors whose interest in such property is not choate regardless  
67 of whether any application for administration of the decedent's estate  
68 has been filed with the Probate Court having jurisdiction or whether  
69 any action has been taken by such court on such application; or to the  
70 address, or the agent of such person, to which such person has  
71 requested that tax bills be sent. If there is no address of such person, or  
72 if no such agent is given in the records of such town, the notice shall be  
73 sent to the place where such person regularly conducts business or  
74 other address as the collector believes will give notice of the levy and  
75 sale. If a person is a corporation, limited partnership or other legal  
76 entity, the notice may be sent to any person upon whom process may  
77 be served to initiate a civil action against such corporation, limited  
78 partnership or entity or to any other address that the collector believes  
79 will give notice of the levy and sale. If no place of residence or business  
80 is known and cannot be determined by the tax collector for any owner,  
81 taxpayer, mortgagee, lienholder or other encumbrancer whose interest  
82 in the property is choate and will be affected by the sale, in lieu of  
83 notice by certified mail as provided in this subsection, the notice,

84 together with the list of mortgagees, lienholders, and other  
85 encumbrancers of record whose interests in the property are choate  
86 and will be affected by such sale, shall be published in a newspaper  
87 published in this state, having a general circulation in the town in  
88 which such property is located at least twice, the first not more than  
89 eight weeks nor less than five weeks before such sale and the last not  
90 more than four weeks nor less than two weeks before such sale.

91 (b) The collector may, for any reason, adjourn such sale from time to  
92 time by causing public notice of such adjournment and the time and  
93 place of such adjourned sale to be given either by oral announcement  
94 or posting of a written notice at the time and place designated for the  
95 sale in the notices of such sale. If the adjourned date is set for a date  
96 more than three days from the date of the original or rescheduled sale  
97 date, the tax collector shall provide a postage prepaid written notice of  
98 the new time and place of the sale to the delinquent taxpayer and each  
99 mortgagee, lienholder and other encumbrancer of record whose  
100 interest is choate and will be affected by the sale.

101 (c) At the time and place stated in such notices, or, if such sale is  
102 adjourned, at the time and place specified at the time of adjournment  
103 as aforesaid, such collector (1) may sell at public auction to the highest  
104 bidder all of said real property, to pay the taxes with the interest, fees  
105 and other charges allowed by law, including, but not limited to, those  
106 charges set forth in section 12-140, or (2) may sell all of said real  
107 property to his municipality if there has been no bidder or the amount  
108 bid is insufficient to pay the amount due.

109 (d) The collector shall post, at the time and place of the sale, a  
110 written notice stating the amount of all taxes, interest, fees and other  
111 charges authorized by law with respect to each property to be sold.  
112 The tax collector may publish or announce any rules for the orderly  
113 conduct of the auction and the making of payment by successful  
114 bidders which are not inconsistent with the requirements of law. The  
115 tax collector or the municipality may retain the services of auctioneers,  
116 clerks and other persons to assist the tax collector in the conduct of the

117 sale and the cost of such persons paid for their services shall be added  
118 to the taxes due from the delinquent taxpayer. If more than one  
119 property is sold, the tax collector shall apportion all shared costs  
120 equally among all the properties.

121 (e) Within two weeks after such sale, the collector shall execute a  
122 deed thereof to the purchaser or to the municipality conducting the  
123 sale and shall lodge the same in the office of the town clerk of such  
124 town, where it shall remain unrecorded six months from the date of  
125 such sale.

126 (f) Within sixty days after such sale, the collector shall cause to be  
127 published in a newspaper having a daily general circulation in the  
128 town in which the real property is located, and shall send by certified  
129 mail, return receipt requested, to the delinquent taxpayer and each  
130 mortgagee, lienholder and other encumbrancer of record whose  
131 interest in such property is choate and is affected by such sale, a notice  
132 stating the date of the sale, the name and address of the purchaser, the  
133 amount the purchaser paid for the property and the date the  
134 redemption period will expire. The notice shall include a statement  
135 that if redemption does not take place by the date stated and in the  
136 manner provided by law, the delinquent taxpayer, and all mortgagees,  
137 lienholders and other encumbrancers who have received actual or  
138 constructive notice of such sale as provided by law, that their  
139 respective titles, mortgages, liens, restraints on alienation and other  
140 encumbrances in such property shall be extinguished. After [such] the  
141 first notice [is] published in a newspaper in accordance with the  
142 provisions of subsection (a) of this section, and not later than six  
143 months after the date of the sale or within sixty days if the property  
144 was abandoned or meets other conditions established by ordinance  
145 adopted by the legislative body of the municipality, if the delinquent  
146 taxpayer, mortgagee, lienholder or other encumbrancer whose interest  
147 in the property will be affected by such sale, pays to the collector, the  
148 amount of taxes, interest and charges which were due and owing at  
149 the time of the sale together with interest on the total purchase price  
150 paid by the purchaser at the rate of eighteen per cent per annum from

151 the date of such sale plus any taxes and debts owed to the municipality  
152 that were not recovered by the sale and any additional charges under  
153 section 12-140, such deed, executed pursuant to subsection (e) of this  
154 section, shall be delivered to the collector by the town clerk for  
155 cancellation and the collector shall provide a certificate of satisfaction  
156 to the person paying the money who, if not the person whose primary  
157 duty it was to pay the tax or taxes, shall have a claim against the  
158 person whose primary duty it was to pay such tax or taxes for the  
159 amount so paid, and may add the same with the equivalent  
160 precedence, rate of interest and priority as the tax paid over other  
161 nongovernmental encumbrances but without precedence or priority  
162 over any state or municipal tax lien or any tax that was not yet due and  
163 payable when notice of the levy was first published to any claim for  
164 which he has security upon the property sold, provided the certificate  
165 of satisfaction is recorded on the land records but the interests of other  
166 persons in the property shall not be affected. Within ten days of receipt  
167 of such amounts in redemption of the levied property, the collector  
168 shall notify the purchaser by certified mail, return receipt requested,  
169 that the property has been redeemed and shall tender such payment,  
170 together with the amount held pursuant to subparagraph (A) of  
171 subdivision (1) of subsection (i) of this section, if any, to the purchaser.  
172 If the purchase money and interest are not paid within such  
173 redemption period, the deed shall be recorded and have full effect.

174 (g) During the redemption period, the purchaser or the municipality  
175 shall have a sufficient insurable interest in buildings and  
176 improvements upon such property to insure them against fire and  
177 other risk of physical loss, and may petition the Superior Court for the  
178 appointment of a receiver or for other equitable relief if there shall be  
179 imminent danger of damage or destruction thereto or imminent  
180 danger of injury to persons or to other property resulting from  
181 conditions thereon or on adjoining properties. The purchaser or the  
182 municipality shall not be liable to any person, or subjected to forfeiture  
183 of their interest, solely by reason of acquisition by the person of the tax  
184 deed, for any condition existing or occurrence upon such property or

185 adjoining public sidewalks and streets, or for any failure to act to  
186 remedy or investigate any such condition or occurrence during such  
187 redemption period. The expenses of any receiver appointed on the  
188 application of such purchaser or municipality in excess of any rents or  
189 profits paid to the receiver, all taxes and debts owed to the  
190 municipality that were not recovered by the sale, and any additional  
191 charges under section 12-140 shall be added to the amount of the  
192 purchase money and interest required to be paid by any person to the  
193 purchaser or municipality for the collector's deed and paid to the party  
194 that incurred such expenses.

195 (h) Any municipality holding a lien for unpaid taxes on real estate,  
196 other than the municipality conducting the sale, may purchase all of  
197 such property at a tax sale.

198 (i) (1) If the sale realizes an amount in excess of the amount needed  
199 to pay all delinquent taxes, interest, penalties, fees, and costs, the  
200 amount of the excess shall be held in an interest-bearing escrow  
201 account separate from all other accounts of the municipality. Any  
202 interest earned from such escrow account shall be the property of the  
203 municipality. (A) If the property is redeemed prior to the expiration of  
204 the redemption period, the amount held in escrow shall, within ten  
205 days of the tax collector receiving notice of redemption, be turned over  
206 to the purchaser. (B) If the property is not redeemed in the redemption  
207 period, the amount held in escrow may be used to pay the delinquent  
208 taxes, interest, penalties, fees and costs on the same or any other  
209 property of the taxpayer, including personal property and motor  
210 vehicles. In the case of subparagraph (B) of this subdivision, the tax  
211 collector shall, within ten days of the expiration of the redemption  
212 period, pay to the clerk of the court for the judicial district in which the  
213 property is located the amount held in escrow remaining after paying  
214 the delinquent taxes, interest, fees, penalties and costs owed by the  
215 taxpayer to the municipality. The tax collector shall, within five days of  
216 the payment, provide notice to the delinquent taxpayer, any  
217 mortgagee, lienholder, or other encumbrancer of record whose interest  
218 in such property is choate and is affected by the sale, by certified mail,

219 return receipt requested of the name and address of the court to which  
220 the moneys were paid, the person's right to file an application with the  
221 court for return of said money, and the amount of money paid to the  
222 court.

223 (2) If the tax collector pays to the court any moneys pursuant to  
224 subparagraph (B) of subdivision (1) of this subsection, the delinquent  
225 taxpayer, any mortgagee, lienholder or other encumbrancer whose  
226 interest in such property is choate and is affected by the sale may,  
227 within ninety days of the date the tax collector paid the moneys to the  
228 court, file an application with the court for return of the proceeds. Any  
229 person may make an application for payment of moneys deposited in  
230 court as provided for in this subsection to the superior court for the  
231 judicial district in which the property that is the subject of the  
232 proceedings referred to is located, or if said court is not in session to  
233 any judge thereof, for a determination of the equity of the parties  
234 having an interest in such moneys. Notice of such application shall be  
235 served in the same manner as to commence a civil action on all persons  
236 having an interest of record in such property on the date the collector's  
237 deed is recorded, provided neither the purchaser nor the municipality  
238 shall be a party to such action without such purchaser's or  
239 municipality's consent. The court or judge upon such motion or upon  
240 its own motion may appoint a state referee to hear the facts and to  
241 make a determination of the equity of the parties in such moneys. Such  
242 referee, after providing at least ten days' notice to the parties interested  
243 of the time and place of hearing, shall hear the applicant and any  
244 parties interested, take such testimonies as such referee deems material  
245 and determine the equities of the parties having a record interest in  
246 such moneys and immediately report to the court or judge. The report  
247 shall contain a detailed statement of findings by the referee, sufficient  
248 to enable the court to determine the considerations upon which the  
249 referee based his conclusions. The report may be rejected for any  
250 irregular or improper conduct in the performance of the duties of such  
251 referee. If the report is rejected, the court or judge shall appoint  
252 another referee to make such determination and report. If the report is



253 accepted, such determination of the equities shall be conclusive upon  
254 all parties given notice of such hearing, subject to appeal to the  
255 Appellate Court. If no appeal to the Appellate Court is filed within the  
256 time allowed by law, or if one is filed and the proceedings have  
257 terminated in a final judgment determining the amount due to each  
258 party, the clerk shall send a certified copy of the statement of  
259 compensation and of the judgment to the prevailing party or parties,  
260 as the case may be, which shall, upon receipt thereof, pay such parties  
261 the amount due them as compensation.

262 (3) If no application is filed with the court, any moneys held by the  
263 court shall escheat to the state pursuant to the provisions of part III of  
264 chapter 32."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	12-141
Sec. 2	<i>October 1, 2019</i>	12-157