



General Assembly

January Session, 2021

Raised Bill No. 695

LCO No. 2651



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

**AN ACT CONCERNING PENALTIES FOR FAILURE TO FILE CERTAIN
PROPERTY TAX ASSESSMENT INFORMATION AND CONTINGENCY
AGREEMENTS FOR EXPERT TESTIMONY IN CERTAIN TAX
ASSESSMENT APPEALS.**

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

1 Section 1. Section 12-63c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2021*):

3 (a) In determining the present true and actual value in any town of
4 real property used primarily for purposes of producing rental income,
5 the assessor, which term whenever used in this section shall include
6 assessor or board of assessors, may require in the conduct of any
7 appraisal of such property pursuant to the capitalization of net income
8 method, as provided in section 12-63b, that the owner of such property
9 annually submit to the assessor not later than [the first day of] June first,
10 on a form provided by the assessor not later than forty-five days before
11 [said first day of] June first, the best available information disclosing the
12 actual rental and rental-related income and operating expenses
13 applicable to such property. Submission of such information may be
14 required whether or not the town is conducting a revaluation of all real

15 property pursuant to section 12-62. Upon determination that there is
16 good cause, the assessor may grant an extension [of not more than thirty
17 days] to not later than July first to submit such information, if the owner
18 of such property files a request for an extension with the assessor not
19 later than [May] June first.

20 (b) Any such information related to actual rental and rental-related
21 income and operating expenses and not already a matter of public
22 record that is submitted to the assessor shall not be subject to the
23 provisions of section 1-210.

24 (c) If upon receipt of information as required under subsection (a) of
25 this section the assessor finds that such information does not appear to
26 reflect actual rental and rental-related income or operating expenses
27 related to the current use of such property, additional verification
28 concerning such information may be requested by the assessor. All
29 information received by the assessor under subsection (a) of this section
30 shall be subject to audit by the assessor or a designee of the assessor.
31 Any person claiming to be aggrieved by the action of the assessor
32 [hereunder] under this section may appeal the actions of the assessor to
33 the board of assessment appeals and the Superior Court as otherwise
34 provided in this chapter. Any assessment adjusted by such board under
35 the provisions of section 12-117 for any such property shall be subject to
36 the penalties provided in subsection (d) of this section.

37 (d) (1) Any owner of such [real] property required to submit
38 information to the assessor in accordance with subsection (a) of this
39 section for any assessment year, who fails to submit such information as
40 required under said subsection (a) or who submits information in
41 incomplete or false form with intent to defraud, shall (A) be subject to a
42 penalty equal to a ten per cent increase in the assessed value of such
43 property for such assessment year, and (B) for the assessment year
44 commencing October 1, 2020, and each assessment year thereafter, be
45 subject to a penalty equal to ten per cent of the current assessment year's
46 assessment, which the assessor shall add by issuance of a certificate of
47 correction (i) for failure to file by June first of the current assessment

48 year, and (ii) for each subsequent assessment year for such failure. Upon
49 receipt of any such certificate of correction from the assessor, the tax
50 collector of the town shall apply the mill rate for the current assessment
51 year and, if such certificate of correction is received after the normal
52 billing date, not later than thirty days after such receipt, mail or hand
53 deliver a bill to such owner based upon the addition of the penalty
54 described in subparagraph (B) of this subdivision. Such tax shall be due
55 and payable and collectible as other municipal taxes and subject to the
56 same liens and processes of collection, provided such tax shall be due
57 and payable in an initial or single installment due and payable not
58 sooner than thirty days after the date such bill is mailed or handed to
59 such owner, and in any remaining, regular installments, as such
60 installments are due and payable, and the several installments of a tax
61 so due and payable shall be equal.

62 (2) Any disclosure form described in subsection (a) of this section
63 received by the town to which such form is due that is in an envelope
64 bearing a postmark, as defined in section 1-2a, showing a date within
65 the allowed filing period shall not be deemed to be delinquent.

66 (3) Notwithstanding the provisions of this subsection, an assessor or
67 board of assessment appeals shall waive such penalty if the owner of
68 the real property required to submit the information is not the owner of
69 such property on the assessment date for the grand list to which such
70 penalty is added. Such assessor or board may waive such penalty upon
71 receipt of such information in any town in which the legislative body
72 adopts an ordinance allowing for such a waiver.

73 Sec. 2. Section 12-117a of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective July 1, 2021*):

75 (a) Any person, including any lessee of real property whose lease has
76 been recorded as provided in section 47-19 and who is bound under the
77 terms of his lease to pay real property taxes, claiming to be aggrieved
78 by the action of the board of tax review or the board of assessment
79 appeals, as the case may be, in any town or city may, within two months

80 from the date of the mailing of notice of such action, make application,
81 in the nature of an appeal therefrom, with respect to the assessment list
82 for the assessment year commencing October 1, 1989, October 1, 1990,
83 October 1, 1991, October 1, 1992, October 1, 1993, October 1, 1994, or
84 October 1, 1995, and with respect to the assessment list for assessment
85 years thereafter, to the superior court for the judicial district in which
86 such town or city is situated, which shall be accompanied by a citation
87 to such town or city to appear before said court. Such citation shall be
88 signed by the same authority and such appeal shall be returnable at the
89 same time and served and returned in the same manner as is required
90 in case of a summons in a civil action. The authority issuing the citation
91 shall take from the applicant a bond or recognizance to such town or
92 city, with surety, to prosecute the application to effect and to comply
93 with and conform to the orders and decrees of the court in the premises.
94 Any such application shall be a preferred case, to be heard, unless good
95 cause appears to the contrary, at the first session, by the court or by a
96 committee appointed by the court. The pendency of such application
97 shall not suspend an action by such town or city to collect not more than
98 seventy-five per cent of the tax so assessed or not more than ninety per
99 cent of such tax with respect to any real property for which the assessed
100 value is five hundred thousand dollars or more, and upon which such
101 appeal is taken. If, during the pendency of such appeal, a new
102 assessment year begins, the applicant may amend his application as to
103 any matter therein, including an appeal for such new year, which is
104 affected by the inception of such new year and such applicant need not
105 appear before the board of tax review or board of assessment appeals,
106 as the case may be, to make such amendment effective. The court shall
107 have power to grant such relief as to justice and equity appertains, upon
108 such terms and in such manner and form as appear equitable, and, if the
109 application appears to have been made without probable cause, may tax
110 double or triple costs, as the case appears to demand; and, upon all such
111 applications, costs may be taxed at the discretion of the court. If the
112 assessment made by the board of tax review or board of assessment
113 appeals, as the case may be, is reduced by said court, the applicant shall
114 be reimbursed by the town or city for any overpayment of taxes,

115 together with interest and any costs awarded by the court, or, at the
116 applicant's option, shall be granted a tax credit for such overpayment,
117 interest and any costs awarded by the court. Upon motion, said court
118 shall, in event of such overpayment, enter judgment in favor of such
119 applicant and against such city or town for the whole amount of such
120 overpayment, less any lien recording fees incurred under sections 7-34a
121 and 12-176, together with interest and any costs awarded by the court.
122 The amount to which the assessment is so reduced shall be the assessed
123 value of such property on the grand lists for succeeding years until the
124 tax assessor finds that the value of the applicant's property has increased
125 or decreased.

126 (b) No person who is compensated on a contingency basis for expert
127 testimony concerning the value of an applicant's property shall testify
128 in any appeal brought pursuant to this section.

129 Sec. 3. Section 12-119 of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective July 1, 2021*):

131 (a) When it is claimed that a tax has been laid on property not taxable
132 in the town or city in whose tax list such property was set, or that a tax
133 laid on property was computed on an assessment which, under all the
134 circumstances, was manifestly excessive and could not have been
135 arrived at except by disregarding the provisions of the statutes for
136 determining the valuation of such property, the owner thereof or any
137 lessee thereof whose lease has been recorded as provided in section 47-
138 19 and who is bound under the terms of his lease to pay real property
139 taxes, prior to the payment of such tax, may, in addition to the other
140 remedies provided by law, make application for relief to the superior
141 court for the judicial district in which such town or city is situated. Such
142 application may be made within one year from the date as of which the
143 property was last evaluated for purposes of taxation and shall be served
144 and returned in the same manner as is required in the case of a summons
145 in a civil action, and the pendency of such application shall not suspend
146 action upon the tax against the applicant. In all such actions, the
147 Superior Court shall have power to grant such relief upon such terms

148 and in such manner and form as to justice and equity appertains, and
149 costs may be taxed at the discretion of the court. If such assessment is
150 reduced by said court, the applicant shall be reimbursed by the town or
151 city for any overpayment of taxes in accordance with the judgment of
152 said court.

153 (b) No person who is compensated on a contingency basis for expert
154 testimony concerning the value of an applicant's property shall testify
155 in any application for relief brought pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	12-63c
Sec. 2	<i>July 1, 2021</i>	12-117a
Sec. 3	<i>July 1, 2021</i>	12-119

Statement of Purpose:

To (1) impose a certain penalty on owners of certain real property for failure to file certain information requested by the assessor, (2) allow for filings postmarked within the applicable filing period to be deemed not delinquent, (3) apply existing billing practices to tax bills issued to such owners, and (4) prohibit the use of certain expert witnesses in certain tax assessment appeals if such witness is compensated on a contingency basis for such testimony.

[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.]