

Linda M. Hodge



First Selectman

**Board of Selectmen Special Meeting Minutes
Tuesday, March 25, 2008
Colchester Town Hall
Suite 201 – 3:15 p.m.**

NANCY A. BRAY
TOWN CLERK

2008 MAR 26 PM 2:21

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MEMBERS PRESENT: First Selectman Linda Hodge, Stan Soby, Rosemary Coyle, Greg Cordova, John Malsbenden

MEMBERS ABSENT: None

OTHERS PRESENT: Mike Caplet

1. **Call to Order:** First Selectman L. Hodge called the meeting to order at 3:24 p.m.
2. **Citizen's Comments:** None
3. **Discussion and Action on Elderly Tax Relief Task Force Recommendation for Ordinance Amendment:** J. Malsbenden moved to approve the ordinance amendment as presented with the statute numbers to be added to section 129-21 A (3) by town legal council, seconded by S. Soby. Following discussion, all members present voted in favor. MOTION CARRIED.
4. **Adjourn:** J. Malsbenden moved to adjourn the meeting at 3:30 p.m., seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

Attachments

1. Draft of Ordinance Amendment

Respectfully submitted,

Michael J. Caplet
Executive Assistant to the First Selectman

Article VI
Colchester's Tax Relief Program for Homeowners who are Elderly or Permanently and Totally Disabled
[Adopted 10-28-1993. Amendments noted where applicable.]

§ 129-19. Adoption of article.

The following article shall be adopted by the Town of Colchester.

§ 129-20. Tax relief for homeowners who are elderly or permanently and totally disabled.
[Amended __-__-2008]

The Town of Colchester (the "town") hereby provides real property tax relief for eligible elderly town residents and eligible permanently and totally disabled town residents ("tax relief") pursuant to C.G.S. § 12-129n, commencing with the Grand List of October 1, 2007, and thereafter, on the terms and conditions provided herein.

§ 129-21. Eligibility. [Amended __-__-2008]

A. Any person who owns real property in the town, or who is liable for taxes on real property pursuant to C.G.S. § 12-48, and who occupies said real property as his or her principal residence, shall be entitled to tax relief, provided that such person meets the eligibility criteria of clause (1)(a) or (1)(b) and clauses (2), (3) and (4) below:

(1) (a) Elderly Criteria: Such person is 65 years of age or over, or whose spouse, living with them, is 65 years of age or over or 60 years of age or over and the surviving spouse of a taxpayer qualified under this article at the time of his or her death.

OR

(b) Disability Criteria: Such person is under age 65 and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or has not been engaged in employment covered by Social Security and accordingly has not qualified for benefits thereunder, but has become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security.

(2) Such person's income does not exceed the income limitations for the tax relief program pursuant to C.G.S. § 12-170aa, as amended from time to time, by more than \$5,000.00.

(3) ~~Such person must have applied for, if he or she meets the eligibility criteria for any of the State Assistance Programs (as hereinafter defined), must have made application to the state for assistance under each of such programs for which he or she is eligible. "State Assistance Programs" means the State of Connecticut "Homeowner's" program or "Renter's" program pursuant to [must identify these programs with citations to statutes or regs]~~

(4) Such person or his or her spouse has, for one year immediately preceding the receipt of tax relief under this article, been a taxpayer of the town.

- B. Notwithstanding the foregoing, no otherwise eligible person shall be deemed ineligible for tax relief solely because said person or his or her spouse has resided in a health care facility for a period of up to one year. Persons who reside in such a facility for a period longer than one year shall be ineligible for tax relief for the period exceeding said one year.

§ 129-22. Limitations. [Amended ___-___-2008]

- A. The tax relief shall be limited to the principal residence of the taxpayer, including the dwelling, the primary lot upon which the residence is located and any accessory buildings located upon such lot (the "eligible property"), as determined by the town tax-assessor (the "assessor"); provided, however, that in the case of a cooperative, the assessor shall determine the tax relief in accordance with the procedure set forth in C.G.S. § 12-129n(g).
- B. The taxpayer's total tax relief shall not exceed the limitations set forth in C.G.S. § 12-129n(a).
- C. The town's total abatement of property tax revenue, based on an estimate in any tax year by the Colchester Board of Finance, which may be granted in such tax year by the town pursuant to this article, shall be subject to the limitations of C.G.S. § 12-129n(c).
- D. The total amount of tax relief with respect to any eligible taxpayer in any tax year shall not exceed 50% of the tax on the assessed value of the taxpayer's interest in the eligible property, as determined by the assessor.

§ 129-23. Application; filing period; re-filing annually. [Amended ___-___-2008]

- A. Application for tax relief shall be made on forms provided by the assessor and shall be accompanied by a copy of the applicant's most recent federal income tax return or such other documentation of eligibility as may be required by the assessor.
- B. The application shall be filed with the assessor during the period of February 1 through August 1, inclusive, to obtain tax relief for the next fiscal year. Applicants shall re-file with the assessor annually.

§ 129-24. Computation of tax relief.

- A. The assessor shall compute the amount of tax relief to which the taxpayer is entitled and advise the town tax collector thereof.
- B. The tax relief shall, in any case where title to the eligible property is recorded in the name of the taxpayer or his or her spouse and any other person or persons, be prorated to reflect the fractional share of such taxpayer or spouse.
- C. The tax relief shall, in any case where the eligible property is a multifamily dwelling, be prorated to reflect the fractional portion of eligible property occupied by the taxpayer.
- D. If a recipient of tax relief dies or transfers, grants or otherwise conveys his or her interest in the eligible property, the tax relief previously allowed shall be disallowed to the extent of the portion of the tax year remaining following such death or transfer, except where the surviving spouse of the recipient, otherwise eligible under § 129-21A(1) hereof, acquires the interest formerly held by the recipient.

§ 129-25. Lien on eligible property; interest rate. [Amended ___-___-2008]

- A. The town shall have a lien on the eligible property as provided in C.G.S. § 12-129n(f), which lien shall include interest on the amount of the tax relief granted at an annual rate of 3%.
- B. The interest rate on the amount of the tax relief granted that remains unpaid 12 months from the date the recipient of tax relief dies or transfers, grants or otherwise conveys his or her interest in

the eligible property shall be the interest rate charged by the town for delinquent taxes, except where the surviving spouse of the recipient, otherwise eligible under § 129-21A(1) hereof, acquires the interest formerly held by the recipient.

- C. The Board of Selectmen may adjust the interest rate in § 129-25A hereof no more frequently than annually to reflect the then prevailing market conditions.

§ 129-26. Administration. [Amended ___-___-2008]

- A. The assessor is hereby authorized to implement this program, and to adopt such rules and regulations as may be necessary for the proper administration of this program, with the consent and approval of the Board of Selectmen. The assessor may designate agents to act in the assessor's name in collecting applications for this program.
- B. Beginning with the Grand List year 2012 and every five years thereafter, the Board of Selectmen shall form a "local option property tax relief task force", consisting of at least one member of the Board of Selectmen, one member of the Board of Finance, one member of the town Commission on Aging and four members of the general public to review this local option and the annual percentage rate being charged for the interest while the taxes are deferred.

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