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TOWN OF NORTH BRANFORD

Resolution of the Town Council designating the Town of North Branford as a Rehabilitation Area and establishing criteria for the eligibility of real property for assessment deferral and administrative procedures

WHEREAS, the rehabilitation of North Branford properties is critical to the needs of North Branford as a means of attracting, retaining and expanding North Branford's business base, increasing employment opportunities, and expanding North Branford's tax base; and

WHEREAS, the significant increases in property taxes brought about by extensive rehabilitation have been found to discourage this sorely needed investment in the Town of North Branford;

WHEREAS, adoption of the town-wide assessment deferral program will encourage the rehabilitation of aging or deteriorating structures, expansion of existing buildings, new construction; and to contribute to a stronger tax base;

WHEREAS, to help accomplish this goal the Town of North Branford, acting through the Town Council hereby establishes a process to take advantage of available economic development incentives as found permissible by the Connecticut General Statutes;

WHEREAS, the appropriate town department heads will review property assessment deferral applications on a case-by-case basis and the Town Council will base the decision to grant incentives to any specific project application, on the requirements of this adopted policy and the overall best interests of the town based on the required application materials; and

WHEREAS, in the event the applicant has an unusual or extraordinary circumstances and fails to meet all program requirements the applicant shall provide an explanation in writing. The Town Manager may recommend to the Town Council approval of the waiver, if requested in writing by the applicant, of any requirement contained in the Policy so long as the development is found to be consistent with the stated goals and objectives of the Town of North Branford's adopted economic development plans.

NOW, THEREFORE, BE IT RESOLVED that in accordance with section 12-65d et seq, of the Connecticut General Statutes (1958 Rev.) as amended, the Town Council of the Town of North Branford hereby designates all territory within the Town of North Branford as a Rehabilitation Area, and establishes criteria for eligibility of real property within the designated rehabilitation area for fixing of assessments during the period of rehabilitation and for deferral of increased assessments attributable to such rehabilitation, as detailed in the attached documents, subject to review by the Town Attorney's Office.

Motion: Councilor Candelora

Seconded By: Councilor Angeloni

Criteria for Eligibility

I. Use

Eligible business types include those listed below and are subject to the Tax Assessors review and approval:

- Commercial
- Industrial
- Manufacturing
- Warehousing
- Research and development and all types of technology facilities
- Mixed Use Development which contains at least 25% of its floor area designated for commercial use if combined with a specific plan for the timely, acceptable, sequential development of a site and located in the North Branford or Northford Design Districts

II. Extent and Nature of Improvement MUST:

- a. Result in an increase in the assessed value of the property of not less than thirty-five percent (35%); and
- b. Result in a structure that complies to the standards and requirements of the Zoning Regulations of the Town of North Branford and the State Building Code

III. Exceptions

The following properties and property owners are not eligible:

- a. Any property receiving abatement or deferral of increases caused by the rehabilitation any other assessment deferral or tax abatement program.
- b. Any property on which property taxes are delinquent.
- c. One – four unit residential living complexes and condominiums.
- d. Any property with existing environmental contamination or concerns relating to the safety of the site.

IV. Procedures for Obtaining and Execution of Assessment Fixing and Deferral

An eligible property owner seeking the fixing of the assessment and deferral of increases due to rehabilitation of his or her property shall follow the following procedures.

- a. A property owner shall file an Application with the Town Manager prior to the start of construction. Appropriate department heads review the application and final authorization is made by the Town Council.
- b. The fixing of assessments and deferral of increased assessments shall be made pursuant to an Agreement entered into between the title holder to such real property and the Town of North Branford, upon a determination of eligibility. Such Agreement shall provide that the assessment of a property shall be fixed pursuant to Section 12-65e of the General Statutes during the period of rehabilitation or construction as of the date of the Agreement until occupancy as determined by the issuance of a final Certificate of Occupancy or two (2) years from the date of the Agreement; or the date on which the work is sufficiently complete so the Property Owner can use it for which it is intended as determined by the Building Department, whichever event is earliest. Upon completion of the

rehabilitation or construction period, any increase in assessment attributable to such rehabilitation or construction shall be deferred for five (5) years, contingent upon the continued use of the Property for the purposes specified in the Agreement providing such Property continues to meet the eligibility criteria of this Resolution and provided further such deferral shall be determined as follows: For the first year following completion of such rehabilitation or construction, the entire increase shall be deferred; thereafter twenty percent (20%) of the increase shall be assessed against the Property each year until one hundred percent (100%) of such increase has been so assessed.

- c. Upon the execution of the Agreement, the owner shall commence such rehabilitation or construction work not more than one hundred and eighty (180) calendar days from the effective date of the agreement. Failure to commence the work within this time period shall constitute a breach of the Agreement.
- d. The Agreement to fix and defer assessment shall expressly provide that the Agreement shall run with the land for the effective period of the Agreement as described in paragraph IVc above and shall remain in effect upon the sale or transfer of the Property, and shall inure to the benefit of the purchaser or transferee, provided the use of the property is continued for those purposes for which the deferral was granted.
- e. In the event that the applicant, during the period of its participation in this program:
 1. Relocates its business from North Branford
 2. Becomes delinquent in taxes or fees,
 3. Closes its operation, or
 4. Declares bankruptcy,

Then any tax abatement or incentive benefit enjoyed by the applicant under this program shall be forfeited and the applicant shall be required to pay back all taxes that would have been assessed had the applicant not participated in the program.

V. Effect of General Revaluation by the Town of North Branford

In the event of a general revaluation by the Town of North Branford in the year in which such rehabilitation or construction is completed, resulting in any increase in assessment on such Property, only that portion of the increase resulting from such rehabilitation or construction shall be deferred; and in the event of a general revaluation in any year after the year in which such rehabilitation or construction is completed, such deferred assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such Property as a result of such general revaluation.

VI. Effective Date of This Resolution and Procedure for Pending Applications

This Resolution, passed in accordance with Sections 12-65c through 12-65f of the Connecticut General Statutes (1958 Rev.), as amended, shall take effect October 1, 2016

VII. Sunset Provision

This Resolution shall be terminated and have no further effect as of September 30, 2021.