



General Assembly

February Session, 2020

Raised Bill No. 259

LCO No. 1914



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING NOTICE OF TAX DELINQUENCY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-141 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 ["Municipality"] Except as otherwise indicated in the context: (1)
4 "Municipality", wherever used in sections [12-142 to 12-170] 12-122 to
5 12-195h, inclusive, includes each town, consolidated town and city,
6 consolidated town and borough, city, borough, school district, fire
7 district, fire and sewer district, sewer district, lighting district and
8 improvement association and each municipal organization and taxing
9 district not previously mentioned; [. Except as otherwise indicated in the
10 context,] (2) "tax", wherever used in said sections, includes each
11 property tax and each installment and part thereof due to a
12 municipality, including any interest, penalties, fees and charges,
13 including collection fees of a collection agency, attorney's fees and those
14 fees and charges set forth in section 12-140; and (3) "tax collector",
15 "collector of taxes" and "collector", wherever used in sections 12-122 to
16 12-195h, inclusive, includes any assistant, agent, counsel or other person

17 authorized to perform the duties of such collector.

18 Sec. 2. Subsections (a) to (f), inclusive, of section 12-157 of the general
19 statutes are repealed and the following is substituted in lieu thereof
20 (*Effective October 1, 2020*):

21 (a) When a collector levies one or more tax warrants on real estate, he
22 or she shall prepare notices thereof, containing the name of the taxpayer,
23 a legal description of the real property or citation to an instrument in the
24 land records, an assessor's map or another publicly available document
25 identifying the real property's boundaries, the street address, if such real
26 property has one, the amount of the tax or taxes due, including any
27 interest and charges attributable to the property as of the last day of the
28 month immediately preceding the notice, a statement that additional
29 taxes, interest, fees and other charges authorized by law accruing after
30 the last day of the month immediately preceding the notice are owed in
31 addition to the amount indicated as due and owing in the notice, and
32 the date, time and place of sale. The collector shall post one notice on a
33 bulletin board in or near the collector's office in the town where such
34 real estate is situated, if any, or at some other exterior place near the
35 office of the town clerk, which is nearest thereto; one shall be filed in the
36 town clerk's office of such town and such town clerk shall record and
37 index the same as a part of the land records of such town, which
38 recording shall serve as constructive notice equivalent to a *lis pendens*
39 for all purposes, and one shall be sent by certified mail, return receipt
40 requested, to the taxpayer and each mortgage, lienholder and other
41 encumbrancer of record whose interest is choate and will be affected by
42 the sale. Such posting, filing and mailing shall be done not more than
43 twelve and not less than nine weeks before the time of sale and shall
44 constitute a legal levy of such warrant or warrants upon the real estate
45 referred to in the notice. Such collector shall also publish a similar notice
46 for three weeks, at least once each week, in a newspaper published in
47 such town, or in a newspaper published in the state having a general
48 circulation in such town. The first notice shall be published beginning
49 not more than twelve and not less than nine weeks before the time of
50 sale and the last shall be published not more than four weeks nor less

51 than two weeks before such sale. He shall also send by certified mail,
52 return receipt requested, to the delinquent taxpayer and to each
53 mortgagee, lienholder and other encumbrancer of record whose interest
54 in such property is choate and will be affected by such sale, a similar
55 notice which shall not be required to list information pertaining to
56 properties in which the person to whom the notice is directed has no
57 interest. The notice shall be sent at least twice, the first not more than
58 eight nor less than five weeks before such sale and the last not more than
59 four weeks nor less than two weeks before such sale. The notice shall be
60 addressed to his or her place of residence, if known to the collector; []
61 or to his or her estate or the fiduciary thereof if the collector knows him
62 or her to be deceased, in which case such mailing shall serve as
63 constructive notice to each of the delinquent taxpayer's heirs, devisees
64 and creditors whose interest in such property is inchoate regardless of
65 whether any application for administration of the decedent's estate has
66 been filed with the Probate Court having jurisdiction of such estate or
67 whether any action has been taken by such court on such application; or
68 to the address, or the agent of such person, to which such person has
69 requested that tax bills be sent. If there is no address of such person, or
70 if no such agent is given in the records of such town, the notice shall be
71 sent to the place where such person regularly conducts business or other
72 address as the collector believes will give notice of the levy and sale. If
73 a person is a corporation, limited partnership or other legal entity, the
74 notice may be sent to any person upon whom process may be served to
75 initiate a civil action against such corporation, limited partnership or
76 entity or to any other address that the collector believes will give notice
77 of the levy and sale. If no place of residence or business is known and
78 cannot be determined by the tax collector for any owner, taxpayer,
79 mortgagee, lienholder or other encumbrancer whose interest in the
80 property is choate and will be affected by the sale, in lieu of notice by
81 certified mail as provided in this subsection, the notice, together with
82 the list of mortgagees, lienholders, and other encumbrancers of record
83 whose interests in the property are choate and will be affected by such
84 sale, shall be published in a newspaper published in this state, having a
85 general circulation in the town in which such property is located at least

86 twice, the first not more than eight weeks nor less than five weeks before
87 such sale and the last not more than four weeks nor less than two weeks
88 before such sale.

89 (b) The collector may, for any reason, adjourn such sale from time to
90 time by causing public notice of such adjournment and the time and
91 place of such adjourned sale to be given either by oral announcement or
92 posting of a written notice at the time and place designated for the sale
93 in the notices of such sale. If the adjourned date is set for a date more
94 than three days from the date of the original or rescheduled sale date,
95 the tax collector shall provide a postage prepaid written notice of the
96 new time and place of the sale to the delinquent taxpayer and each
97 mortgagee, lienholder and other encumbrancer of record whose interest
98 is choate and will be affected by the sale.

99 (c) At the time and place stated in such notices, or, if such sale is
100 adjourned, at the time and place specified at the time of adjournment as
101 aforesaid, such collector (1) may sell at public auction to the highest
102 bidder all of said real property, to pay the taxes with the interest, fees
103 and other charges allowed by law, including, but not limited to, those
104 charges set forth in section 12-140, or (2) may sell all of said real property
105 to his municipality if there has been no bidder or the amount bid is
106 insufficient to pay the amount due.

107 (d) The collector shall post, at the time and place of the sale, a written
108 notice stating the amount of all taxes, interest, fees and other charges
109 authorized by law with respect to each property to be sold. The tax
110 collector may publish or announce any rules for the orderly conduct of
111 the auction and the making of payment by successful bidders which are
112 not inconsistent with the requirements of law. The tax collector or the
113 municipality may retain the services of auctioneers, clerks and other
114 persons to assist the tax collector in the conduct of the sale and the cost
115 of such persons paid for their services shall be added to the taxes due
116 from the delinquent taxpayer. If more than one property is sold, the tax
117 collector shall apportion all shared costs equally among all the
118 properties.

119 (e) Within two weeks after such sale, the collector shall execute a deed
120 thereof to the purchaser or to the municipality conducting the sale and
121 shall lodge the same in the office of the town clerk of such town, where
122 it shall remain unrecorded six months from the date of such sale.

123 (f) Within sixty days after such sale, the collector shall cause to be
124 published in a newspaper having a daily general circulation in the town
125 in which the real property is located, and shall send by certified mail,
126 return receipt requested, to the delinquent taxpayer and each
127 mortgagee, lienholder and other encumbrancer of record whose interest
128 in such property is choate and is affected by such sale, a notice stating
129 the date of the sale, the name and address of the purchaser, the amount
130 the purchaser paid for the property and the date the redemption period
131 will expire. The notice shall include a statement that if redemption does
132 not take place by the date stated and in the manner provided by law, the
133 delinquent taxpayer, and all mortgagees, lienholders and other
134 encumbrancers who have received actual or constructive notice of such
135 sale as provided by law, that their respective titles, mortgages, liens,
136 restraints on alienation and other encumbrances in such property shall
137 be extinguished. After [such notice is published] the first notice
138 published in a newspaper, not more than twelve and not less than nine
139 weeks before the time of sale, in accordance with the provisions of
140 subsection (a) of this section, and not later than six months after the date
141 of the sale or within sixty days if the property was abandoned or meets
142 other conditions established by ordinance adopted by the legislative
143 body of the municipality, if the delinquent taxpayer, mortgagee,
144 lienholder or other encumbrancer whose interest in the property will be
145 affected by such sale, pays to the collector, the amount of taxes, interest
146 and charges which were due and owing at the time of the sale together
147 with interest on the total purchase price paid by the purchaser at the rate
148 of eighteen per cent per annum from the date of such sale plus any taxes
149 and debts owed to the municipality that were not recovered by the sale
150 and any additional charges under section 12-140, such deed, executed
151 pursuant to subsection (e) of this section, shall be delivered to the
152 collector by the town clerk for cancellation and the collector shall

153 provide a certificate of satisfaction to the person paying the money who,
154 if not the person whose primary duty it was to pay the tax or taxes, shall
155 have a claim against the person whose primary duty it was to pay such
156 tax or taxes for the amount so paid, and may add the same with the
157 equivalent precedence, rate of interest and priority as the tax paid over
158 other nongovernmental encumbrances but without precedence or
159 priority over any state or municipal tax lien or any tax that was not yet
160 due and payable when notice of the levy was first published to any claim
161 for which he has security upon the property sold, provided the
162 certificate of satisfaction is recorded on the land records but the interests
163 of other persons in the property shall not be affected. Within ten days of
164 receipt of such amounts in redemption of the levied property, the
165 collector shall notify the purchaser by certified mail, return receipt
166 requested, that the property has been redeemed and shall tender such
167 payment, together with the amount held pursuant to subparagraph (A)
168 of subdivision (1) of subsection (i) of this section, if any, to the purchaser.
169 If the purchase money and interest are not paid within such redemption
170 period, the deed shall be recorded and have full effect.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	12-141
Sec. 2	<i>October 1, 2020</i>	12-157(a) to (f)

Statement of Purpose:

To (1) recognize, in certain situations, that other individuals perform tax collection duties, (2) specify that certain actions shall serve as constructive notice to certain individuals for purposes of tax delinquency sales of real property, and (3) revise a certain provision to account for instances in which the redemption by a delinquent taxpayer of the real property at issue occurs prior to the delinquency sale of such property.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]