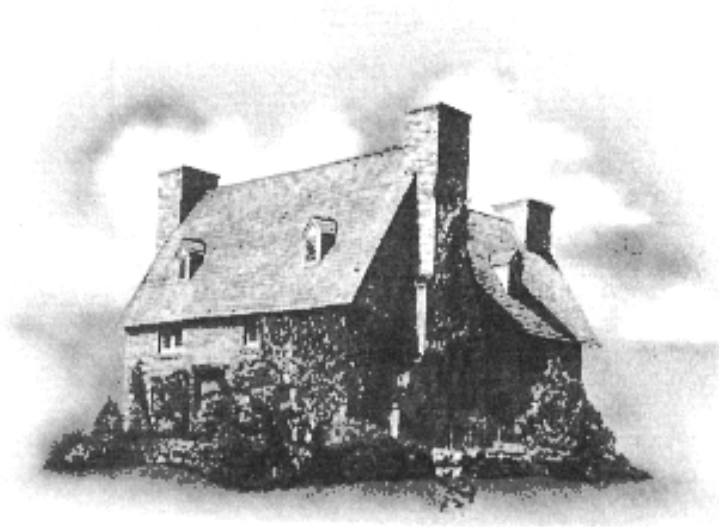


ELDERLY TAX RELIEF PROGRAM

FILING PERIOD FEBRUARY 1 to MAY 15

QUESTION AND ANSWER BOOKLET



THE OLD STONE HOUSE

TOWN OF GUILFORD

ASSESSOR'S OFFICE

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SETTLED IN 1639

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**THIS BOOKLET ATTEMPTS TO COVER THE MOST FREQUENTLY ASKED
QUESTIONS ABOUT THE ELDERLY TAX RELIEF PROGRAM
(A.K.A., ETRP) BUT MAY NOT COVER ALL SITUATIONS.**

ALL INFORMATION IS SUBJECT TO CHANGE WITHOUT NOTICE.

March 22, 2017

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1. WHAT ARE THE BASIC REQUIREMENTS AND CONDITIONS THAT MUST BE MET, IN ORDER TO QUALIFY FOR THIS PROGRAM?

To qualify, the applicant must meet **all** of the following requirements:

A. The owner (or spouse, if domiciled together) must have been 65 years of age by the end of the calendar year preceding the filing period. Totally disabled persons, regardless of age, are initially eligible provided they have a Social Security Award letter specifying a date of entitlement during the current benefit year or a SSA-1099 with Medicare premiums.

B. Claimant must **own** the property for which tax relief is sought; or he/she must hold a tenancy for life use, which tenancy makes him/her liable for the payment of property taxes under Section 12-48; or he/she must share in such ownership. Such ownership, which must constitute the claimant's principal or legal residence, must have been effective on or before October 1st of the current assessment year. The claimant must also reside at the property for which tax relief is sought. Principal residence shall be defined as residency of at least six months and one day. See Question #75.

C. If filing as disabled, the application must also be accompanied by **current proof of disability** no older than three years. Acceptable proofs include an SSA-1099 showing Medicare deduction, a current computer generated message from Social Security that states the person is disabled and indicates the amount of payment (such as TPQY) or proof of permanent and total disability from a federal, state, municipal or other government related program deemed comparable by the Secretary of the Office of Policy and Management.

D. Claimant's income (including Social Security: See #13) must **not** exceed the amounts noted in the following table. For married couples, income for both husband and wife must be counted in establishing income:

<u>YEARS OF RESIDENCY</u>	<u>SINGLE</u>	<u>MARRIED</u>
1-4 Years	\$29,600	\$36,000
5-8 Years	\$44,500	\$54,000
9-20 Years	\$62,500*	\$75,000*
20+ Years	\$79,000*	\$95,000*

E. Applicant (and spouse) **must not** be in arrears for **any and all taxes** (including but not limited to motor vehicles and personal property taxes) owed to the Town of Guilford. See # 61

F. **If eligible**, the applicant **must** be on the State Elderly Tax Relief Program (commonly referred to as the Circuit Breaker Program).

G. The applicant cannot be receiving any tax relief from any other municipality in Connecticut or from any other state. If they are, then they are not eligible for this Program.

H. Applicant's shall be eligible to participate in only one local tax relief program, EITHER the Tax Deferral Program (GSTRP) OR this Elderly Tax Relief Program (so called "Freeze").

I. An **ANNUAL APPLICATION** must be timely submitted and approved in order to receive benefits under this Program. See #2

All information must be printed in English. **All** dollar amounts must be listed in U.S. Dollars.

*Amended by vote of the Board of Selectman August 1, 2005; effective for the October 1, 2005 Grand List.

2. WHAT IS THE FILING PERIOD AND WHERE MUST CLAIMS BE FILED?

Any property owner, believing he/she is entitled to a tax reduction under this program (or their authorized agent), must complete, in person, an application in the Assessor's Office between February 1st and May 15th. See #6 and #7

An **ANNUAL FILING AND APPROVAL** is required in order to remain on this program.

Applications will not be mailed but must be completed in the Assessor's Office.

All information must be provided by the May 15th deadline. If not, the application will be denied.

If May 15th is a Saturday, then the deadline date is May 14th.

If you were under a doctor's care and physically unable to file from February 1st **through** May 15th, then you may file a REQUEST FOR EXTENSION OF TIME TO FILE with the Assessor. That REQUEST must include a signed notarized statement by your doctor on his letterhead stating that you were under his/her care from February 1st through May 15th and that you were physically unable to file. That REQUEST must be filed no later than August 15th. If August 15th is a Saturday or Sunday, then the filing deadline is the Friday before or a U.S. Postmark of August 15th or before. If the Assessor grants an extension, a completed application must be filed by October 15th. If October 15th is a Saturday or a Sunday, then the filing deadline is the Friday before.

3. WHEN MUST AN APPLICANT OR SPOUSE BE 65 YEARS OF AGE IN ORDER TO FILE A CLAIM?

Persons initially filing for tax relief must have been 65 years of age as of the December 31 prior to the filing period.

4. IF AN ELDERLY/TOTALLY DISABLED HOMEOWNER OWNS TWO HOMES AND ONE HOME IS LOCATED IN CONNECTICUT AND THE OTHER OUTSIDE OF THE STATE, IS HE/SHE ENTITLED TO TAX RELIEF BENEFITS IN GUILFORD?

Yes, provided the claimant is **not** receiving tax relief benefits as a homeowner in any other state and provided he/she maintains the home in Connecticut as his/her principal residence/domicile. The same concept applies if a claimant owns two homes in Connecticut. Tax relief may only be granted on one's principal residence/domicile. The following questions may be considered in determining whether or not a home constitutes the claimant's domicile. These questions are **not** intended to be all-inclusive, but are examples that may be asked of the applicant:

1. Is the subject property your principal residence?
2. Where are you registered to vote?
3. Are you claiming any tax exemptions outside the State of Connecticut?
4. Where is your automobile, if any, registered?
5. Do you have the intent of making the property your permanent home and are you physically present at this property?

The applicant cannot be receiving any tax relief benefit from any other municipality in Connecticut or from any other state. If they are, then they are not eligible for this Program.

5. IS A HOMEOWNER WHO ACQUIRED A HOME DURING THE YEAR ELIGIBLE FOR TAX RELIEF?

Provided the claimant owned the home on October 1st and meets all other requirements (See #1), yes. If the claimant purchased the property after the October 1st assessment date, he/she is **NOT** entitled to benefits until the next Grand List year.

6. WHEN A HUSBAND AND WIFE FILE FOR TAX RELIEF, IS IT NECESSARY FOR BOTH TO SIGN THE APPLICATION FORM, AS IN THE CASE OF A JOINT RETURN FOR THE I.R.S.?

No. Either the husband or wife or their duly authorized agent may sign the application.

7. WHO MAY BE CONSIDERED AN AUTHORIZED AGENT?

Any person duly authorized by a claimant to act in his/her behalf, with the exception of the Assessor, member of the Assessor's staff, municipal agent or any other person who works with the applications. As they are responsible for certifying claims for tax relief, a conflict of interest could occur if he/she also acted as an authorized agent in the submission of claims. Municipal agents and Social Service agents may not act in this capacity for the same reason.

8. DO THE ELDERLY BENEFITS CONTINUE TO THE SURVIVING SPOUSE WITH WHOM THE APPLICANT WAS DOMICILED AND WHO IS BETWEEN THE AGES OF 50 AND 65?

Yes, provided the widow/widower continues to meet all the qualifications, provided he/she does not remarry and can prove they were on the program as husband and wife prior to the death of the spouse. This proof must be filed with the "survivor's" first application.

9. WHAT HAPPENS IF AN APPLICANT, WHO IS SINGLE, IS NOT RESIDING AT HIS/HER PROPERTY, BUT IS IN A NURSING HOME?

If there is an abiding intention on the part of the elderly/disabled homeowner to return to the property and the property in his/her absence is not rented to another, nor does any condition exist which would preclude the claimant from resuming residency, the tax benefit may continue if the annual re-application is timely filed and approved. If a claimant remains in a nursing home for two years, it is assumed that there is no abiding intent to return to the property and the claimant is, thus, ineligible and must be removed from the Program.

10. IF ONE SPOUSE OF A MARRIED COUPLE IS A RESIDENT OF A CONVALESCENT HOSPITAL, MAY THE COUPLE HAVE BENEFITS UNDER BOTH THE OWNERS AND RENTER'S PROGRAMS?

No. They must apply under this Program only.

11. WHAT HAPPENS IF A CLAIMANT DOES NOT REFILE ANNUALLY FOR THIS PROGRAM?

The claimant is removed from this Program. In order to receive any benefit, **AN APPLICATION MUST BE TIMELY FILED EVERY YEAR AND APPROVED**. When removed from this Program, the claimant does not have to re-pay any taxes under this Program. However, their taxes are no longer “frozen”. They will pay taxes based upon the current assessment and current mill rate.

12. A CLAIMANT INITIALLY FILES AS A RESIDENT OF 4 (FOUR) YEARS. UPON RE-APPLYING NEXT YEAR, DOES THE APPLICANT NOW FILE USING THE INCOME LIMITS OF A 5 (FIVE) YEAR RESIDENT?

Yes.

13. WHAT CONSTITUTES INCOME FOR THIS PROGRAM?

Income is defined as adjusted gross income and tax-exempt interest, **plus any other income not included in such adjusted gross income (for both the applicant and spouse)**. This definition includes taxable income as may be reported for Federal Income Tax purposes, as well as non-taxable income. **All monies received are to be considered part of qualifying income, unless specifically exempted.** The following is **not** intended to be all inclusive, but rather are examples of some of the items to be included as part of the qualifying income:

- Wages, bonuses, commissions, gratuities and fees,
- Self-employment net income,
- Social Security income (Box 5 on your SSA-1099; said form **must** be provided),
- Payment for jury duty (excluding travel allowance);
- Dividends, interest and annuities;
- “Tax free” interest or “tax exempt” interest;
- IRA income to the extent that is taxable. Most money invested in IRA’s was not taxed at the time it was earned and is taxable at the time of withdrawal;
- Taxable portion of pension (i.e., distributions);
- 1099-R (use taxable amount); 1099 DIV (use ordinary dividend amount)
- Black Lung payments; Green Thumb payments;
- Interest or proceeds resulting from gifts received;
- Lottery winnings (or any other income from gambling);
- Capital gains;
- Net income from sale or rent of real or personal property;
- Pensions including Veterans’ pension and Railroad retirement;
- Severance pay; UNEMPLOYMENT compensation;
- Workman’s compensation;
- Veteran disability payments;
- Non-taxable interest (such as interest on government bonds, etc);

- Alimony
- AND all other income as defined by the Office of Policy and Management, State of Ct.

ALL INCOME MUST BE IN U.S. DOLLARS

14. WHAT TYPES OF INCOME ARE SPECIFICALLY EXEMPT FROM BEING REPORTED AS PART OF INCOME FOR PURPOSES OF THIS PROGRAM?

1. Casualty loss reimbursements by insurance companies;
2. Gifts, bequests or inheritances (although any interest or other income produced by the gift, bequest or inheritance must be included).
3. Grants for disaster relief.
4. Income derived through volunteer service under the Domestic Volunteer Service Act of 1973, as amended (such as stipends earned under the Foster Grandparents' Program, Retired Senior Volunteer Program, Senior Companion Program, Community Training under DMR, etc.).
5. Life insurance proceeds.
6. Social Security payments for a dependent person.
7. A married homeowner whose spouse is a resident of a health care or nursing home facility in Connecticut and who is receiving payment related to such spouse under Title XIX Medicaid, need not declare the spouse's Social Security income.

The following must be submitted:

- (1) Proof that the spouse is in a CT health care or nursing home facility,
 - (2) The name and address of the facility,
 - (3) The period during the benefit year that the spouse was in the facility,
 - (4) The period during the benefit year that the spouse was on Title XIX Medicaid.
The statement of proof shall be on the facility's letterhead and signed by the Administrator or other nursing home official.
8. Food stamps; fuel assistance; AFDC; Social security payments specifically for a dependent person (minor child or dependent individual).
 9. Reverse mortgage payments.
 10. And all other exempt sources of income as defined by the Office of Policy and Management, State of Ct.

15. ARE ELDERLY/DISABLED PERSONS RECEIVING MEDICAL ASSISTANCE UNDER TITLE XIX ("MEDICAID") FROM THE STATE OF CONNECTICUT, ELIGIBLE FOR THIS PROGRAM?

Yes, providing all other eligibility requirements are met.

16. DOES AN ELDERLY OR DISABLED CLAIMANT RECEIVING FOOD STAMPS QUALIFY FOR THIS PROGRAM?

Yes, if all other qualifications are met. The amount of the food stamp allotment is not considered qualifying income.

17. IS A CLAIMANT REQUIRED TO PRESENT A COPY OF HIS/HER ANNUAL FEDERAL INCOME TAX RETURN TO THE ASSESSOR WHEN APPLYING FOR THIS PROGRAM?

Yes. If a return is filed, a complete copy must be filed with the Assessor's Office along with copies of proof of any and all other income (including the SSA-1099 forms). If the claimant does not file a Federal Income Tax Return, the Assessor will require that any and all other proofs of income, (1099 Int, 1099 Div, etc.) deemed necessary (by the Assessor) be presented before approval is granted.

See C.G.S. 12-170aa (f): "In making application the homeowner shall present....a copy of such homeowner's federal income tax return...".

See "C. Application Process" and "G. Interpretation to be Consistent with State Tax Relief Programs", of 'AN ORDINANCE ADOPTING AN ELDERLY TAX RELIEF PROGRAM' adopted at the Board of Selectmen meeting of February 27, 2001 and effective for March 31, 2001.

ALL INCOME INFORMATION IS CONFIDENTIAL.

18. CAN A TAX LOSS (AS SUBSTANTIATED BY AN INCOME TAX RETURN) BE USED TO OFFSET NON-TAXABLE INCOME, IN THE ESTABLISHMENT OF QUALIFYING INCOME FOR THIS PROGRAM?

No. If a claimant has a tax loss (for any reason) in any calendar year, the Assessor will not subtract that loss from the claimant's non-taxable income.

EXAMPLE: Mr. Jones has an antique shop and substantiates, with his Form 1040, that he sustained a business loss of \$2560 for the year. Mr. Jones also had tax-exempt interest from municipal bonds in the amount of \$580, Social Security income of \$7422 and taxable interest of \$1500. Mr. Jones' qualifying income, of \$8002 is calculated as follows: \$1500 minus \$2560 equals zero plus \$580 plus \$7422 equals \$8002. On the application, line 7a is zero, line 7b is \$580 and line 7c is \$7422.

EXAMPLE: Mr. Smith substantiates with his Form 1040, that he sustained a capital gains loss of \$2560 for the year. Mr. Smith also has tax-exempt interest from municipal bonds in the amount of \$580, Social Security income of \$7422 and taxable interest of \$1500. Mr. Smith's qualifying income, of \$8002 is calculated as follows: \$1500 minus \$2560 equals zero plus \$580 plus \$7422 equals \$8002. On the application: line 7a is zero, line 7b is \$580 and line 7c is \$7422 for a total qualifying income of \$8002.

19. HOW SHOULD THE INCOME OF A HUSBAND AND WIFE BE TREATED?

The incomes of both the husband and wife must be added together in establishing income, even though separate Income Tax Returns may have been filed.

20. HOW SHOULD THE INCOME OF A HUSBAND AND WIFE WHO ARE LEGALLY SEPARATED BE TREATED?

Legally separated individuals can qualify as “unmarried”. You must present proof (court documents only). Divorced, widowed or never married individuals can also qualify as “unmarried”.

21. WHEN A SPOUSE DIES DURING THE CALENDAR YEAR PRIOR TO THE FILING PERIOD FOR ELDERLY TAX RELIEF, SHOULD THE SURVIVOR INCLUDE BOTH INCOMES ON THE APPLICATION FORM?

Yes. The surviving spouse would file his/her tax relief application in the same manner as mandated by the I.R.S. for the filing of Income Tax Returns. Both incomes (husband’s and wife’s) must be declared.

22. WHAT HAPPENS IF AN ELDERLY/DISABLED TAX RELIEF RECIPIENT’S INCOME EXCEEDS THE INCOME LIMITATION FOR ONE YEAR?

The applicant is removed from the program. In order to qualify for any future benefit from this program, the homeowner must re-apply next year.

23. WHAT TYPE OF EVIDENCE IS REQUIRED TO DOCUMENT INCOME FROM SOCIAL SECURITY?

There are 2 (two) options (one of which must be attached to the application):

1. Form SSA-1099, sent annually by February 1st. The Social Security Administration (SSA) Office will not replace lost forms except for federal tax liability purposes.
2. TPQY or its current equivalent.

It is the applicant’s responsibility to obtain and provide this information to the Assessor’s Office.

The Assessor’s Office cannot contact the Social Security Administration for the applicant.

24. IF AN APPLICANT TEMPORARILY RESIDES AT A CONVALESCENT HOME, ARE THE BENEFITS RECEIVED UNDER TITLE XIX INCLUDED IN QUALIFYING INCOME?

No.

25. WHAT QUALIFIES AS PROPERTY ON WHICH BENEFITS MAY BE GIVEN?

One house and the house lot (based upon zoning) upon which the house sets (which may also include a detached garage, shed, pool or other residential outbuilding if on the house lot), owned by the claimant (and occupied as his/her principal residence), may qualify. A mobile home, a life care facility, a condominium, or one dwelling on leased land, owned by the claimant (and occupied as his/her principal residence) may qualify. Mobile home owners have the option of filing as renters (Section 12-170d) or as homeowners. For mobile home owners who elect to apply as homeowners, one of two property tax situations will apply. If the claimant owns both the mobile home and the land beneath it, the tax is calculated on both the dwelling and the land. If the claimant owns only the mobile home and leases the land, the tax is calculated on the mobile home only.

Only residentially improved property is eligible for this program. See #26

This program is for real estate only. Motor vehicles are not part of this program.

26. WHAT TYPES OF REAL PROPERTY CAN QUALIFY FOR THIS PROGRAM?

Only one residential house lot, residential outbuilding and one residential house occupied as the principal residence can qualify.

Commercial and/or industrial buildings (or structures used commercially and/or industrially) do not qualify.

Excess acreage (any area above the one designated residential house lot) does not qualify.
A vacant building lot does not qualify.

27. DOES AN ELDERLY CLAIMANT WHO OWNS A BUILDING WITH MORE THAN FOUR UNITS QUALIFY FOR THIS PROGRAM?

Yes. But the applicant must maintain one of the units as his/her principal residence/domicile.

28. IF THE PROPERTY IS HELD IN TRUST FOR AN ELDERLY PERSON, CAN HE/SHE QUALIFY FOR THIS PROGRAM?

Maybe. All the criteria for the program residency, income, responsibility for tax payment, etc., must be met. The trust agreement must be reviewed by the Town Attorney. The application will not be approved unless the Town Attorney approves (in writing) that your trust is in conformance with the provisions of Section 12-48 C.G.S.

Properties where the title is listed to a Trustee (or Trustees) **must** follow the policy stated above.

Failure to provide (by May 15th) a complete copy of the (dated and signed) trust shall be grounds for the automatic denial of benefits. See Question # 2.

29. IN A LIFE TENANCY SITUATION UNDER SECTION 12-48, IS A LIFE TENANT ELIGIBLE FOR THIS PROGRAM?

Yes, the claimant is eligible, if he/she retains a life tenancy (life use) in the property, as long as he/she is responsible for the property taxes and meets all other program requirements.

30. HOW IS THE BENEFIT UNDER THIS PROGRAM HANDLED IF THE PERSON SHARES OWNERSHIP WITH ANYONE OTHER THAN HIS/HER SPOUSE?

Two or more persons owning real property may be eligible for this program. Each shall have to apply and qualify separately and the benefit will be apportioned according to the percentage of each ownership. Exemptions are to be assigned to the person who is entitled to them.

31. HOW IS THE BENEFIT COMPUTED IF THE CLAIMANT OWNS LESS THAN 100% INTEREST IN THE SUBJECT PROPERTY?

The benefit is apportioned, according to the claimant's interest in the property.

32. "WHAT EXACTLY HAPPENS IF I AM APPROVED FOR THIS PROGRAM?"

The amount of taxes that you must pay (annually) will be "frozen" (See #44 and #46) for the property that qualifies (See #25) using this July's mill rate.

33. WHAT RECOURSE DOES THE APPLICANT HAVE IF THE ASSESSOR'S OFFICE DENIES HIS/HER APPLICATION?

You must appeal to the Board of Selectman within ten (10) days of the date on your application that indicates when your application was denied.

34. WHAT IS THE MAXIMUM INCREASE IN ASSESSED VALUE ALLOWED FOR IMPROVEMENTS UNDER THIS PROGRAM?

Any improvements, regardless of value, will result in a base tax adjustment. The adjustment is computed by multiplying the improvements (currently) assessed value by either, the mill rate used to calculate the initial base tax or the current mill rate, whichever is less and adding that product to the initial base tax.

35. WHAT HAPPENS WHEN A DECREASE IN THE MILL RATE LOWERS THE NORMAL TAX BILL BELOW THE BASE TAX?

The claimant pays the normal tax bill. If and when, the normal tax bill exceeds the base tax, the claimant will again pay only his/her base tax.

36. WHAT EXEMPTIONS ARE TO BE DEDUCTED FROM THE PROPERTY'S GROSS ASSESSMENT?

Blind: Section 12-81 (17)

Veterans: Sections 12-81 (19-26)

Local Options

Totally Disabled: Section 12-81 (55)

Additional Veterans: Section 12-81g

37. DOES THE BENEFIT FROM THIS PROGRAM APPLY TO THE PERSON OR THE PROPERTY?

The benefit applies to the property.

38. WHAT EFFECT DOES A REVALUATION HAVE ON THE BASE TAX?

Your assessment will change (increase or decrease) but if your assessment changes (increases or decreases) only because of the revaluation, then your base tax ("frozen tax") will not change unless the mill rate is changed. The tax that you must pay will be the lesser of the "frozen tax" or the normal tax. See #35

39. WHAT PROCEDURE SHOULD BE FOLLOWED WHEN THE HOUSE OWNED BY AN APPROVED APPLICANT IS TOTALLY DESTROYED AND IS REPLACED BY BUILDING A NEW HOME?

Any increase between the assessed value of the old house and the assessed value of the new house, is treated as an improvement. See #34

40. WHAT HAPPENS TO THE BENEFIT WHEN AN OWNER DISPOSES OF THE PROPERTY BETWEEN OCTOBER 2nd AND SEPTEMBER 30TH?

If the property is transferred before February 1, then the benefit is removed as of the October 1st immediately preceding the filing period. If the property is transferred after filing for the program, then the claimant's benefit (the difference between the base tax and the normal tax bill) is prorated.

41. WHAT PROCEDURE SHOULD BE FOLLOWED IF LESS THAN 100% OWNERSHIP IS TRANSFERRED?

The Assessor's Office will prorate the corresponding benefit percentage. For example: if the claimant transfers one half interest in his/her property, then 50% of the claimant's benefit will be prorated.

42. WHAT HAPPENS TO THE BENEFIT IF AN APPLICANT DIES BETWEEN OCTOBER 2nd AND SEPTEMBER 30TH?

If the claimant dies prior to February 1, then the benefit is removed as of the October 1st immediately preceding the filing period. If the claimant dies after filing, then the benefit (the difference between the base tax and the normal tax bill) is prorated unless there is a surviving spouse. See #8

43. WHAT HAPPENS IF AN APPLICANT SELLS HIS/HER HOME AND PURCHASES ANOTHER HOME?

They will be removed from the program and the benefit will be prorated accordingly. See #40 They may be able to file, next year, for the new home, if they meet all the requirements. See #1

44. ARE MY TAXES "FROZEN"?

Yes and no. The stated purpose of this program is to "freeze" taxes **SUBJECT TO BUDGETARY RESTRICTIONS, THE LIMIT OF BENEFITS IMPOSED BY THIS PROGRAM AND THE PROCEDURES AS SET FORTH IN THE ORDINANCE APPROVED FEBRUARY 22, 2001 (which became effective March 31, 2001).** See #46

45. "I'VE BEEN ON THE TAX DEFERRAL PROGRAM (GSTRP) FOR A FEW YEARS. CAN I SWITCH TO THE ELDERLY TAX RELIEF PROGRAM? AND DO I HAVE TO PAY BACK ALL MY DEFERRED TAXES NOW?"

If the Tax Collector signs your application indicating that your taxes are paid, then yes, you can switch to the Elderly Tax Relief Program.

The taxes you deferred are payable when either the property is transferred or the claimant dies, without a qualifying surviving spouse.

You may, also (if eligible), switch back to the Tax Deferral Program next year.

46. “UNDER WHAT CONDITIONS WILL MY BASE TAX (“FROZEN TAX”) CHANGE?”

Your base tax will change when:

1. you make an improvement to your property (See #34) or
2. your benefit under this program exceeds 75% of the normal tax bill or, if also on the State Tax Relief Program, when the aggregate of your benefits exceeds 75% of the normal tax bill or
3. there is a change in any exemption you are receiving or are eligible to receive or
4. the mill rate decreases and results in a normal tax bill which is lower than your base tax (See #35) or
5. the total benefit granted to all claimants exceeds the cap imposed by the Ordinance creating this program (See #53) or
6. you change your percent of ownership in the property for which benefit is claimed (See #31 and #41) or
7. if you fail to meet any of the re-filing requirements or
8. if interpretation of either the enabling Ordinance or O.P.M. policies requires it.

47. “I AM UNCERTAIN AS TO WHICH PROGRAM IS BEST FOR ME. WILL SOMEONE IN THE ASSESSOR’S OFFICE ADVISE ME AS TO WHAT IS BEST FOR ME TO DO?”

No. The Assessor’s Office cannot give any financial advice as to which program is best for you.

48. “CAN I RENT/LEASE MY HOUSE AND STILL BE ON THIS PROGRAM?”

The claimant must occupy the property in question as their principal or legal residence. However, if the property is rented/leased (for a short period of time), then the rental income must be reported as income and the rental/lease must not prevent the claimant from resuming residency.

49. “I HAVE OWNED A HOUSE IN GUILFORD FOR SEVERAL YEARS BUT HAVE NOT OCCUPIED IT AS MY PRINCIPAL RESIDENCE. WOULD I QUALIFY FOR THIS PROGRAM?”

No. Mere ownership is not sufficient to qualify for this Program. According to the enabling Town Ordinance, in order to be eligible for this Program, the property must be “owned and occupied as their principal residence in Guilford....”.

50. “WHAT EXACTLY IS FROZEN?”

The taxes for one house (occupied as the principal residence), the taxes for the one house lot that that house sits upon and the taxes for the residential outbuildings on that one house lot, are “frozen” subject to various conditions and circumstances. See #44 and #46.

51.”DOES HAVING MY TAXES “FROZEN” MEAN THAT I NEVER HAVE TO PAY TAXES AGAIN?”

No. Having your taxes “frozen” means, that the taxes you must pay annually are “frozen” at a specific dollar amount subject to certain conditions and circumstances. See #44 and #46

You still have to pay that specific “frozen” tax dollar amount every year so long as you remain eligible for this program. See #44 and #46

52. “I’VE FILED FOR A FEDERAL INCOME TAX EXTENSION, DOES THAT MEAN I CAN FILE FOR THIS PROGRAM AFTER MAY 15TH WHEN I FINISH MY INCOME TAX RETURN?”

No. The filing deadline of May 15th is not extended because you filed an extension for your federal income tax return. (See Question #2)

53. WHAT HAPPENS WHEN THE CAP IS EXCEEDED?

The base tax amounts (“frozen tax”) must be adjusted by the following formula:

The total dollar amount in excess of the cap DIVIDED BY the total base tax of all program participants TIMES your base tax amount EQUALS the increase to be added to your base tax amount.

The adjustment in the base tax amount will result in an increase of taxes to be paid by you and may result in the loss of all benefits under this program.

According to the Town Ordinance, those elderly whose income is equal to or greater than \$60,001 married or \$50,601 single must be prorated first and would also be the first to lose their benefits.*

54. “WILL MY PROPERTY BE LIENED AND DO I HAVE TO RE-PAY ANY TAXES UNDER THIS ELDERLY TAX RELIEF PROGRAM?”

No. Under this Elderly Tax Relief Program, your property is not liened and you do not have to re-pay any tax loss under this program. See #64

55. “CAN I FILE OVER THE TELEPHONE?”

No. Applications must be completed in person in the Assessor’s Office by authorized personnel. See # 6 and 7.

56. “WILL YOU MAIL ME AN APPLICATION?”

No. Applications must be completed in person in the Assessor’s Office by authorized personnel.
See # 6, 7 and 55.

57. “HOW IS MY INCOME CALCULATED?”

If you file a federal income tax return:

- 1.) We start with your adjusted gross income (Line 37 on your 1040 form) if a married couple files separately, we must have both returns. See #19
- 2.) We then subtract any amount that may appear on Line 20b.
- 3.) We then add the amount that appears in Box 5 on your (and if applicable your spouses) SSA-1099.
- 4.) We then add any amount that may appear on Line 8b.
- 5.) The resulting number is your income for purposes of this program only.

If you do not file a federal income tax return:

- 1.) You must provide any and all documentation of your income (and if applicable your spouses income). See #13. Your income is calculated in the same manner as if you filed a federal tax income return. (See above)
- 2.) We then add the amount that appears in Box 5 on your (and if applicable, your spouses) SSA-1099.
- 3.) The resulting number is your income for purposes of this program only.

For purposes of this program only, the amount that appears on your (and, if applicable, your spouses) SSA-1099 is always the amount shown in Box 5. The amount of social security that is shown in Box 5 is never reduced.

If you have a Railroad Retirement, see # 60.

58. WHAT HAPPENS IF SAY AN APPLICANT QUALIFIES ON THE 1999 GRAND LIST, BUT IS OVER INCOME FOR THE 2000 GRAND LIST (THUS IN-ELIGIBLE), AND THEY APPLY (NEXT YEAR) FOR AND ARE ELIGIBLE FOR THE 2001 GRAND LIST; AS OF WHAT GRAND LIST ARE THEIR TAXES “FROZEN”?

Their taxes are “frozen” as of the 2001 Grand List.

59.

NOTE

“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 ORDINANCE.” SECTION G OF “AN ORDINANCE ADOPTING AN ELDERLY TAX RELIEF PROGRAM” APPROVED BY THE BOARD OF SELECTMEN ON FEBRUARY 27, 2001, WHICH BECAME EFFECTIVE MARCH 31, 2001.

60. HOW IS RAILROAD RETIREMENT CALCULATED?

On Form RRB-1099, the dollar amount that appears in Box 5 is added to the dollar amount that appears (on the same form) in Box 11. This is the Social Security Equivalent Benefit that is then added to the applicant’s other income. See # 57

On Form RRB-1099-R, the dollar amount that appears in Box 7 is added to the applicant’s other income.

61. “I OWN TWO HOUSES IN GUILFORD. THE TAXES ON THE HOUSE THAT IS MY PRINCIPAL RESIDENCE ARE PAID BUT THE TAXES ON MY OTHER HOUSE ARE NOT PAID. CAN I STILL QUALIFY FOR THIS PROGRAM?”

NO! According to Subsection 5 of Section B of the adopted ordinance: “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.”

62. “I AM IN BANKRUPTCY. DO ALL MY TAXES STILL HAVE TO BE PAID?”

YES! According to Subsection 5 of Section B of the adopted ordinance: “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.”

63. “THE TAXES ON MY HOME ARE PAID BUT I OWE MOTOR VEHICLE TAXES. CAN I STILL QUALIFY FOR THIS PROGRAM?”

NO! According to Subsection 5 of Section B of the adopted ordinance: “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.”

64. “WHAT IS THE DIFFERENCE BETWEEN ALL THESE ELDERLY TAX RELIEF PROGRAMS?”

Under the State program (commonly called the “**circuit breaker**” program):

1. The State of Connecticut pays a portion of your real estate taxes.
2. The taxes paid by the State of Connecticut do not have to be paid back.
3. Your taxes are not “frozen”.

Under the Town’s program commonly referred to as the “**GSTRP**” program:

1. If you are below the income limit then you only have to pay 25% of your real estate taxes.
2. If you are above the income limit but by no more than \$2000 and you are married then you only have to pay 40% of your real estate taxes and if single then you only have to pay 50% of your real estate taxes.
3. Your property is liened in the amount of the taxes not paid plus interest.
4. The unpaid taxes and interest must be re-paid when either the property is transferred out of your name or when you die.
5. Your taxes are not “frozen”.
6. You cannot be on both the Town’s elderly program at the same time.
7. If eligible for the State program then you must be on it.

Under the Town’s program commonly called the “freeze program” (properly called the “**ETRP**” program):

1. There is an attempt to “freeze” taxes subject to a number of conditions.
See # 32, 44, 46, 50, 51, 53, and 58
2. Any tax savings does not have to be paid back.
3. You cannot be on both the Town’s elderly program at the same time.
4. If eligible for the State program then you must be on it.

65. “MY SOCIAL SECURITY IS SHOWN ON MY INCOME TAX FORM. DO I STILL HAVE TO PROVIDE TO YOU MY SSA-1099 FORM?”

YES!

66. “I OWN TWO HOMES ONE HERE IN GUILFORD AND ONE IN ANOTHER STATE. I LIVE SIX MONTHS HERE IN GUILFORD AND SIX MONTHS IN THE OTHER STATE. MY TAXES ON THE HOME IN THAT OTHER STATE ARE REDUCED DUE TO A HOMESTEAD EXEMPTION. CAN I QUALIFY FOR THIS PROGRAM?”

NO! If you are receiving the benefit of a homestead exemption or any other form of tax reduction, tax abatement or tax deferral from another state, then you do not qualify for this program. Also see question #78.

67. “HOW IS THE BENEFIT FROM THIS PROGRAM CALCULATED?”

The “benefit” is the difference between your normal tax bill and your base tax (“frozen” tax). That is; your normal tax minus your base tax (“frozen” tax) equals the benefit. In the initial year of application, there is no benefit. That is because the benefit is calculated as the difference between your “frozen” tax and your normal tax bill, and in the initial year of application the “frozen” tax amount equals your normal tax bill.

68. “I AM OVER THE PROGRAM INCOME LIMITS BECAUSE I HAD TO CONVERT SOME OF MY ASSETS INTO INCOME IN ORDER TO PAY FOR CERTAIN MEDICAL EXPENSES. CAN I DEDUCT THOSE MEDICAL EXPENSES FROM MY INCOME IN ORDER TO QUALIFY FOR THIS PROGRAM?”

Yes, under certain restrictions. **All** of the following restrictions must be met*:

1. You must have been on the program immediately prior to this application.
2. New applicants are not eligible.
3. You must have filed a Federal Income Form 1040 Scheduled A for the year in question. If you did not file, then you will not be eligible
4. The “additional” income that was incurred (due to the need to pay medical expenses) is an amount that equals or exceeds the amount of medical expenses that have been deducted as medical expenses on the applicant’s Federal Income Tax Form 1040 Scheduled A for the year in question.

“Medical expenses” are defined as those medical expenses eligible to be claimed as deductions on Schedule A of the Internal Revenue Service Form 1040. Those 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 applicant, the patient, or to the provider of the medical services.

5. The “additional” income is at least 10% of the applicant’s prior year’s income.
6. The “additional” income would disqualify the applicant from continuing participation in the program.
7. The applicant must submit Federal Tax Returns for the three years immediately preceding this application. In other words, you must submit a total of four (4) Federal Tax Returns: one (1) for the application year and one (1) each for the three (3) years immediately prior to the application year. Even if you have filed these Forms previously with us, you still must file them again.
8. All proof must be satisfactory to the Assessor.
9. You must complete an application as approved by the Assessor.

69. “WHEN DO I BECOME ELIGIBLE FOR THIS PROGRAM?”

EXAMPLE: Say you want to “freeze” your July 2013 tax bill then:

1. You must have owned the property as of October 1, 2012 **and**
2. You must have been at least sixty five years old as of December 31, 2012 **and**
3. You must have lived in Guilford for at least one year prior to October 1, 2012 **and**
4. You must occupy this property as your principal residence **and**
5. You must **not** owe any Town taxes **and**
6. You must **not** be receiving any tax relief from any other municipality in Connecticut or from any other state **and**
7. You must apply between February 1, 2013 and May 15, 2013 **and**
8. You must meet the income limits **and**
9. You must, if eligible, also apply for the State of Connecticut’s elderly tax relief program **and**
10. You must meet all other requirements as noted in this document.

If your application is approved, then your taxes will be “frozen” at the amount that appears on your July 2013 tax bill.

70. “HOW IS THE RESIDENCY PERIOD CALCULATED?”

Residency is calculated as the time period from the date you established your primary residency in the Town of Guilford to the Grand List year for which you are applying.

EXAMPLE: Say you bought your property on March 16, 1986 and established your primary residency as the Town of Guilford on that date. Say you apply on March 28, 2006 for this program. What is your period of residency? Your period of residency is calculated from March 16, 1986 to October 1, 2005 (which is the Grand List that you are applying for on March 28, 2006) or 19 years, 6 months and 14 days.

71. AMENDMENTS TO THE ORIGINAL ORDINANCE

Approved on August 1, 2005 (and effective for the October 1, 2005 grand List):

1. Section B. 3. (Income) (See #1)
2. Section B. 8. (Medical Expenses) (See #68)
3. Section E. 3. (Cap) (See #53)

72. “DO I HAVE TO INCLUDE TRUST INCOME ON MY APPLICATION?”

Yes! If you are the beneficiary of the trust, then the income from that trust must be included in the calculation of your qualifying income.

73. “IS A CIVIL UNION THE SAME AS A MARRIAGE?”

Yes. Effective October 1, 2005, Public Act 05-10 states that when “the term “marriage” is used or defined, a civil union shall be included in such use or definition”.

74. “DO I HAVE TO SUBMIT PROOF OF MY MARRIAGE OR CIVIL UNION?”

No. Unless there is suspicion of fraud, you do not have to submit proof of marriage or civil union.

75. “WHAT HAPPENS IF AN ELDERLY PERSON IS NOT RESIDING AT HIS/HER PROPERTY BUT IS IN A CARE FACILITY?”

If there is an “abiding intent” on the part of the elderly homeowner to return to the property, and the property is not rented, leased or otherwise occupied, nor does any other condition exist which would preclude the elderly homeowner from returning to his/her residence without undue delay, then the elderly homeowner may continue on the program. **HOWEVER**, if we are told that the elderly homeowner will not be returning home, then the elderly homeowner is not eligible for the program and must be removed from the program. If the elderly homeowner remains in a care facility for two years, then it is assumed that there is no “abiding intent” to return to the property and the elderly homeowner must be removed from the program.

76. “MY APPLICATION WAS DENIED. HOW DO I APPEAL?”

Appeals must be made within 10 (ten) days from the date the application was signed as disallowed. Appeals are made to the Board of Selectman. Please bear in mind the Board of Selectmen must also follow the same Town Ordinance that the Assessor’s Office must follow in processing an application. For example, the Board of Selectmen cannot raise the income level for you; the Board cannot extend the filing deadline for any individual; the Board cannot shorten the eligibility period; the Board cannot change how your income is calculated; etc. The purpose of the appeal is to insure that the application was processed according to the requirements of the Town Ordinance.

77. “IS THERE A PENALTY FOR PROVIDING FALSE INFORMATION?”

Yes! Intentionally filing false information is a Class A Misdemeanor which is punishable by a fine of up to \$2,000 or up to 1 year imprisonment or both.

78. “MY SPOUSE, WHO OWNS PROPERTY IN ANOTHER STATE (IN HIS/HER NAME ONLY), IS RECEIVING A HOMEOWNERS/HOMESTEAD BENEFIT FROM THAT STATE. WE ALSO FILE SEPARATELY FOR INCOME TAX PURPOSES. ARE WE ELIGIBLE FOR THIS PROGRAM?”

No. As a married couple you are enjoying the benefit of that out-of-state program (e.g., a homestead exemption or **any other form of tax reduction, tax abatement or tax deferral from another state**), then you do **not** qualify for this program or any other local and/or State homeowners program even if the properties are not jointly owned and you file separate income tax forms.

79. “WHAT HAPPENS IF I GO TO THE BOARD OF ASSESSMENT APPEALS, AFTER I FREEZE MY TAXES AND IT REDUCES/INCREASES MY ASSESSMENT?”

Any change by the Board of Assessment Appeals would be treated similar to a change by revaluation. That is, if your assessment changes (increases or decreases) only because of an action by the Board of Assessment Appeals, then your base tax (“frozen tax”) will not change unless the mill rate is changed. The tax that you must pay will be the lesser of the “frozen tax” or the normal tax. See #35

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