

Sec. 18-6. - Tax relief for elderly homeowners.

(a)

*[Authority.]* Pursuant to the authority granted under G.S. § 12-129n, as amended from time to time, the town hereby authorizes local real property tax relief to eligible residents. The town shall have two (2) tax relief programs, the local credit program described in subsection (b) and the tax deferred program described in subsection (c). The residential property that will be subject to any real property tax relief must be owned by the participant and the participant's principal residence. Residents' eligibility shall be established pursuant to G.S. § 12-129n and administrative procedures established pursuant to subsection (e) below. Participation in the local credit program shall require biennial application. Participation in the tax deferral program shall require an annual application. Eligible residents may apply for and participate in either the local credit program or tax deferral program, but may not apply for or participate in both programs.

(b)

*Local credit program.*

(1)

The local credit program provides a tax credit to be applied towards real property taxes for eligible residents. The local credit program shall be effective with the Grand List of October 1, 2006 for property taxes first payable on July 1, 2007. The maximum income allowable to participate in the local credit program and the local tax credit for the Grand List of October 1, 2005 are set forth in below. The maximum income allowable to participate in the local credit program and the local tax credit shall be adjusted annually as an administrative function performed by the town manager, in accordance with annual income changes to qualify for the state mandated tax relief program under G.S. § 12-129b to 12-129d, inclusive, and 12-170aa and in accordance with this subsection (b).

(2)

The local tax credit shall be adjusted annually by an amount equal to fifty (50) percent of the tax increase for the median value of homes owned by participants in the local credit program for the previous Grand List year and July 1 payment date.

(3)

For a participant in the local credit program which has been the owner of record of real property in town for at least twenty (20) years out of the past twenty-five (25) years immediately preceding the date of application, which property was used as such participant's principal residence for those twenty (20) or more years and is currently being used by such participant as

such participant's principal residence, the local tax credit shall be one hundred dollars (\$100.00) higher for each level of qualifying income.

(4)

The cost to the town for the local credit program shall not exceed one-half (1/2) percent of the applicable Grand List year current tax levy.

(5)

The tax relief provided to a taxpayer in the aggregate under the state tax relief program under G.S. § 12-129b to 12-129d, inclusive, and 12-170aa and the local credit program shall not exceed seventy-five (75) percent of the property tax for which such taxpayer would be liable but for the benefits under the state tax relief program and the local credit program.

(c)

*Tax deferral program.*

(1)

The tax deferral program provides for a deferral of real property taxes excluding amounts from state mandated tax credits. Participation in the tax deferral program requires an agreement between the participant and the town. A town tax lien will be placed on the residential property of a participant in the tax deferral program in the amount of the taxes deferred, plus interest described in subsection (c)(4) in each year that such taxpayer is a participant in the tax deferral program. The tax deferral program shall be effective with the Grand List of October 1, 2006 for property taxes first payable on July 1, 2007.

(2)

To be eligible for the tax deferral program, an applicant must have been the owner of record of real property in town, and used such property as such applicant's principal residence, for a minimum of ten (10) consecutive years prior to the date of the application.

(3)

The maximum income allowable to participate in the tax deferral program shall be the same as the annual income amounts to qualify for the state mandated tax relief program under G.S. § 12-129b to 12-129d, inclusive, and 12-170aa.

(4)

Interest shall continue to accrue on taxes deferred under the tax deferral program. The interest rate on the deferred taxes shall be determined each year. The interest rate shall equal the one (1)

year treasury bill rate plus fifty (50) basis points (one-half (1/2) percent) that is in effect on October 1 immediately preceding the applicable July 1 tax payment date.

(d)

*[Proration.]* The amount of the tax credit under subsection (b) or the amount of the tax deferral under subsection (c) shall, in any case where title to the real property is recorded in the name of the participant or his/her spouse and any other person or persons, be prorated to reflect the fractional ownership of such participant or spouse or, if such property is a multiple-family dwelling, the amount of the tax credit under subsection (b) or the amount of the tax deferral under subsection (c) shall be prorated to reflect the fractional portion of such property occupied by the participant.

(e)

*Administrative procedures.*

(1)

Administrative procedures and guidelines consistent with this section shall be developed by the town manager or his/her designee to administer the local credit program and tax deferral program.

(2)

The town manager shall provide the council with an annual report on the local credit program and tax deferral program.

**Town of Glastonbury**  
2005 Grand List/2006 Calendar Year  
Elderly Tax Relief Program  
**State and Town**

interest will accrue at the same rate as delinquent real estate taxes (1.5 percent per month) as long as payments remain delinquent.

(h) Upon the payment of all amounts due under the assessment for a parcel of real property, the certificate of lien will be released as to that property.

(i) In the event the assessment of a certain parcel of real property is deferred, a caveat to that effect will be recorded on the Madison Land Records.

(j) Within sixty (60) days of the assessment of benefits under this section, pursuant to section 7-137(c) General Statutes, the owner of any real property so assessed may appeal to the superior court for the judicial district of New Haven at New Haven from the valuation of his assessment by service of process made in accordance with the provisions of section 52-67, General Statutes. Such appeal shall be a privileged case and shall not stay any proceedings under said section 7-137(c), General Statutes.

(Ord. of 8-11-98)

**Sec. 20-9. Reserved.**

**Sec. 20-10. Property tax relief; owner's tax relief program for certain elderly and/or disabled homeowners.**

Pursuant to the authority granted under G.S. § 12-129n, as amended, for tax relief for elderly/totally disabled homeowners provided under said statute it is hereby recommended as follows:

(1) *Qualifications for tax relief.*

- a. Any person who owns real property in the Town of Madison or who is liable for payment of taxes pursuant to G.S. § 12-48 and who occupies the real property as a primary residence shall be entitled to tax relief pursuant to G.S. § 12-129n, for elderly and totally disabled, as amended;
- b. To be eligible the property owner or spouse living with them must be sixty-five (65) years of age at the end of the previous calendar year, or a

person under age sixty-five (65) and eligible in accordance with federal regulation to receive permanent total disability benefits under Social Security, including the Railroad Retirement Act and any government-related teacher's disability retirement plan;

- c. A surviving spouse of sixty (60) years of age or older of a taxpayer previously qualified under G.S. § 12-48 at the time of his/her death is also eligible. If the surviving spouse remarries he/she must requalify;
- d. An applicant must have resided in the town and paid real property taxes in the town for one (1) year prior to application in order to obtain program benefit;
- e. An applicant must have applied for real property tax relief pursuant to all other state statutes under which he/she is eligible; and
- f. No person in default in payment of his/her real property taxes to the town shall be eligible for a real property tax relief pursuant to this program. Participation in the Madison Tax Deferral Program is allowed under this program;
- g. The real property is the house and house lot for which the relief is claimed and must be the legal domicile of such person. Such person must occupy the property more than two hundred fifty (250) days of each calendar year and the applicant must not be registered for a tax relief program in any other jurisdiction. In the event that the property owner is absent from the property due to health concerns, the taxpayer must have an abiding intent to return to the property within two (2) years in order for that taxpayer to remain eligible for this tax relief program;
- h. If the homeowner is in a nursing home on a permanent basis and there

is a spouse living in the home who is sixty (60) years of age and older, and who meets all other qualifications, the owner's tax relief may continue.

(2) *Property held in joint ownership.*

- a. *Joint ownership.* If a qualifying taxpayer owns the property jointly with a nonspouse, tax relief under this program will be proportionate to the qualifying taxpayer's interest in the property. If such property is occupied as a multifamily dwelling, the qualifying taxpayer shall receive tax relief on the portion of the property that is his/her legal domicile.
- b. *Life tenancy.* The applicant is entitled to tax relief, if he/she retains life tenancy (a.k.a. life use) in the property, as long as he/she is legally responsible for the payment of property taxes and meets all other owner program requirements.
- c. *Property held in a trust.* The applicant is entitled to tax relief as long as he/she is legally responsible for the payment of property taxes and meets all other program requirements.

(3) *Income qualifications.*

- a. The maximum allowable income for the Madison Senior Citizen Tax Relief Program shall be fifty thousand dollars (\$50,000.00) through January 1, 2006, then adjusted for inflation as defined by the C.P.I. from a base date of January 26, 2004. The director of town services will adjust the income guidelines annually.
- b. The qualifying income includes adjusted gross income defined in the Internal Revenue Code, and tax-exempt interest plus any other income not included in the federal adjusted gross income. Income includes all monies received unless specifically exempted including: wages, commissions, fees, self employment net

income, gross Social Security, Supplemental Security Income, payment for jury duty, dividends, interest and annuities, taxable IRA, interests or proceeds from gifts, bequest, inheritances, lottery winnings, net income from sale or rent or real personal property, pensions including veterans and railroad retirement, severance pay, unemployment compensation, workers compensation, alimony, and all other sources of income, such as: gifts, bequests or inheritance.

- c. Specifically excluded are Social Security payments made on behalf of a dependent person, casualty loss reimbursements by insurance companies, grants for disaster relief, and life insurance proceeds.
- d. Possible exclusion of certain medical expenses from income. If a taxpayer has incurred income due to the need to pay medical expenses in an amount that equals or exceeds the amount of medical expenses that have been deducted as medical expenses on schedule A of Internal Revenue Form 1040 that causes the participant's income to exceed the participant's income for each of three prior years by at least ten (10) percent, and that income would otherwise disqualify the participant from continued participation in the program, then upon satisfactory proof to the assessor that the same income was exclusively due to the need to pay medical expenses, the assessor shall deduct from the most recent annual income the amount of such medical expenses in calculating income. In determining whether the income of the taxpayer under subsection (3)a. was due to the need to pay medical expenses, the assessor shall require the participant to submit the participant's federal tax returns for the three (3) years preceding the year for which the elderly tax benefit is being sought

so that the assessor may compare the participant's income and medical expenses for the current year with the participant's income and expenses for the three (3) prior years.

(4) *Type of tax relief program.*

- a. 1. Qualifying residents of one (1) to four (4) consecutive years of home ownership in Madison, with an income maximum of fifty thousand dollars (\$50,000.00) (adjusted for inflation beginning January 1, 2006, from a base date of January 26, 2004), will be eligible for tax relief of one hundred dollars (\$100.00).
- 2. Qualifying residents of five (5) or more consecutive years of home ownership in Madison will be eligible for tax relief according to the following schedule:

<i>Tax Relief</i>	<i>Income</i>
\$950.00	\$30,000.00 and under *
\$700.00	\$30,001.00—\$40,000.00 *
\$450.00	\$40,001.00—\$50,000.00 *

\* *Adjusted for inflation as defined by the C.P.I. beginning January 1, 2006, based on a base date of January 26, 2004. The director of town services will adjust the income guidelines annually.*

- b. Any person who is eligible for real property tax relief under G.S. §§ 12-29b, 12-129h or 12-170a and b, shall apply for relief available to him/her under these laws before applying for the Madison Senior Citizen Property Tax Relief Program.
- c. The real property tax relief provided by this program shall be in addition to, but not dependent upon, those benefits available to taxpayers under any G.S. §§ 12-129b to 12-129d, inclusive, 12-129h, and 12-70aa, provided, and that the town and state benefits in any one (1) year shall not

exceed seventy-five (75) percent of the normal tax, which would have been imposed on a qualified taxpayer absent any tax relief program.

- d. The total relief granted under the provisions of this section for any tax year shall not exceed an amount equal to seven-tenths ( $\frac{7}{10}$ ) of one (1) percent of the town's current operating budget. If the benefit in any year exceeds the cap, the tax relief will be prorated.

(5) *Application procedure.*

- a. As a prerequisite for application to this senior citizen tax relief program an applicant must first apply with the program administrator for the state's elderly and totally disabled homeowner tax credit program.
- b. A property owner must file a written application on the forms provided for relief under this program biannually between February 1 and May 15 of the calendar year.
- c. The applicant shall present to the program administrator a copy of his/her federal income tax return for the previous calendar year or, if income is under the required amount to file a tax return, an applicant must provide evidence of qualifying income that the program administrator may reasonably require to establish compliance with for this program.
- d. The applicant or his/her agent shall sign a sworn affidavit in the presence of the program administrator's office affirming the accuracy of the statements in the application.
- e. When the program administrator determines that the applying taxpayer is entitled to tax relief under this program, he/she shall compute the amount of such tax relief.
- f. Applications, affidavits or other documentations presented in support of the application for tax relief shall

not be open for public inspection and shall not be disclosed except in case of an appeal or in connection with claims of fraud to the proper authorities.

- g. Any person aggrieved by the decision of the program administrator may appeal to a board of reviewer consisting of first selectman (chairman) or designee, director of human services and director of finance.

(6) *Transfer of property.*

- a. Upon the sale/transfer of the property, the new owner shall lose the tax relief benefit and the assessor shall prorate the increased tax liability from the date of sale and the tax collector shall bill the new owner within a reasonable time period.
- b. If a taxpayer who is qualified for real property tax relief sells his/her primary residence and purchases another primary residence within the town, the remaining portion of such taxpayer's tax relief benefit shall be applied to the newly acquired property from the date of acquisition.

(7) *Program review.* The senior tax relief program shall be reviewed by the board of selectmen the first year after implementation and then in conjunction with every revaluation. The board of selectmen will make recommendations to the board of finance and the legislative body of the town.

(Ord. of 12-29-05; Amend. of 3-19-09; Amend. of 12-7-09; Amend. of 4-11-11)

## Article IV. Relief for Elderly and/or Totally Disabled Homeowners

[Adopted 6-15-1983 (Ch. 6, Art. VI, of the 1983 Code); last amended 2-28-2007]

### § 382-6. Program enacted.

The Town of Woodbridge hereby enacts a program for municipal property tax relief for certain elderly or disabled homeowners, which hereafter may be referred to as the "Elderly and the Totally Disabled Homeowners Program," to provide a tax credit, pursuant to § 12-129n of the Connecticut General Statutes, to eligible residents of the Town of Woodbridge on the terms and conditions provided herein.

### § 382-7. Eligibility.

Any resident who owns real property in the Town of Woodbridge as an individual and is liable for payment of real property taxes to the Town of Woodbridge shall be entitled to a tax credit on the annual taxes for such real property for the following fiscal year, provided that all of the following conditions are complied with:

A. Such resident is 65 years of age by December 31 of the calendar year preceding application for tax relief; or his or her spouse is 65 years of age by December 31 of such preceding year and resides with said resident; or such resident is 60 years of age or over by December 31 of such preceding year and is the surviving spouse of a taxpayer who qualified for a tax credit under this article at the time of his or her death; or such resident is under 65 years of age and has been qualified 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 *Editor's Note: See 45 U.S.C. § 231 et seq.* 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.

B. Such resident or the spouse of such resident, as applicable, has resided at and paid real estate taxes on a residence located in Woodbridge for a period of one year prior to his or her application for tax credit and no delinquent taxes are due for any real or personal property associated with such residence or by any individual using such residence as his or her legal mailing address, whether or not such taxes are levied in connection with such residence. Delinquent taxes must be paid in full by the mailing date of the first installment of the tax bill for which the credit would apply.

C. The property for which the credit is claimed is the house and house lot which is the principal residence of such resident.

D. The income eligibility for the Elderly and the Totally Disabled Homeowners Program shall be computed by adding together the modified income, as described hereinafter, of all members of the resident's household age 21 years of age or older as of December 31 of the calendar year preceding the year in which application is made for tax relief, and which household members are either by the State of Connecticut or federal guidelines considered residents of that address, or who claim that address as their residence as evidenced by drivers' licenses, voter registration, tax filing, mailing address, family member's school attendance, etc. Notwithstanding the foregoing, the income of a member of the household who is over 21 years of age but under the age of 26 years on the subject date shall not be included if that individual is a full-time student at a fully accredited educational institution approved or licensed by any state. The applicant annually must provide certified proof of such enrollment.

(1) Modified income shall be computed for each includable household member as follows:

Federal adjusted gross income (AGI)	\$XXX
ADD:	
Social security not included in federal AGI	\$XXX
Tax-exempt interest income	\$XXX
Net losses per Form 1040 (used at arrive at AGI)	\$XXX
Business losses	\$XXX
Capital losses	\$XXX
Other losses	\$XXX
Schedule E losses	\$XXX
Farm losses	\$XXX
Net operating losses	\$XXX
Disability income not included in federal AGI	\$XXX
SUBTRACT (only if itemized for federal):	
Medical expenses in excess of 7.5% of AGI (per form 1040, Schedule A)	(\$XXX)
RESULT EQUALS modified income	<u>\$XXX</u>

(2) The modified income qualifying for relief hereunder and the amount of the tax credit shall be determined with reference to the schedule of qualifying income and maximum tax reduction set forth in the State of Connecticut's Elderly and Totally Disabled Tax Relief Program (the "State Program") as set forth in C.G.S. § 12-170aa or successor legislation as follows:

Group	Household Modified Income	Tax Credit
Group	From \$0 up to the maximum income allowed for married	\$1,400

<b>Group</b>	<b>Household Modified Income</b>	<b>Tax Credit</b>
I	taxpayer to qualify for relief under state program	
Group	Income in excess of Group I limit, with maximum income	\$1,120
II	level of 1.7 times the maximum income allowed for eligibility in Group I	

(3) A resident's marital status is immaterial to qualification for relief hereunder, except to the extent described under Subsection A of this section. Reference to "married taxpayer" under State Program, § 12-170aa(c), above, is only for the purpose of providing a maximum income eligibility guideline for this article. Marital status does not affect the amount of the tax credit.

E. Filing. The application period for filing for a tax credit will be from February 1 through May 15 and will use the previous year's income information as calculated in the foregoing subsection. All applicants must provide all proof of their income, including but not limited to their federal income tax return filed, their SSA benefit form(s), and all forms 1099's, including tax-exempt income statements. The Assessor's office and those administering the program shall treat such information as being submitted in confidence and such information shall be protected from disclosure to the maximum extent permitted by federal and/or state law. The filings will be on a biannual basis.

F. Limitation on number of tax credits. Only one tax credit, as heretofore set forth, shall be allowed for each parcel of land eligible for the tax credit under this article.

G. Proration. In any case where title to real property is recorded in the name of the taxpayer or his or her spouse who is eligible for a tax credit and any other resident or residents, the tax credit under this article shall be prorated to allow a tax credit equivalent to the fractional share in the property of such taxpayer or spouse and the residents not otherwise eligible for a tax credit shall not receive any tax credit.

H. If any resident entitled to the tax credit pursuant to this article dies or sells or transfers title to the real property on which the tax credit is granted, no additional tax credit shall be allowed for his or her interest in the property for any fiscal year commencing after the date of death or sale or transfer of the property. Furthermore, the credit will be prorated from such date of death, sale or transfer. The successor in title shall be responsible for notifying the Assessor's office and Tax Collector's office of any of the foregoing occurrences within 30 days of such occurrence.

### **§ 382-8. Calculation of credit.**

The Assessor shall calculate the credit of each resident who shall have satisfied all of the conditions as above set forth in accordance with § 382-7 of this article, except that a lesser deduction shall be made when and to the extent required to insure that:

A. The credit granted by the Town, together with all elderly benefits obtained from the State of Connecticut pursuant to State law, shall not result in a reduction of the applicant's total real estate tax by more than 75% of the total amount thereof.

B. The total of all tax credits granted under the provisions of this article for fiscal year 2004-2005 shall not exceed an amount equal to 0.63% of the Town of Woodbridge's adopted operating budget in effect as of February 1, 2004; for fiscal year 2005-2006, the total of such credits shall not exceed an amount equal to 0.65% of the Town of Woodbridge's adopted operating budget in effect as of February 1, 2005; for fiscal year 2006-2007, the total of such credits shall not exceed an amount equal to 0.69% of the Town of Woodbridge's adopted operating budget in effect as of February 1, 2006; for fiscal year 2007-2008, the total of such credits shall not exceed an amount equal to 0.69% of the Town of Woodbridge's adopted operating budget in effect as of February 1, 2007. In the event the total of all tax credits exceeds the foregoing enumerated percentage for an applicable fiscal year, the tax credit given to eligible residents for that fiscal year shall be prorated as follows: Group I will receive 100% of the credit allowed to members of that Group pursuant to § 382-7D hereof, and Group II will receive a prorated amount (but in no event more than Group II's maximum allowable credit).

C. The total of all tax credits granted under the provisions of this article for fiscal year 2008 shall not exceed an amount equal to 0.69% of the Town of Woodbridge's adopted operating budget in effect as of February 1, 2007. In the event such total exceeds 0.69% of such budget, the tax credit given to eligible residents shall be prorated as follows: Group I will receive 100% of the credit allowed to members of that Group pursuant to § 382-7D hereof, as amended, and Group II will receive a prorated amount (but in no event more than Group I's maximum allowable credit, as amended).

**§ 382-9. Annual report.**

The Assessor shall annually prepare a report for the Finance Director to present to the Board of Selectman and Board of Finance of the cost of the program and the number of participants in the program.