

## **Notice of Meeting and Agenda**

The Legislation & Administration Committee  
of the Representative Town Meeting

Monday, December 16, 2019  
Immediately Following the Regular Monthly Meeting of the RTM  
Education Center, 501 Kings Highway East, Fairfield, Connecticut

Notice is hereby given that the Legislation & Administration Committee of the Representative Town Meeting shall hear and consider the following item:

The Moderator has referred the following amendments to the Tax Relief for the Elderly and Disabled Homeowners Ordinance, Section 95-8 to Section 95- 15 of Chapter 95, Article III, of the Code of the Town of Fairfield, sponsored by the Senior & Disabled Tax Relief Committee, to the Legislation & Administration Committee, under Rule 32 of the RTM Rules to Regulate:

### **§ 95-8 Conditions for eligibility.**

**C.** The applicant shall be entitled to tax relief if all the following conditions are met:

**(5)** Such persons shall have individually, if unmarried, or jointly, if married, qualifying income in an amount not to exceed limits described below for each program for the tax year ending immediately preceding the application for tax relief benefits. "Qualifying income" is defined as adjusted gross income, as defined in the Internal Revenue Code of 1986, as may be amended from time to time, plus the nontaxable portion of any social security benefits, railroad retirement benefits, any tax shelter losses, income from other tax-exempt retirements and annuity sources and income from tax-exempt bonds and any other income not includable in adjusted gross income. Unreimbursed gross medical and dental expenses shall be deducted from income in calculating the applicant's Qualifying Income, as long as such unreimbursed gross medical and dental expenses are included on the applicant's federal income tax return of the calendar year immediately preceding the year of application as an itemized deduction and qualify as a medical deduction under Section 213(a) of the Internal Revenue Code of 1986, as may be amended.

### **§ 95-15 Tax relief programs.**

**B.** Tax deferral. Any taxpayer age 75 or older at the end of the preceding calendar year and meeting the eligibility requirements of § **95-8** and having qualifying income not exceeding \$80,000 may elect to apply for a deferral of up to 50% of the gross tax levied on applicable property each year in which the taxpayer, or his surviving spouse, continues to meet such eligibility requirements, subject to the following:

**(1)** The recipient shall enter into a written agreement with the Town providing for reimbursement, which shall be recorded in the land records of the Town and shall constitute a lien on the property payable upon death or conveyance.

**(2)** All deferral benefits plus interest shall be reimbursed to the Town: a) one year after the recipient's death, unless the recipient's surviving spouse applies for benefits under this program and also qualifies under § **95-8**; b) upon conveyance of the real property subject to taxation; or c) upon the property no longer being the recipient's principal residence.

**(3)** All benefits shall be subject to an interest charge at the greater of the annual percentage rate of 3% or the rate on ten-year United States Treasury Notes. The rate for the purposes of this subsection shall be set by the Chief Fiscal Officer of the Town of Fairfield on January 31 in each calendar year or, if such day is a day on which the fiscal office of the Town of Fairfield is not open, on the next prior day on which it is open. Such rate shall be effective for the following year. Such interest shall be simple interest, not compounded, and shall accrue from the date of deferral until the date of repayment.

**(4)** Total deferments, including accrued interest, for all years shall not exceed 70% of the most recent assessed value of the real property.

**(5)** The qualifying income threshold of \$80,000 for the tax deferral program indicated in § **95-15B** above shall be adjusted in the same manner as described in § **95-15C(2)** with respect to the tax credit program.

**(6)** If a decrease in the mill rate lowers the normal tax bill below the original deferral base, the applicant will pay the normal tax. When the normal tax bill exceeds the original deferral base, the applicant will pay the original deferral base.

**(7)** Taxpayers between the age 65 and 75 who had participated in the tax deferral option as of the 2012 Grand List may reapply for their original deferral base (deferring tax above that base), provided their qualifying income for the preceding year did not exceed \$80,000.

Submitted December 9, 2019