



General Assembly

Amendment

February Session, 2014

LCO No. 3442

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Offered by:
REP. ROJAS, 9th Dist.

To: Subst. House Bill No. 5056

File No. 198

Cal. No. 126

"AN ACT MAKING TECHNICAL AMENDMENTS TO CERTAIN STATUTES CONCERNING MUNICIPALITIES AND REGIONAL PLANNING ORGANIZATIONS AND CONCERNING GROWTH-RELATED PROJECTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 4d-90 of the 2014 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective January 1, 2015*):

6 (a) The Office of Policy and Management shall constitute a successor
7 department to the Geospatial Information Systems Council in
8 accordance with the provisions of sections 4-38d and 4-39.

9 (b) The Secretary of the Office of Policy and Management shall
10 coordinate geospatial information system capacity for municipalities,
11 regional [planning agencies] councils of governments and the state and
12 establish policies for the collection, management and distribution of

13 geospatial information. The secretary shall set standards for the
14 acquisition, management and reporting of geospatial information and
15 the acquisition, creation or use of applications employing such
16 information by any executive branch agency. In establishing such
17 capacity, policies or standards the secretary shall consult with
18 municipalities, regional [planning agencies] councils of governments,
19 state agencies and other users of geospatial information system
20 technology. The purpose of any such system shall be to facilitate
21 communication and coordination regarding the use of geospatial
22 information system technology, eliminate duplicative use of such
23 technology and expand the use of geospatial information within the
24 state.

25 (c) The secretary may apply for federal grants and may accept and
26 expend such grants on behalf of the state.

27 (d) The secretary shall, within available appropriations, administer a
28 program of technical assistance to municipalities and regional
29 [planning agencies] councils of governments to develop geospatial
30 information systems and shall periodically recommend improvements
31 to the geospatial information system provided for in subsection (b) of
32 this section.

33 (e) On or before January 1, 2014, and annually thereafter, the
34 secretary shall submit, in accordance with section 11-4a, a report on
35 activities under this section to the joint standing committee of the
36 General Assembly having cognizance of matters relating to planning
37 and development.

38 Sec. 2. Subsection (c) of section 13a-98n of the 2014 supplement to
39 the general statutes is repealed and the following is substituted in lieu
40 thereof (*Effective January 1, 2015*):

41 (c) The Department of Transportation shall accept applications for
42 such state funding from any eligible recipient, based on project
43 priorities, through the appropriate regional [planning agency] council

44 of governments. Any such state funding shall be provided to the
45 recipient through guidelines developed by the Department of
46 Transportation.

47 Sec. 3. Subsection (i) of section 12-157 of the 2014 supplement to the
48 general statutes is repealed and the following is substituted in lieu
49 thereof (*Effective from passage*):

50 (i) (1) If the sale realizes an amount in excess of the amount needed
51 to pay all delinquent taxes, interest, penalties, fees, and costs, the
52 amount of the excess shall be held in an interest-bearing escrow
53 account separate from all other accounts of the municipality. (A) If the
54 property is redeemed prior to the expiration of the redemption period,
55 the amount held in escrow shall, within ten days of the tax collector
56 receiving notice of redemption, be turned over to the purchaser. Any
57 interest earned shall be the property of the municipality. (B) If the
58 property is not redeemed in the redemption period, the amount held
59 in escrow may be used to pay the delinquent taxes, interest, penalties,
60 fees and costs on the same or any other property of the taxpayer,
61 including personal property and motor vehicles. In the case of
62 subparagraph (B) of this subdivision, the tax collector shall, within ten
63 days of the expiration of the redemption period, pay to the clerk of the
64 court for the judicial district in which the property is located the
65 amount held in escrow remaining after paying the delinquent taxes,
66 interest, fees, penalties and costs owed by the taxpayer to the
67 municipality. The tax collector shall, within five days of the payment,
68 provide notice to the delinquent taxpayer, any mortgagee, lienholder,
69 or other encumbrancer of record whose interest in such property is
70 choate and is affected by the sale, by certified mail, return receipt
71 requested of the name and address of the court to which the moneys
72 were paid, the person's right to file an application with the court for
73 return of said money, and the amount of money paid to the court.

74 (2) If the tax collector pays to the court any moneys pursuant to
75 subparagraph (B) of subdivision (1) of this subsection, the delinquent
76 taxpayer, any mortgagee, lienholder or other encumbrancer whose

77 interest in such property is choate and is affected by the sale may,
78 within ninety days of the date the tax collector paid the moneys to the
79 court, file an application with the court for return of the proceeds. Any
80 person may make an application for payment of moneys deposited in
81 court as provided for in this subsection to the superior court for the
82 judicial district in which the property that is the subject of the
83 proceedings referred to is located, or if said court is not in session to
84 any judge thereof, for a determination of the equity of the parties
85 having an interest in such moneys. Notice of such application shall be
86 served in the same manner as to commence a civil action on all persons
87 having an interest of record in such property on the date the collector's
88 deed is recorded, provided the municipality shall not be a party to
89 such action without its consent. The court or judge upon such motion
90 or upon its own motion may appoint a state referee to hear the facts
91 and to make a determination of the equity of the parties in such
92 moneys. Such referee, after providing at least ten days' notice to the
93 parties interested of the time and place of hearing, shall hear the
94 applicant and any parties interested, take such testimonies as such
95 referee deems material and determine the equities of the parties having
96 a record interest in such moneys and immediately report to the court
97 or judge. The report shall contain a detailed statement of findings by
98 the referee, sufficient to enable the court to determine the
99 considerations upon which the referee based his conclusions. The
100 report may be rejected for any irregular or improper conduct in the
101 performance of the duties of such referee. If the report is rejected, the
102 court or judge shall appoint another referee to make such
103 determination and report. If the report is accepted, such determination
104 of the equities shall be conclusive upon all parties given notice of such
105 hearing, subject to appeal to the Appellate Court. If no appeal to the
106 Appellate Court is filed within the time allowed by law, or if one is
107 filed and the proceedings have terminated in a final judgment
108 determining the amount due to each party, the clerk shall send a
109 certified copy of the statement of compensation and of the judgment to
110 the prevailing party or parties, as the case may be, which shall, upon
111 receipt thereof, pay such parties the amount due them as

112 compensation.

113 (3) If no application is filed with the court, any moneys held by the
114 court shall escheat to the state pursuant to the provisions of part III of
115 chapter 32.

116 Sec. 4. Subsection (b) of section 12-130 of the 2014 supplement to the
117 general statutes is repealed and the following is substituted in lieu
118 thereof (*Effective from passage*):

119 (b) The mill rate to be inserted in the statement of state aid to
120 municipalities required by subsection (a) of this section shall be
121 computed on the total estimated revenues required to fund the
122 estimated expenditures of the municipality exclusive of assistance
123 received or anticipated from the state.

124 Sec. 5. Subsection (a) of section 16a-35c of the 2014 supplement to
125 the general statutes is repealed and the following is substituted in lieu
126 thereof (*Effective October 1, 2014*):

127 (a) As used in this section and sections 16a-35d to 16a-35g, inclusive:

128 (1) "Funding" includes any form of assurance, guarantee, grant
129 payment, credit, tax credit or other assistance, including a loan, loan
130 guarantee, or reduction in the principal obligation of or rate of interest
131 payable on a loan or a portion of a loan;

132 (2) "Growth-related project" means any project [which] that includes
133 (A) the acquisition of real property when the acquisition costs are in
134 excess of [one] two hundred thousand dollars, except the acquisition of
135 open space for the purposes of conservation or preservation; (B) the
136 development or improvement of real property when the development
137 costs are in excess of [one] two hundred thousand dollars; (C) the
138 acquisition of public transportation equipment or facilities when the
139 acquisition costs are in excess of [one] two hundred thousand dollars;
140 or (D) the authorization of each state grant, any application for which
141 is not pending on July 1, 2006, for an amount in excess of [one] two

142 hundred thousand dollars, for the acquisition or development or
143 improvement of real property or for the acquisition of public
144 transportation equipment or facilities, except the following: (i) Projects
145 for maintenance, repair [, additions] or renovations to existing
146 facilities, acquisition of land for telecommunications towers whose
147 primary purpose is public safety, parks, conservation and open space,
148 and acquisition of agricultural, conservation and historic easements;
149 (ii) funding by the Department of Housing for any project financed
150 with federal funds used to purchase or rehabilitate existing single or
151 multi-family housing or projects financed with the proceeds of revenue
152 bonds if the Commissioner of Housing determines that application of
153 this section and sections 16a-35d and 16a-35e (I) conflicts with any
154 provision of federal or state law applicable to the issuance or tax-
155 exempt status of the bonds or any provision of any trust agreement
156 between the Department of Housing and any trustee, or (II) would
157 otherwise prohibit financing of an existing project or financing
158 provided to cure or prevent any default under existing financing; (iii)
159 projects that the Commissioner of Housing determines promote fair
160 housing choice and racial and economic integration as described in
161 section 8-37cc; (iv) projects at an existing facility needed to comply
162 with state environmental or health laws or regulations adopted
163 thereunder; (v) school construction projects funded by the Department
164 of Education under chapter 173; (vi) libraries; (vii) municipally owned
165 property or public buildings used for government purposes; and (viii)
166 any other project, funding or other state assistance not included under
167 subparagraphs (A) to (D), inclusive, of this subdivision; [.]

168 (3) "Priority funding area" means the area of the state designated
169 under subsection (b) of this section.

170 Sec. 6. Section 12-120b of the 2014 supplement to the general statutes
171 is repealed and the following is substituted in lieu thereof (*Effective*
172 *from passage*):

173 (a) As used in this section:

174 (1) "Claimant" means a person, company, limited liability company,
175 firm, association, corporation or other business entity having received
176 approval for financial assistance from a town's assessor or a municipal
177 official;

178 (2) "Financial assistance" means a property tax exemption, property
179 tax credit or rental rebate for which the state of Connecticut provides
180 direct or indirect reimbursement; and

181 (3) "Program" means (A) property tax exemptions under section 12-
182 81g or subdivision (55), (59), (60) [] or (70) [, (72) or (74)] of section 12-
183 81, and (B) tax relief pursuant to section 12-129d or 12-170aa.

184 (b) A claimant negatively affected by a decision of the Secretary of
185 the Office of Policy and Management with respect to any program may
186 appeal such decision in the manner set forth in subsection (d) of this
187 section. Any notice the secretary issues pursuant to this section shall be
188 sent by first class United States mail to a claimant at the address
189 entered on the application for financial assistance as filed unless,
190 subsequent to the date of said filing, the claimant sends the secretary a
191 written request that any correspondence regarding said financial
192 assistance be sent to another name or address. The date of any notice
193 sent by the secretary pursuant to this section shall be deemed to be the
194 date the notice is delivered to the claimant.

195 (c) The secretary may review any application for financial assistance
196 submitted by a claimant in conjunction with a program. The secretary
197 may exclude from reimbursement any property included in an
198 application that, in the secretary's judgment, does not qualify for
199 financial assistance or may modify the amount of any financial
200 assistance approved by an assessor or municipal official in the event
201 the secretary finds it to be mathematically incorrect, not supported by
202 the application, not in conformance with law or if the secretary
203 believes that additional information is needed to justify its approval.

204 (d) (1) If the secretary modifies the amount of financial assistance

205 approved by an assessor or municipal official under a program, or
206 makes a preliminary determination that the claimant who filed written
207 application for such financial assistance is ineligible therefor, the
208 secretary shall send a written notice of preliminary modification or
209 denial to said claimant and shall concurrently forward a copy to the
210 office of the assessor or municipal official who approved said financial
211 assistance. The notice shall include plain language setting forth the
212 reason for the preliminary modification or denial, the name and
213 telephone number of a member of the secretary's staff to whom
214 questions regarding the notice may be addressed, a request for any
215 additional information or documentation that the secretary believes is
216 needed in order to justify the approval of such financial assistance, the
217 manner by which the claimant may request reconsideration of the
218 secretary's preliminary determination and the timeframe for doing so.
219 Not later than ninety days after the date an assessor receives a copy of
220 such preliminary notice, the assessor shall determine whether an
221 increase to the taxable grand list of the town is required to be made as
222 a result of such modification or denial, unless, in the interim, the
223 assessor has received written notification from the secretary that a
224 request for a hearing with respect to such financial assistance has been
225 approved pursuant to subparagraph (B) of subdivision (2) of this
226 subsection. If an assessment increase is warranted, the assessor shall
227 promptly issue a certificate of correction adding the value of such
228 property to the taxable grand list for the appropriate assessment year
229 and shall forward a copy thereof to the tax collector, who shall, not
230 later than thirty days following, issue a bill for the amount of the
231 additional tax due as a result of such increase. Such additional tax shall
232 become due and payable not later than thirty days from the date such
233 bill is sent and shall be subject to interest for delinquent taxes as
234 provided in section 12-146. With respect to the preliminary
235 modification or denial of financial assistance for which a hearing is
236 held, the assessor shall not issue a certificate of correction until the
237 assessor receives written notice of the secretary's final determination
238 following such hearing.

239 (2) (A) Any claimant aggrieved by the secretary's notice of
240 preliminary modification or denial of financial assistance under a
241 program may, not later than thirty business days after receiving said
242 notice, request a reconsideration of the secretary's decision for any
243 factual reason, provided the claimant states the reason for the
244 reconsideration request in writing and concurrently provides any
245 additional information or documentation that the secretary may have
246 requested in the preliminary notice of modification or denial. The
247 secretary may grant an extension of the date by which a claimant's
248 additional information or documentation must be submitted, upon
249 receipt of proof that the claimant has requested such data from another
250 governmental agency or if the secretary determines there is good cause
251 for doing so.

252 (B) Not later than thirty business days after receiving a claimant's
253 request for reconsideration and any additional information or
254 documentation the claimant has provided, the secretary shall
255 reconsider the preliminary decision to modify or deny said financial
256 assistance and shall send the claimant a written notice of the
257 secretary's determination regarding such reconsideration. If aggrieved
258 by the secretary's notice of determination with respect to the
259 reconsideration of said financial assistance, the claimant may, not later
260 than thirty business days after receiving said notice, make application
261 for a hearing before said secretary, or the secretary's designee. Such
262 application shall be in writing and shall set forth the reason why the
263 financial assistance in question should not be modified or denied. Not
264 later than thirty business days after receiving an application for a
265 hearing, the secretary shall grant or deny such hearing request by
266 written notice to the claimant. If the secretary denies the claimant's
267 request for a hearing, such notice shall state the reason for said denial.
268 If the secretary grants the claimant's request for a hearing, the secretary
269 shall send written notice of the date, time and place of the hearing,
270 which shall be held not later than thirty business days after the date of
271 the secretary's notice granting the claimant a hearing. Such hearing
272 may, at the secretary's discretion, be held in the judicial district in

273 which the claimant or the claimant's property is located. Not later than
274 thirty business days after the date on which a hearing is held, a written
275 notice of the secretary's determination with respect to such hearing
276 shall be sent to the claimant and a copy thereof shall be concurrently
277 sent to the assessor or municipal official who approved the financial
278 assistance in question.

279 (3) If any claimant is aggrieved by the secretary's determination
280 concerning the hearing regarding the claimant's financial assistance or
281 the secretary's decision not to hold a hearing, such claimant may, not
282 later than thirty business days after receiving the secretary's notice
283 related thereto, appeal to the superior court of the judicial district in
284 which the claimant resides or in which the claimant's property that is
285 the subject of the appeal is located. Such appeal shall be accompanied
286 by a citation to the secretary to appear before said court, and shall be
287 served and returned in the same manner as is required in the case of a
288 summons in a civil action. The pendency of such appeal shall not
289 suspend any action by a municipality to collect property taxes from the
290 applicant on the property that is the subject of the appeal. The
291 authority issuing the citation shall take from the applicant a bond or
292 recognizance to the state of Connecticut, with surety, to prosecute the
293 application in effect and to comply with the orders and decrees of the
294 court in the premises. Such applications shall be preferred cases, to be
295 heard, unless cause appears to the contrary, at the first session, by the
296 court or by a committee appointed by the court. Said court may grant
297 such relief as may be equitable and, if the application is without
298 probable cause, may tax double or triple costs, as the case demands;
299 and, upon all applications which are denied, costs may be taxed
300 against the applicant at the discretion of the court, but no costs shall be
301 taxed against the state.

302 (4) The secretary shall notify each claimant of the final modification
303 or denial of financial assistance as claimed, in accordance with the
304 procedure set forth in this subsection. A copy of the notice of final
305 modification or denial shall be sent concurrently to the assessor or

306 municipal official who approved such financial assistance. With
 307 respect to property tax exemptions under section 12-81g or subdivision
 308 (55), (59), (60) or (70) of section 12-81, and tax relief pursuant to section
 309 12-129d or 12-170aa, the notice pursuant to this subdivision shall be
 310 sent not later than one year after the date claims for financial assistance
 311 for each such program are filed with the secretary. [For property tax
 312 exemptions under subdivision (72) or (74) of section 12-81, such notice
 313 shall be sent not later than the date by which a final modification to the
 314 payment for such program must be reflected in the certification of the
 315 secretary to the Comptroller.]"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2015</i>	4d-90
Sec. 2	<i>January 1, 2015</i>	13a-98n(c)
Sec. 3	<i>from passage</i>	12-157(i)
Sec. 4	<i>from passage</i>	12-130(b)
Sec. 5	<i>October 1, 2014</i>	16a-35c(a)
Sec. 6	<i>from passage</i>	12-120b