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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO TAXATION - ASSESSMENT

Introduced By: Senators Tassoni, DeVall, P Fogarty, and Pichardo

Date Introduced: March 10, 2011

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 44-5-12 and 44-5-13.11 of the General Laws in Chapter 44-5
2 entitled "Levy and Assessment of Local Taxes" are hereby amended to read as follows:

3 **44-5-12. Assessment at full and fair cash value.** -- (a) All real property subject to
4 taxation shall be assessed at its full and fair cash value, or at a uniform percentage of its value,
5 not to exceed one hundred percent (100%), to be determined by the assessors in each town or
6 city; provided, that:

7 (1) Any residential property encumbered by a covenant recorded in the land records in
8 favor of a governmental unit or Rhode Island housing and mortgage finance corporation
9 restricting: ~~either~~ [\(i\) Either](#) or both the rents that may be charged or the incomes of the occupants
10 shall be assessed and taxed in accordance with section 44-5-13.11; [\(ii\) or the sale of an owner-](#)
11 [occupied single family home in accordance with subsection 44-5-13.11\(b\);](#)

12 (2) In assessing real estate which is classified as farm land, forest, or open space land in
13 accordance with chapter 27 of this title the assessors shall consider no factors in determining the
14 full and fair cash value of the real estate other than those which relate to that use without regard
15 to neighborhood land use of a more intensive nature;

16 (3) Warwick. - The city council of the city of Warwick is authorized to provide, by
17 ordinance, that the owner of any dwelling of one to three (3) family units in the city of Warwick
18 who makes any improvements or additions on his or her principal place of residence in the
19 amount up to fifteen thousand dollars (\$15,000), as may be determined by the tax assessor of the

1 city of Warwick, is exempt from reassessment of property taxes on the improvement or addition
2 until the next general citywide reevaluation of property values by the tax assessor. For the
3 purposes of this section, "residence" is defined as voting address. This exemption does not apply
4 to any commercial structure. The property owner shall supply all necessary plans to the building
5 official for the improvements or addition and shall pay all requisite building and other permitting
6 fees as now are required by law; and

7 (4) Central Falls. - The city council of the city of Central Falls is authorized to provide,
8 by ordinance, that the owner of any dwelling of one to eight (8) units who makes any
9 improvements or additions to his or her residential or rental property in an amount not to exceed
10 twenty thousand dollars (\$20,000) as determined by the tax assessor of the city of Central Falls is
11 exempt from reassessment of property taxes on the improvement or addition until the next general
12 citywide reevaluation of property values by the tax assessor. The property owner shall supply all
13 necessary plans to the building official for the improvements or additions and shall pay all
14 requisite building and other permitting fees as are now required by law.

15 (5) Tangible property shall be assessed according to the asset classification table as
16 defined in section 44-5-12.1.

17 (b) Municipalities shall make available to every land owner whose property is taxed
18 under the provisions of this section a document which may be signed before a notary public
19 containing language to the effect that they are aware of the additional taxes imposed by the
20 provisions of section 44-5-39 in the event that they use land classified as farm, forest, or open
21 space land for another purpose.

22 (c) Pursuant to the provisions of section 44-3-29.1, all wholesale and retail inventory
23 subject to taxation is assessed at its full and fair cash value, or at a uniform percentage of its
24 value, not to exceed one hundred percent (100%), for fiscal year 1999, by the assessors in each
25 town and city. Once the fiscal year 1999 value of the inventory has been assessed, this value shall
26 not increase. The phase-out rate schedule established in section 44-3-29.1(d) applies to this fixed
27 value in each year of the phase-out.

28 **44-5-13.11. Qualifying low-income housing -- Assessment and taxation.** - (a) Any
29 residential property that has been issued an occupancy permit on or after January 1, 1995, after
30 substantial rehabilitation as defined by the U.S. Department of Housing and Urban Development
31 and is encumbered by a covenant recorded in the land records in favor of a governmental unit or
32 Rhode Island housing and mortgage finance corporation restricting either or both the rents that
33 may be charged to tenants of the property or the incomes of the occupants of the property, is
34 subject to a tax that equals eight percent (8%) of the property's previous years' gross scheduled

1 rental income or a lesser percentage as determined by each municipality.

2 (b) Any single family owner-occupied property which is encumbered by a covenant
3 recorded in the land evidence records in favor of a governmental unit, the State of Rhode Island
4 housing resource commission or Rhode Island housing and mortgage finance corporation
5 restricting the sale price during the effective period of covenant ("affordability period") shall be
6 assessed by taking into account the effect of the covenant on the value of the property.

7 SECTION 2. This act shall take effect on January 1, 2012.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would require that the effect of a covenant in favor of a governmental unit be
2 considered in determining the value of property for purposes of assessment of taxes.

3 This act would take effect January 1, 2012.

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