

# 2021 Legislative Session

September 30, 2021  
Jennifer Lineaweaver & John Chaponis,  
Legislative Chairmen

# BILLS that did NOT pass

## SB 169 AAC THE PROPERTY TAX EXEMPTION FOR THE CONNECTICUT INSTITUTE OF THE BLIND

- This bill would have extended the property tax exemption available to Connecticut Institute of the Blind under CGS 10-299 to all of their subsidiaries and affiliates.

## SB 870 AAC THE RECOMMENDATIONS OF THE OFFICE OF POLICY & MANAGEMENT

- Section 7 of this bill created five geographical “Revaluation Zones” across the state. All municipalities located within a zone would have the same revaluation date. OPM believed this would make it easier for towns that chose to go out to bid together, to do so. They also believed it would lead to cost savings as Revaluation personnel would not have to travel back and forth across the state to various projects.

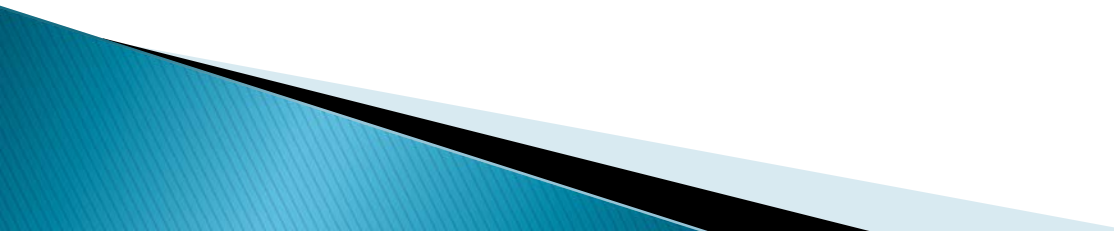
# Bills that did NOT pass

## SB 695 AAC PENALTIES FOR FAILURE TO FILE CERTAIN PROPERTY TAX ASSESSMENT INFORMATION & CONTINGENCY FEE AGREEMENTS FOR EXPERT TESTIMONY IN CERTAIN TAX APPEALS

- SB 695 sought to standardize the procedures for filing I&E statements.
- The deadline for requesting an extension would be moved to June 1<sup>st</sup> instead of May 1<sup>st</sup>.
- Postmarked statements of June 1<sup>st</sup> would be considered timely filed.
- The administration of the 10% late or nonfiling penalty would be uniformly applied by Certificate of Correction immediately following the filing period.


# Bills that did NOT pass

## SB 695 cont.

- Section 2 dealt with tax appeals and contingency fee agreements.
  - The initial proposed language would have prohibited anyone working on a contingency fee basis from testifying as an expert in a tax appeal.
  - CCM testified on this bill and asked P&D to adopt substitute language that would instead require the plaintiff to submit an appraisal within 90 days of filing the appeal.
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# Bills that did NOT pass

## HB 6103 AAC Property Tax Exemptions for Property Used for Charitable Purposes

- This was the 2021 version of the Nonprofit Alliance bill, that we have seen in some iteration for the last five consecutive years.
  - It would have fully exempted group homes regardless of length of stay.
  - It would have required all municipalities to post the M-3 on their website and required assessors to provide a reason for denial.
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# Bills that did NOT pass

**HB 6521 AAC CHANGES TO ZONING & AFFORDABLE HOUSING REQUIREMENTS CONCERNING ACCESSORY DWELLING UNITS & PROHIBITING LIST-BACK AGREEMENTS**

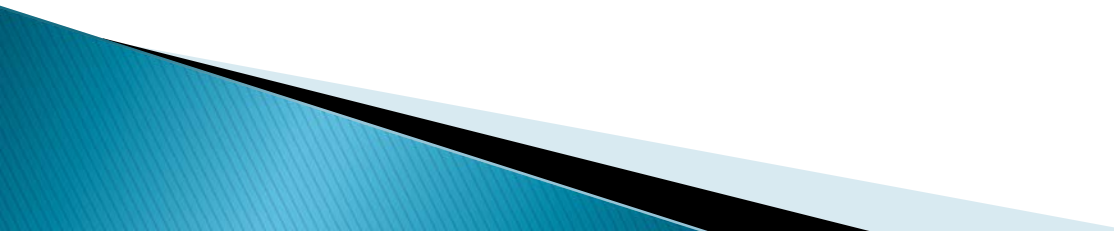
**SB 1027 AAC ACCESSORY DWELLING UNITS & ZONING REGULATIONS**

- Both of these bills dealt with zoning & affordable housing in Connecticut however the Home Builders' language was buried into each bill, which would have exempted properties under construction.



# Bills that did NOT Pass

## SB 993 AA ASSESSING AN ANNUAL FEE FOR SOLAR PROJECTS UNDER SEVEN MEGAWATTS & RECLASSIFY THE TAX CALCULATION OF SOLAR PROJECTS ON SINGLE PARCELS OF LAND

- This bill sought to close a loop hole in 12-81(57)D for commercial/industrial solar projects.
  - It clarified that all solar projects on a single parcel of land would be considered ONE facility.
  - It intended to clarify that all commercial/industrial solar facilities over three megawatts would be taxable.
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# Bills that did NOT pass

## SB 1105 AA ELIMINATING THE PROPERTY TAX ON CERTAIN MOTOR VEHICLES & ADJUSTING THE UNIFORM PROPERTY ASSESSMENT RATE

- Eliminated the motor vehicle tax completely
- Changed the assessment ratio from 70% to 100%
- Raised Hartford's ratio on Commercial & Industrial to 100% (from 70%) & Residential & Apartments to 50% (from 35%)
- Created a local option for towns to phase in the shift from motor vehicles to real estate
- Allowed a municipal option for towns to continue assessing rental vehicles



# Bills that did NOT pass

## SB 171 AAC ESTABLISHING A STATE WIDE TAX ON REAL PROPERTY

- This legislation would have created a state wide assessment on all commercial and residential property in excess of 300,000 and it would be taxed at a rate in relation to the amount of affordable housing developments in town.

**BILLS that DID pass in 2021.....**



# HB 6514

PA 21-1

## ▶ AAC CONCERNING INCENTIVES FOR QUALIFIED DATA CENTERS TO LOCATE IN THE STATE

- ▶ This bill was one of the first bills to be passed this session. It was an ECERT (emergency certification) bill which was rushed through the legislature because the Governor's Office & DECD deemed it urgent in regards to Economic Development.
- ▶ Allows municipalities to negotiate "host fee agreements." The Data Center would be exempt from local property tax, both real & personal property, but towns could impose a fee.
- ▶ The agreement would span twenty to thirty years depending on the amount of the investment by the Company and whether the property would be located in an Enterprise Zone or not.
- ▶ CT leaders have been negotiating with companies complaining that neighboring states have become too expensive for them to operate. This was Connecticut's way of showing them how seriously interested our leaders are in providing the incentive for them to relocate.

# HB 6646

PA 21-469

- ▶ **AAC CRUMBLING CONCRETE FOUNDATIONS**
- ▶ In 2017 the captive insurance company, Connecticut Foundation Solutions Indemnity was created to help homeowners with affected foundations replace or significantly repair their foundations. It was funded by the state through a surcharge on homeowners' insurance policies. The company was due to be terminated next year.
- ▶ This act eliminates the original sunset date.
- ▶ Before this act, a property reassessment/reduction related to defective concrete was valid for no more than five years (or less if it was replaced during the first five years). Public Act 21- repealed the five year maximum reduction, granting affected property owners continued relief until their foundations are fixed.

# HB 5592

PA 21-79

- ▶ **An Act Redefining “Veteran” and Establishing a Qualifying Review Board**
- ▶ In 2018 Public Act 18-47 was passed which extended eligibility for veterans benefits to those that had been diagnosed with one of three qualifying conditions:
  - PTSD
  - Traumatic Brain Injury resulting from Military Service
  - Military sexual trauma

While 12-81(19) was amended via this act they did not amend CGS 27-103 (Definition of a Veteran). Therefore, the first part of HB 5592 was a technical fix.

# HB 5592

PA 21-79

- ▶ The second part of this bill added an additional qualifying condition: if the **OTH discharge was due to sexual orientation, gender identity or gender expression.**
- ▶ The newly established Qualifying Review Board will be the entity where veterans who believe they were primarily discharged due to any of those four conditions may submit their case for review.
- ▶ Upon determination by the Review Board that a veteran would be entitled to benefits, they will be given documentation stating such which will then be submitted to the Assessor's Office.

# HB 6106

PA 21-180

- ▶ **AAC THE PROPERTY TAX EXEMPTION FOR CERTAIN RENEWABLE ENERGY SOURCES & NONRESIDENTIAL HYDROPOWER FACILITIES**
- ▶ We have been told by several legislators that the original intent of 12-81(57) section A was to exempt all residential rooftop solar panels on single family homes, multi family dwellings consisting of 2 to four units or farms.
- ▶ As the solar industry evolved, it has become more attractive, and less costly, to lease. Similarly to Veterans, and municipal leased property, the Legislature never foresaw, or addressed, property owners leasing solar panels.

# HB 6106

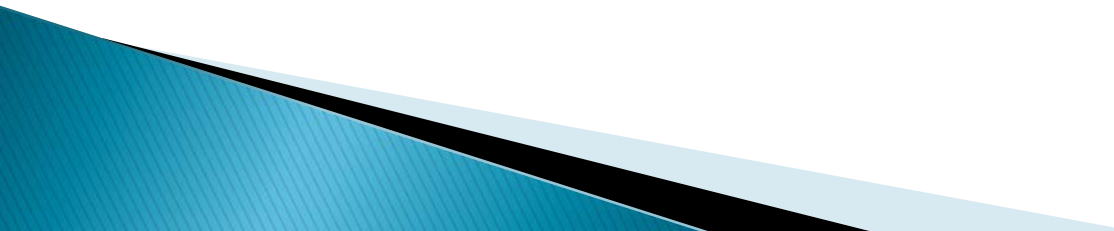
PA 21-180

- ▶ Since leased residential panels were not addressed in the statutes, some assessors were taxing them and some were not. This act adds that participation in virtual net metering, or any other kind of tariff policy, does not prohibit the exemption as long as the estimated annual production of the panels does not exceed the amount needed for that location.
- ▶ Additionally this act allows solar companies to submit one exemption application to each municipality and claim all of their property at once. This application form will be prescribed by OPM and effective for the 2021 Grand List.



# SB 840

PA 21-24

- ▶ **AAC CONNECTICUT'S SHELLFISH RESTORATION PROGRAM**
  - ▶ This bill expands PA-490 to include any underwater farmlands used for aquaculture.
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# SB 840

PA 21-24

- ▶ Aquaculture is already considered farmland in CGS 1-1q which states:
- ▶ “aquaculture means the farming of the waters of the state and tidal wetlands and the production of protein food including fish, oysters, clams, mussels and other molluscan shellfish on leased, franchised and public underwater farm lands.”
- ▶ The second part of this bill expands the maritime heritage land classification to include **licensed shellstock shippers, aquaculture operators or fisherman for shellfishing**. (previously this was solely for lobster fisherman)

# HB 6420

PA 21-83

- ▶ **AAC THE PROPERTY TAX EXEMPTION FOR CERTAIN MUNICIPAL VOLUNTEERS**
- ▶ This act increases the local option exemption in 12-81w from \$1000 to \$2000.
- ▶ This was considered a technical revision in that P.A. 19-36 amended option (1) by adding
- ▶ (A) increasing maximum abatement to \$1,500 for period commencing July 1, 2019, and ending June 30, 2021, and added Subpara. (B) increasing maximum abatement to \$2,000 on and after July 1, 2021, effective July 1, 2019..

# HB 6420

PA 21-83

- ▶ However, that 2019 legislation increased the firefighter/first responders “abatement” to \$2,000 max as of July 1, 2021 in option 1, but failed to similarly increase the “exemption” offered in option 2.
- ▶ This bill now makes both the abatement and exemption options identical (in the amount of the maximum benefit).
- ▶ \*\*12-81w is a local option and municipalities would have to confer with their corporation council to see if they need to amend their existing ordinance in order to increase their current benefit.

# HB 6458

PA 21-84

- ▶ AAC LOWERING THE AGE OF ELIGIBILITY FOR PROPERTY TAX RELIEF FOR SENIOR CITIZENS & ESTABLISHING A TASK FORCE TO PROTECT SENIOR CITIZENS FROM FRAUD
- ▶ This act offers municipalities *the option* to lower the eligibility age for the local option elderly program under 12-170v from 70 to 65 and the eligibility age of surviving spouses from 70 to 62.
- ▶ If your municipality already adopted this local option and you wanted to lower the eligible age, you are required to get approval, and a new vote, from your legislative body.
- ▶ No further vote is required if your municipality wishes to maintain the eligibility age limit of 70 years old.

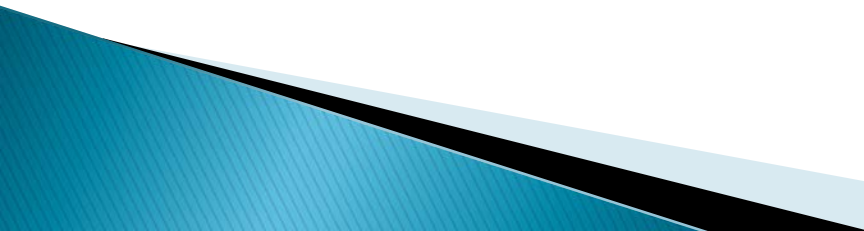
# SB 1202 “The Implementer”

SS PA 21-2

- ▶ **AAC PROVISIONS RELATED TO REVENUE AND OTHER ITEMS TO IMPLEMENT THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2023**
- ▶ Amends 12-111, 12-117, 12-119 to allow taxpayers to submit BAA applications electronically.
- ▶ Amends 12-170(f), 12-170(g), 12-170w, 12-170aa, 12-170cc to allow taxpayers to submit renters and elderly applications electronically.

# SB 261

PA 21-106

- ▶ **AAC CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES, REVISIONS TO THE MOTOR VEHICLE STATUTES AND PEER TO PEER CAR SHARING**
  - ▶ This bill combined elements of two different raised bills addressing MVS registered out of state.
  - ▶ HB 6545 originated in Planning & Development as AAC Concerning Unregistered Motor Vehicles.
  - ▶ HB 6569 originated in the Transportation Committee as AAC Concerning Motor Vehicle Registration.
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# SB 261

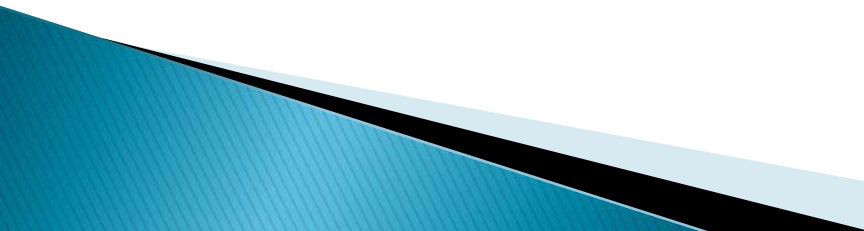
PA 21-106

- ▶ CAAO testified on both bills and fortunately there were several members on both the Planning & Development Committee, as well Transportation. It appeared incredibly fortunate that these members got to hear about these issues on Thursday of one week and Monday of the next. On the Monday session before Transportation, John Chaponis fielded questions for 15-20 minutes after which they seemed very supportive and agreed to merge the concepts of the two bills into one.
- ▶
- ▶ Section 31 of this bill recreates the 2019 Motor Vehicle Task Force which ended up never meeting because that legislature failed to make all of the Task Force appointments. This new Task Force is charged with
- ▶ “studying compliance with motor vehicle registration laws and making recommendations to prevent Connecticut residents from registering motor vehicles in another state while residing in Connecticut”.
- ▶ PA 21-106 calls for three assessors to be appointed to the Task Force and for them to have their first meeting prior to October 1, 2021 😊



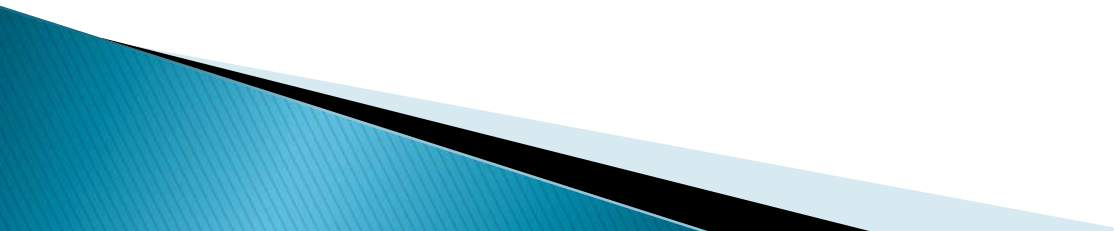
# SB 261

PA 21-106


- ▶ Section 32 of this bill allows municipalities, by local ordinance, to impose a fine up to \$250 on owners of motor vehicles that the municipality determines are subject to local property tax but are not registered with DMV to their town. Upon notification by the town, if a resident provides subsequent proof of registration prior to the issuance of the fine, the fine shall be waived.
  - ▶ There is a 25% penalty for failure to pay the fine by the due date assigned by the town.
  - ▶ Lastly, the municipality must also adopt a hearing procedure available to residents who may wish to appeal.
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# SB 261


## PA 21-106

- ▶ Section b states that
  - ▶ “the chief executive officer of each municipality which adopts this local ordinance must delegate the entity that will administer this program”
  - ▶ It is not written into the legislation that this is automatically an assessor function.
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# CASE LAW

- ▶ Case law is law that is based on judicial decisions rather than law based on constitutions, statutes, or regulations. ...
  - ▶ Case law, also used interchangeably with common law, refers to the collection of precedents and authority set by previous judicial decisions on a particular issue or topic.
  - ▶ Case law occurs when two parties read the same statute, develop opposite interpretations, and go to court so that a judge can definitively define the statute's intentions and powers
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# Rainbow Housing v. Town of Cromwell

- ▶ This a recent Supreme Court Decision that some assessors believed would become a precedent regarding the taxable status of Group Homes
  - ▶ However, that did not take place for a few reasons.
  - ▶ The original superior court case was a summary judgement where both sides stipulate to many of the facts and only ask the court to rule on one aspect.
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# Rainbow Housing v. Town of Cromwell

- ▶ In the Rainbow case, the two parties agreed on everything except whether or not the property was taxable.
- ▶ The decision did make mention of the fact that only “temporary” housing was exempt under 12-81(7)(B)(v).
- ▶ Lastly, Chief Justice Robinson in his concurring opinion specifically wrote:
- ▶ "I emphasize that a more developed factual record might well have led to a different conclusion in this case."

# New M-44 Solar Exemption Form

- ▶ Residential:

- ▶ <https://caao.com/wp-content/uploads/M-44-Tax-Exemption-Application-for-Residential.pdf>

- ▶ Commercial:

- ▶ <https://caao.com/wp-content/uploads/M-44-Tax-Exemption-Application-for-Commercial-Industrial.pdf>

- ▶ Fuel Cells:

- ▶ <https://caao.com/wp-content/uploads/M-44-Tax-Exemption-Application-for-Fuel-Cells.pdf>

# Public Act 21-29

- ▶ At the 2021 Fall Symposium, Anthony Homicki from Darien requested that we share this Public Act with CAAO Members as an FYI.
- ▶ In PA 231-29, the State imposed zoning regulations in regard to accessory apartments. The link below brings you to the act.
- ▶ <https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00029-R00HB-06107-PA.PDF>