

ORDINANCE PROVIDING PROPERTY TAX RELIEF FOR ELDERLY
OR DISABLED HOMEOWNERS

Whereas, pursuant to Connecticut General Statutes 12-129n, a municipality may by ordinance provide property tax relief to certain qualified elderly or disabled homeowners; and

Whereas, the Town of Essex is desirous of providing such property tax relief; and

Whereas, pursuant to the requirements of Connecticut General Statutes 12-129n(b), the Board of Selectmen appointed a Committee of five resident taxpayers of the Town of Essex which has undertaken and completed a study and investigation with respect to such property tax relief and, on the basis thereof, prepared a report meeting the requirements of said statute, which was presented to the Board of Finance; and

Whereas, the Board of Finance of the Town of Essex has recommended the adoption of this Ordinance as required by said statute.

Now therefore, be it ordained by the Town of Essex that the following ordinance be and is hereby adopted pursuant to the provisions of Connecticut General Statutes 12-129n.

1. Property tax relief is provided hereunder to residents of the Town of Essex, with respect to real property owned and occupied by such residents as their principal residence, who are:

- (a) sixty-five years of age and over, or whose spouses, living with them, are sixty-five years of age or over or sixty years of age or over and the surviving spouse of a taxpayer qualified in such municipality under this section at the time of his or her death or with respect to real property on which such residents or their spouses are liable for taxes under Connecticut General Statutes 12-48; or
- (b) under age sixty-five and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security or similar plans defined under Connecticut General Statutes 12-129n(a) (2);

provided such residents or their spouses under subdivisions (a) or (b) above, have been taxpayers of the Town of Essex for one year immediately preceding their receipt of tax benefits under this section, and meet the maximum income requirements of this Ordinance.

2. The total abatement of property tax for eligible taxpayers shall be based upon the following formula:
 - (a) Add the age of the taxpayer to the total number of full years of residence within the property for which the tax abatement is sought. The resulting number shall be a percentage for the purposes of this Ordinance, but shall not exceed 100 percent;
 - (b) Multiply the amount of tax abatement for which the taxpayer is eligible under the Connecticut Circuit Breaker Tax Abatement Program by the percentage arrived at under subsection (a). The resulting sum is the tax abatement under this Ordinance, subject to the limitations set forth in Paragraphs 3 and 4.
3. Any such property tax relief granted to any such residents in accordance with the provisions of this Ordinance shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of Connecticut General Statutes 12-129b to 12-129d, inclusive, and 12-170aa, and any such property tax relief provided under this Ordinance shall be in addition to any such benefits for which such resident shall be eligible under said sections. No such abatement under this Ordinance, together with relief under said sections, shall exceed the total amount of the tax that would otherwise be laid against the taxpayer.
4. The total abatement of property tax revenue, based on an estimate in any tax year by the Board of Finance, which may be granted in such tax year shall not exceed an amount equal to ten (10%) percent of the total real property tax assessed in such municipality in the preceding tax year.
5. The property tax relief provided for in this section may, in any case where titled real 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 or, if such property is a multi-family dwelling, such relief may be prorated to reflect a fractional portion of such property occupied by the taxpayer.
6. The determination as to eligibility under this Ordinance shall be made by the Tax Assessor. Application for the benefit shall be made on the same schedule as the application under said Connecticut Circuit Breaker Tax Abatement Program. On a form to be provided by the Assessor on which the applicant shall set forth and affirm in the continuation of the eligibility requirements.
7. This Ordinance shall expire on February 3, 2015.

This Ordinance shall become effective fifteen (15) days after publication hereof in a newspaper having circulation in the Town of Essex.

Adopted at a Special Town Meeting held February 3, 2010
Published in The Valley Courier February 11, 2010

ORDINANCE 12-02

AMENDMENT AND EXTENSION OF THE ORDINANCE PROVIDING TAX RELIEF FOR ELDERLY OR DISABLED HOMEOWNERS

Whereas, pursuant to Connecticut General Statutes 12-129n, a municipality may by ordinance provide property tax relief to certain qualified elderly or disabled homeowners; and

Whereas, the Town of Essex is providing such property tax relief pursuant to an Ordinance adopted on February 3, 2010, having met the requirements of Connecticut General Statutes 12-129n(b) with respect to the reports and recommendations required prior to initial approval by the legislative body adopting said Ordinance; and

Whereas, the said Ordinance adopted on February 3, 2010 expires on February 3, 2015; and

Whereas, the Board of Finance and Board of Selectmen of the Town of Essex have recommended the amendment of this Ordinance to extend the expiration date to November 1 2018 and to provide a tax deferral program.

Now therefore, the following Amendment to the Ordinance adopted February 3, 2010 is hereby adopted pursuant to the provisions of Connecticut General Statutes 12-129n.

NEW EXPIRATION DATE

The Ordinance adopted February 2010 as herein amended shall expire in November 1, 2018, and the provisions thereof shall remain in full force and effect.

DEFINITIONS

"Assessed Value" – The dollar value assigned to a property for the purposes of measuring applicable taxes. Specific to this amendment, assessed value will equal the net assessment appearing on the Grand List at the time of application.

"Qualifying Income" – adjusted gross income as defined in the Internal Revenue Code of 1952, as amended, plus the non-taxable portion of Social Security Benefits, Railroad Retirement Benefits, income from other tax exempt retirement annuity sources and income from tax exempt bonds, less medical expenses in excess of 5% of AGI less any offsetting insurance benefits. Assets are not considered for this program.

"Primary Residence" – Occupied as a principal residence for not less than 184 days in the calendar year immediately prior to application.

"Rule of 85" – To qualify for this program an applicant must have been a resident of Town for a minimum of one year, be at least 65 years of age at the end of the previous calendar year, and the sum of those two numbers (yrs. of residency + yrs. of age) must add up to a minimum of 85.

"Base Year" – The prior July 1 bill will serve as the base year at time of application.

"Current" –To be considered current on your taxes is to have paid in full the minimum amount due by the date established in the Connecticut General Statutes.

"Tax Deferral" – Taxes that will be due at a later date.

"Tax Lien" – A Certificate of lien filed on the Land Records with respect to the property to secure the debt incurred under the Ordinance as amended.

DEFERRAL REQUIREMENTS

1. Property tax deferral is provided hereunder to residents of the Town of Essex, with respect to real property owned and occupied by a resident as a primary residence, who:

(a) Has been a taxpayer of the Town of Essex for at least one year immediately preceding the receipt of tax relief under this amended Ordinance and meets the Rule of 85 as defined above (except not as to disability as qualified in (c)(iii) below) ; and

(b) Whose qualifying income as defined above does not to exceed 1.25 times the maximum income allowable under the State of Connecticut Homeowners' Tax Relief Program. If married, qualifying annual income of husband and wife must be combined; and

(c)(i) At least sixty-five years of age, or whose spouse, who is also a resident living with him/her, is at least sixty-five years of age; or

(ii) The surviving spouse of a taxpayer qualified in Essex under this section at the time of his or her death or with respect to real property which such resident or spouse is liable for taxes under Connecticut General Statutes 12-48; or

(iii) Under age sixty-five and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security or similar plans defined under Connecticut General Statutes 12-129n(a) (2).

2. Application for the benefit shall be between February 1 and May 15 on a form to be provided by the Assessor. The applicant shall be required to set forth and affirm the continuation of the applicant's eligibility under the Requirements of the amended Ordinance.

3. Any property tax deferral granted to any resident in accordance with the provisions of this amended Ordinance shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of Connecticut General Statutes 12-129b to 12-129d, inclusive, and 12-170aa, and any tax relief provided under this Ordinance shall be in addition to any such benefits for which such resident shall be eligible under said Connecticut General Statutes sections. Applicants who would qualify for the state program or any other state tax relief program must apply for those programs prior to seeking local property tax deferral. No such abatement said sections together with a deferral under this amended Ordinance shall exceed the total amount of the tax that would otherwise be laid against the taxpayer.

4. The Board of Finance may establish a maximum amount of the deferral benefits to be given in any year and shall set the interest rate, if applicable, to accrue on the amounts to be deferred, by notice to the Assessor on or before the application commencement date set forth in Paragraph 2 above. The interest shall not be compounded and the rate shall not exceed the statutory rate applicable to unpaid taxes.

5. The property tax deferral provided for in this amended Ordinance may, in any case where titled real 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 or, if such property is a multi-family dwelling, such relief may be prorated to reflect a fractional portion of such property occupied by the taxpayer.

6. A resident may defer up to 100% of the difference in taxes between the "base year" as defined above and the tax amounts due in each subsequent year of eligibility (current taxes due, minus base year tax amount, equals the deferred taxes for the current tax year).

7. Tax deferrals will be secured by a Tax Lien for the full amount of the deferral, plus such interest that may accrue on said deferrals, as the Board of Finance may establish under Paragraph 4 above. Full or partial repayments may be made at any time without penalty.

8. The Tax Liens for tax deferrals and interest, if applicable, are payable within 90 days of death of the taxpayer or upon transfer of the property.

9. Administration and forms for the tax deferral program will be handled by the Assessor and the Tax Collector following as closely as possible the state procedures for tax relief programs and Tax Collector's Lien and collection procedures. In the event of any conflict between this amended Ordinance and applicable Connecticut General Statutes, said Connecticut General Statute provisions shall prevail.

10. In order to be eligible to participate in this program a resident must be current on their real property taxes for the subject property. Real property taxes may be brought current during the application process, but no later than May 15 of the year of application. In order to continue to maintain a previously granted deferral, a resident must be current on their real property taxes for the subject property. In the event a resident fails to remain current on their real property taxes for the subject property, any deferred real property taxes become due and payable on the date of tax delinquency and the Tax Lien is subject to collection at any time thereafter.

11. Any person aggrieved by the decision of the Assessor or the Tax Collector in the interpretation or administration of the February 3, 2010 Ordinance or this amended Ordinance may appeal in writing to the Tax Relief Committee, c/o the First Selectman, within 14 days of written notification by the Assessor or Tax Collector of such decision. The Tax Relief Committee shall consist of the First Selectman, Chair of the Board of Finance, Director of Finance, Assessor, and Tax Collector. The Tax Relief Committee shall promptly hear such appeal, with at least 7 days prior notice of the date, time and place of such appeal to be provided to the appellant orally or in writing. At such hearing the appellant may be heard, and the Tax Relief Committee may grant or deny the relief requested, or make such other modifications necessary to comply with the Ordinance or amended Ordinance.

12. The Assessor and Tax Collector will provide an annual report of the status of the tax abatement and tax deferral programs to the Board of Selectmen and Board of Finance annually.

13. This Ordinance shall be reviewed commencing no later than November 1, 2017 to determine if further amendment or extension shall be proposed to the legislative body before the expiration of the February 3, 2010 Ordinance and this amended Ordinance.

14. The expiration of this amended Ordinance shall not affect any tax deferrals applied for and granted prior to such expiration, and the terms hereof with respect to the time of payment shall remain in full force and effect.

This Ordinance shall become effective fifteen (15) days after publication hereof in a newspaper having circulation in the Town of Essex.

Adopted at a Special Town Meeting Held December 19, 2012
Published in The Hartford Courant, December 25, 2012

ORDINANCE 13-01

**SECOND AMENDMENT AND EXTENSION OF THE ORDINANCE PROVIDING TAX
RELIEF FOR ELDERLY OR DISABLED HOMEOWNERS:**

Whereas, pursuant to Connecticut General Statutes 12-129n, a municipality may by ordinance provide property tax relief to certain qualified elderly or disabled homeowners; and

Whereas, the Town of Essex is providing such property tax relief pursuant to an Ordinance adopted on February 3, 2010, which Ordinance was amended by the Essex Town Meeting on December 19, 2012 and is designated Ordinance 12-02;

Whereas, said amended Ordinance 12-02 adopted on December 19, 2012 expires on November 1, 2018; and

Whereas, the Board of Selectmen of the Town of Essex have recommended a further amendment of Ordinance 12-02 to clarify the provisions regarding the continuation of benefits upon the expiration of said Ordinance in the event it is not further amended or extended.

Now therefore, the following Second Amendment to the Ordinance adopted February 3, 2010 and amended on December 19, 2012 is hereby adopted.

Paragraph 14 of Ordinance 12-02 is deleted and the following is substituted in lieu thereof:

14. The expiration of this amended Ordinance shall not affect any tax deferrals applied for and granted prior to such expiration. Previously qualified recipients may continue to receive payment deferrals for taxes on Grand Lists occurring subsequent to the expiration of this amend Ordinance 12-02, subject to the Board of Finance establishing the maximum amount of the deferral benefits and the interest rate on such deferrals pursuant to Paragraph 4 of the amended Ordinance 12-02. The terms of amended Ordinance 12-02 with respect to the time of payment shall remain in full force and effect.

This amendment shall become effective fifteen (15) days after publication hereof in a newspaper having circulation in the Town of Essex.

Adopted at a Special Town Meeting Held February 6, 2013
Published in the Hartford Courant, February 26, 2013



Town of Essex
Office of the Assessor
29 West Avenue
Essex, CT 06426
(860) 767-4340

Application for the Local Option Abatement

Unique ID# _____

Last Name First Name Initial Date of Birth Social Security #

Last Name First Name Initial Date of Birth Social Security #

Present Home Address

Mailing Address if Different

Filing Status:

Check one: ☐ Married ☐ Unmarried ☐ Surviving Spouse Ages 50-65

Did you file for the State of Connecticut Elderly or Totally Disabled Homeowners Program? Yes No

What was your total income from Section 7 Line E of the M-35H Form?

Number of full years of residency in the Town of Essex

Age at previous year end:

Affidavit:

The applicant or authorized agent deposes that the above statements are true and complete and claims tax relief under provisions of CTGS 12-129n, adopted December 19, 2012, and expiring November 1, 2017. The property for which tax relief is claimed is the permanent residence of the applicant. He/She is not receiving tax benefits in another town.

Signature of Applicant

Date

Phone#

STOP

The applicant will receive a credit amount from the Elderly or Totally Disabled Homeowners Program for the Grand List Year _____.

Yes No

If Yes in the amount of: _____

Full Years Residence: _____ + Age: _____ 0 0%

Matching Credit amount provided by municipality: \$ _____ -

Mill Rate: _____

Signature of Assessor or Staff Member



Town of Essex
Office of the Assessor
 29 West Avenue
 Essex, CT 06426
 (860) 767 - 4340

Application for Tax Deferral for Elderly and Totally Disabled Homeowners
Filing Period February 1 - May 15
Interest Rate 0.00%

Unique ID#: _____

Last Name	First Name	Initial	Date of Birth	Social Security #

Present Home Address (property on which you are applying for tax deferral)

Mailing Address (if different from home address)

1 Annual Income Information

Adjusted Gross Income (wages, interest, dividends, pensions, etc.)	\$ -	Medical Expenses	\$ -
		<---Is the above amount in excess of 5% of AGI	
+Social Security (less taxable amount 20b)	\$ -	5% of AGI =	\$ -
+Other Income	\$ -	Add back any insurance	\$ -
Total Annual Income (all sources combined)		Must be less than 1.25 times the state circuit breaker maximum limits.	

2 Rule of 85 Check

Age at time of application _____

Number below must total 85 or greater

+Years of residence in Essex _____ =

Yes No

3	Do you wish to have 100% of the difference in tax deferred?		
3	Do you share ownership with anyone other than a spouse?		
4	If Yes, what is your percent of ownership? _____ %		
5	Have you applied for any State Elderly Program?		
6	Will you receive tax relief benefits from the State of CT this year?		
7	Do you have any mortgage(s), home equity loan(s), and/or any other lien(s) against the property?		

List Holder(s) and amounts, if applicable:

Unique ID#: _____

Applicants selecting tax deferral **must** complete an agreement with the Town detailing the conditions of approval under this program.
The applicant(s), or authorized agent, deposes and says, under the penalty of perjury, that the statements are true and complete.

Signature of Applicant

Date

Signature of Assessor or Staff

Date

BENEFIT CALCULATION

Base Year Tax Amount	\$	-	
Gross Assessment		-	
LESS EXEMPTIONS		-	
Net Assessment		-	
MULTIPLY by mill rate			
Current Tax Bill before benefits	\$	-	
LESS any other State or Local Benefit(s)	\$	-	
Current Tax Due	\$	-	
Current tax LESS Base Year Tax	\$	-	max amount that can be deferred
Did the applicant select to have the entire increase from the base year deferred?	Yes	No	Enter % here
Multiply the difference by the percent selected by applicant			
Deferred Tax Amount	\$	-	

We, duly sworn Assessor and Tax Collector for the Town of Essex, have received and examined this application and find:

Application APPROVED _____

Application DENIED for the following reason: _____

Signature of Assessor

Date

Signature of Tax Collector

The Ordinance 12-02 provides tax deferral each year to certain homeowners based on the following:

- 1 Annual income from all sources for the previous calendar year cannot exceed 1.25 times the state Circuit Breaker maximum limits. If MARRIED annual household income of both parties MUST BE COMBINED.
- 2 Applicant, or spouse if living together, must have been 65 years of age at the close of the preceding year, or receiving benefit under State Statute 12-81(55) for permanent total disability.
- 3 Applicants who would qualify for State Homeowners program must apply for that program prior to seeking local property tax deferral.
- 4 Tax deferral will be secured by a LIEN for the full amount. Full or partial payment can be made at any time. PAYMENTS WILL APPLY TO THE OLDEST TAX FIRST.
- 5 Tax deferrals and interest are payable at the time of transfer and shall have priority in the settlement of such persons estate.

6 The interest rate for the amounts deferred will be set annually by the Board of Finance.

Unique ID#: _____

AGREEMENT FOR TAX DEFERRAL
GRAND LIST OF OCTOBER 1, 2012
INTEREST RATE 0.00%

In exchange for Tax Deferral benefits as authorized in the Town of Essex Ordinance 12-02
"Amendment and Extension of the Ordinance Providing Tax Relief for Elderly and Disabled Homeowners"
I (we):

hereby agree to the following terms:

- 1 All deferred taxes shall be reimbursed to the Town of Essex upon the death of the recipient or upon conveyance of the real property subject to such tax deferral.
- 2 Simple interest, not compounded, shall accrue from the date such deferral is made at the rate established annually by the Board of Finance and shall be payable and reimbursed to the Town of Essex upon the death of the above individual(s) or upon conveyance of the real property subject to such tax deferral.
- 3 This agreement shall be binding on my heirs, successors, administrators and assigns and shall be filed in the land records of the Town of Essex.
- 4 A separate lien, securing reimbursement of tax deferral benefits shall be filed in the land records of the Town of Essex for each tax year, subject to payment on death or conveyance of the real property.

SIGNATURE OF APPLICANT(s)

_____ Date

_____ Date

STATE OF CONNECTICUT, COUNTY OF MIDDLESEX

SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20____

SIGNATURE OF AUTHORIZED
AGENT OF THE TOWN OF ESSEX
