

Town of Guilford, CT

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[Adopted 2-27-2001 by the Board of Selectmen; amended in its entirety 10-6-2008]

[Chapter 247: TAXATIONArticle VII: Elderly Tax Relief Program](#)

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**§ 247-23 Purpose.**

The objective of the elderly tax relief program is to freeze the real estate taxes of taxpayers who qualify under this program at their current level, subject to budgetary restrictions set forth below. This program is intended as an alternate form of tax relief to the existing GSTRP program.

**§ 247-24 Eligibility requirements; age; disability; income; residency; participation in state programs; medical expenses.**

A.

The elderly tax relief benefit shall be available to those taxpayers or their spouses with respect to real property located in the Town of Guilford owned and occupied as their principal residence in Guilford who are:

(1)

Sixty-five years of age and over or whose spouses, living with them, are 65 years of age or over; or 60 years of age or over and the surviving spouse of a taxpayer qualified under this plan at the time of his or her death; or with respect to real property located in the Town of Guilford occupied as their principal residence on which such residents or their spouses are liable for taxes under Section 12-48 of the Connecticut General Statutes; or

(2)

Under age 65 and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under social security or who have not been engaged in employment covered by social security and accordingly have not qualified for benefits thereunder but have 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 teachers' retirement plan in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under social security.

B.

The elderly tax relief benefit shall be available to taxpayers and their spouses whose total adjusted gross income for purposes of the federal income tax, plus any other income not included in such adjusted gross income (the total of which shall be called "qualifying income"), does not exceed the limits as set forth in Subsection C below. "Qualifying income" shall be defined as all monies received unless specifically exempted, and includes wages, bonuses, commissions, fees, self-employment net income, gross social security income, payment for jury duty, dividends, interest and annuities, IRA income to the extent that is taxable, interest or proceeds from gifts, lottery winnings, net income from sale or rent of real or personal property, pensions, including veterans and railroad retirement, severance pay, unemployment compensation, workers' compensation, alimony and all other sources of income as defined by the Office of Policy and Management. Specifically excluded are social security payments specifically for a dependent person, casualty loss reimbursements by insurance companies, gifts, bequests or inheritances (although interest or other income produced by a gift, bequest or inheritance must be included), grants for disaster relief, life insurance proceeds and all other exempt sources of income as defined by the Office of Policy and Management. Evidence of such income shall be required, and a signed affidavit shall be submitted to the Guilford Assessor when application for benefits under this plan is filed. The Assessor may use all lawful means to verify the applicant's income, including but not limited to requesting copies of the applicant's tax transcripts or tax returns from the Internal Revenue Service, or requesting the Internal Revenue Service to verify that the applicant has not filed a tax return.

[Amended 12-23-2013]

C.

All such taxpayers or their spouses shall have been taxpayers of the Town of Guilford for not less than one year as of the first day of October prior to the filing period. In order to make allowances for long-time citizens in recognition of their significant contributions to our community, income limits for eligible taxpayers will be adjusted in accordance with the following schedule.

D.

Years of Residence (years)	Income		All such taxpayers or their spouses who may qualify for tax relief under Sections 12-129b to 12-129d, inclusive, and 12-170aa of the Connecticut
	Single	Married	
1 to 4	\$29,600	\$36,000	
5 to 8	\$44,500	\$54,000	
9 to 20	\$62,500	\$75,000	
20 or more	\$79,000	\$95,000	

General Statutes must apply for and be included, if qualified, in such program or programs as a condition precedent to qualifying for and receiving benefits under the elderly tax relief program. This provision shall not apply for applications concerning the October 1, 1999, Grand List for taxes due and payable on July 1, 2000.

E.

No such taxpayers or their spouses shall be eligible for any benefit under the elderly tax relief program if they are in arrears on any taxes owed the Town, including but not limited to motor vehicle and personal property taxes.

F.

If a qualifying taxpayer owns the property jointly with a non-spouse, tax relief under the elderly tax relief program will be proportionate to the taxpayer's interest in the property.

G.

If property is held in trust for a person who would otherwise qualify for the elderly tax relief program, the tax relief may still be granted if the claimant is the primary beneficiary of the trust and the claimant meets all other requirements under this program. Under these circumstances, the application for relief shall be accompanied by a copy of the trust agreement. The trust agreement shall be reviewed and approved by Town Counsel prior to any relief being granted to the claimant.

H.

Medical expenses.

(1)

For purposes of this section, "medical expenses" are defined as those medical expenses eligible to be claimed as deductions on Schedule A of Internal Revenue Form 1040. These expenses include, for example, nursing home expenses, but do not include medical expenses reimbursed or paid by an insurance company or other sources, whether the payments were made directly to the participant, the patient, or to the provider of the medical services.

(2)

If a participant in the program has incurred income due to the need to pay medical expenses reported on Schedule A of Internal Revenue Form 1040; that income causes the participant's income to exceed the participant's prior year's income by at least 10 %; and that income would otherwise disqualify the participant from continued participation in the program, then upon satisfactory proof to the assessor that the income was due to the need to pay medical expenses, the assessor shall deduct from the most recent annual income the amount of medical expenses reported to the Internal Revenue Service on Schedule A of Form 1040 as an itemized deduction up to the amount of reported medical expenses. The assessor shall use this figure to determine the participant's continued eligibility to participate in the program. In determining whether the income 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 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 prior years.

[Amended 12-23-2013]

**§ 247-25 Application process.**

[Amended 12-23-2013]

The application for the elderly tax relief program shall be a form which has been developed and approved by the Assessor's Office of the Town of Guilford. As part of the application, the Assessor shall require the applicant to submit information relating to the applicant's income, including (1) the applicant's complete income tax return (if the applicant has filed a return), and (2) signed authorization(s), such as IRS Form 4506-T, permitting the Internal Revenue Service to disclose to the Assessor information from the applicant's filed tax returns or verification that the applicant has not filed a tax return. In developing the application and applying this program to individual properties, the Assessor shall be guided by the policies developed by the Office of Policy and Management in administering the state's tax relief programs set forth in C.G.S. §§ 12-129b et seq. and 12-170aa. An applicant for the elderly tax relief program must file a written application for the program annually between February 1 and May 15.

**§ 247-26 Termination of relief.**

Tax relief under the elderly tax relief program ends on the date that the property is sold or transferred, or on the date of death of the qualifying owner or qualifying spouse, whichever is earlier. If such sale, transfer or death occurs prior to the filing period, the benefit shall be removed as of October 1. If such sale, transfer or death occurs after the filing of an application, the benefit shall be prorated unless there is a surviving spouse.

**§ 247-27 Establishing cap and annual review.****A.**

At each January meeting, the Board of Finance shall establish a maximum amount, or cap, for the aggregate amount of benefits available under this program. This cap shall not be less than 1/2 of 1% of the previous year's total Town and educational budgets. The Board of Finance shall review the percentage of the cap of the elderly tax relief program for the purpose of determining suitability and shall at the same time set the dollar amount of the cap.

**B.**

After consultation with the Assessor, the Board of Finance shall determine whether the aggregate amount of benefits sought under this program exceeds the dollar amount of the cap.

[Amended 12-23-2013]

**(1)**

If the Board of Finance determines that the cap is exceeded, the Board may amend the cap if it determines that such amendment shall have no adverse effect on the Town budget. If the Board does not amend the cap, as allowed herein, or does not amend the cap to an amount sufficient to provide full benefits to those otherwise qualified to receive benefits under this program, it shall direct the Assessor to prorate the benefits in accordance with Subsection B(2) and Subsection C.

**(2)**

If the Board of Finance determines that the cap is exceeded, it shall direct the Assessor to prorate the benefits in accordance with this Subsection B(2) and Subsection C. Excess abatement over the cap shall be prorated over the total tax base of all participants in the elderly tax relief program in accordance with the following formula:

$$\frac{\text{Total Excess Relief Over Cap}}{\text{Base Property Tax of All Participants}} \times \frac{\text{Participant's Base Tax}}{\text{in Participant's Property Tax}^*} = \text{Increase } \underline{C.}$$

**NOTES:**

\* The increase in the Participant's Property Tax thereby increases the base and establishes a new base tax (adjusted basis).

"Base tax" shall be defined as the amount of tax levied on the property at the time the taxpayer qualifies under the elderly tax relief program.

"Base year" shall be defined as the first year of qualification in the elderly tax relief program.

"Excess over cap" shall be defined as the amount of tax relief which exceeds the cap set by the Board of Finance

An example of the proposal would be:

Cap Set by the Board of Finance: \$300,000.

Total Tax of All Participants: \$1,000,000.

Total Relief to All Participants: \$350,000.

Sample Tax for Participant A-Base Year: \$ 3,000.

Excess Over Cap	<u>\$50,000</u>	X 3,000 = \$150 (amount of
(\$350,000-\$300,000) =	\$1,000,000	increase of Participant A's
		property tax)

If the program cap should be realized, all participants whose income exceeds \$60,000 married (\$50,600 single) shall be subject to pro-rating of program benefits as described in § 247-27B(2) of the Elderly Tax Relief Program Ordinance. The benefits to program participants whose income is \$60,000 married (\$50,600 single) or less shall be prorated only if

the cap is still exceeded after all participants whose income exceeds \$60,000 married (\$50,600 single) have obtained no benefits.

### **§ 247-28 Limitation on benefits.**

The total amount of tax relief available under the elderly tax relief program, when combined with such property tax relief for which such taxpayer may be eligible in accordance with Section 12-129b to 12-129d, inclusive, or 12-170aa of the Connecticut General Statutes, shall not exceed in aggregate of 75% of the property tax for which such taxpayer would be liable but for the benefits under the elderly tax relief program and the state tax relief programs mentioned above in this section. If the aggregate amount of such state and local benefits exceeds said 75% of taxes otherwise due, then the amount of the benefit available under the elderly tax relief program shall be reduced so as to be equal to the difference between the abatement afforded by such state programs and 75% of the taxes laid against the taxpayer for such real property. If benefits received under state programs exceed said 75% of the total taxes otherwise due, no tax benefit shall be available under the elderly tax relief program.

### **§ 247-29 Coordination with other tax relief programs.**

Taxpayers shall be eligible to participate in only one local tax relief program, i.e., the GSTRP program or the elderly tax relief program. The benefits under either local program shall not be in lieu of benefits available under any state tax relief program.

### **§ 247-30 Interpretation to be consistent with state tax relief programs.**

This article shall be interpreted and applied in a manner that complements and is consistent with existing state tax relief programs. The policies and interpretations adopted by the Office of Policy and Management in construing state tax relief programs shall be utilized in interpreting and applying the provisions of this article.

**§ 247-31 Right of appeal.**

Any person aggrieved by the action of the Assessor in determining the amount of relief or in disapproving any such application under this article may appeal to the Board of Selectmen or a three-member Committee appointed by the Board of Selectmen for such purpose, in writing, within 10 days after the date of the written notification of the Assessor on such application. The Board of Selectmen or said appointed Committee shall promptly consider such appeal and may grant or deny the relief requested, or make such other modifications necessary to comply with the ordinance.

**§ 247-32 Program initiation date.**

This article is effective on October 1, 2005, Grand List, for taxes due and payable on July 1, 2006.

**§ 247-32.1 (Reserved) [1]**

[1]:

Editor's Note: Former § 247-32.1, Amendment of cap; effective date, was repealed 12-23-2013.

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# GUILFORD, CT SENIOR TAX FREEZE

## TAX RELIEF PROGRAMS OFFERED IN THE ASSESSOR'S OFFICE

### ALL PROGRAMS START FEBRUARY 1<sup>ST</sup>

The basic requirements for all programs are as follows:

1. The property owner/applicant must be at least 65 years of age as of December 31<sup>st</sup> or was receiving 100% disability benefits from social security as of that date and
2. The property owner/applicant must have lived in Connecticut for at least one year and
3. The property owner/applicant must occupy the property as their principal residence and
4. The applicant's (and any spouse's) income must not exceed certain limits (See below) and
4. An Application must be filed no later than May 15<sup>th</sup>.

#### HOMEOWNERS/CIRCUIT BREAKER:

Under this program, the State of Connecticut pays a portion of your tax bill.

The amount paid will range from \$150 to \$1,250.

There is no requirement to re-pay the State.

In addition to the basic requirements above, the applicant's (and any spouse's) income (including Social Security) must not exceed certain limits. These limits are subject to change each year, so please call the Assessor's Office for the current limits. An application must be filed every two years. You will be notified when to file.

#### TAX DEFERRAL/GSTRP:

This program allows you to "defer" up to 75% of your taxes (depending upon income) until either the property is transferred or at the time of your death (at which time the taxes must be re-paid with interest). The deferred taxes constitute a lien on your property.

In addition to the basic requirements above, the applicant's (and any spouse's) income (including Social Security) must not exceed certain limits. These limits are subject to change each year, so please call the Assessor's Office for the current limits. An application must be filed every year. You will be notified when to file.

#### ELDERLY TAX RELIEF PROGRAM/ETRP

Under this program, the Town attempts to "freeze" your taxes subject to budgetary restrictions and the requirements of the enabling ordinance.

In addition to the basic requirements above, the applicant (and any spouse):

1. Must not owe any taxes (including motor vehicles) and
2. If you qualify for the Homeowners/Circuit Breaker program then you must be on both programs and
3. Must not be receiving tax relief from any other town or state and
4. Cannot be on both the town's tax deferral and this program and
5. An application must be filed every year. You will be notified when to file. and
6. Income must not exceed (as follows):

YEARS OF RESIDENCY SINGLE MARRIED

1 TO 4 YEARS \$29,600 \$36,000

5 TO 8 YEARS \$44,500 \$54,000

9 TO 20 YEARS \$62,500 \$75,000

20+ YEARS \$79,000 \$95,000

All applications will be taken in the Assessor's Office, between February 1<sup>st</sup> and May 15<sup>th</sup>, during the hours of 9:00 am and 4:00 pm,

Monday through Friday. If you are unable to come in, an agent of your choice may file on your behalf.

Please bring all proofs of income for both spouses including (but not limited to) your federal income tax return (if you file or will file),

social security annual statements, statements of interest or dividends, etc. All information must be in English and U.S. dollars.

Please contact the Assessor's Office at 453-8010 if you have any questions.