

Article VI

**Colchester's Elderly Homeowners and Totally Disabled Individuals Tax Relief Program
[Adopted 10-28-1993] – will need to be changed**

§ 129-19. Adoption of article.

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

§ 129-20. Tax relief for elderly homeowners and totally disabled individuals

The Town of Colchester (the "town") hereby provides real property tax relief for eligible elderly **or 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.

- A. Any person who owns real property in the town or who is liable for taxes thereon as a tenant for life or for a term of years pursuant to C.G.S. § 12-48, and who occupies said property as his or her principal residence, shall be entitled to tax relief, provided that:
- (1) Such person is 65 years of age or over **or is totally disabled**, 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; **and**
 - (2) ~~Such person meets the income limitations of, has applied for and is eligible for the tax relief program pursuant to C.G.S. § 12-170aa, as it may be amended from time to time; and~~ **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; and**
 - (3) **If eligible, such person must have applied for the State of Connecticut "Homeowner's" program or "Renter's" program.**
 - ~~(3)~~(4) Such person has, for one year immediately preceding the receipt of tax relief, 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.

- A. The tax relief shall be limited to the principal residence of the taxpayer, including the house, the primary lot upon which the residence is located and any accessory buildings located upon such lot (the "eligible property") **as determined by the assessor.**
- 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 tax deferred with respect to any eligible property shall at no time exceed 50% of the market value of the applicants' interest in such property, as determined by the town assessor.**

§ 129-23. Application; filing period; re-filing annually.

- A. Application for tax relief shall be made on forms provided by the Assessor of the Town of Colchester (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 [May 15]**, 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 Tax Collector of the town 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 transfer, 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.

- 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 **4%-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 delinquency 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. (New) The Board of Selectman may adjust the interest rate in 129-25A no more frequently than annually to reflect the then prevailing market conditions.**

§ 129-26. Administration.

- 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 Selectman. 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 Selectman shall form a "local option property tax relief task force", consisting of at least a member of the BOS, a member of the BOF, a member of the 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.**