

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 review 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)