

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

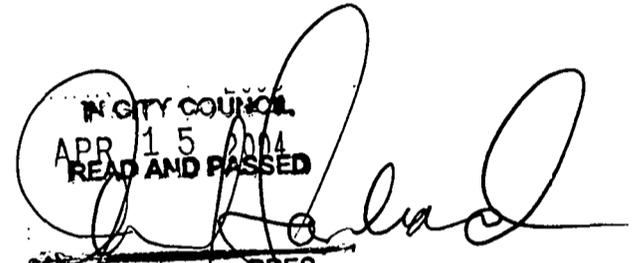
RESOLUTION OF THE CITY COUNCIL

No. 159

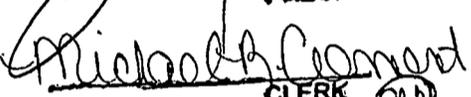
EFFECTIVE ~~XXXXXX~~ **Approved** April 25, 2004

Resolution Requesting to abate in whole, the demolition lien placed upon Assessor's Plat 48, Lot 314 (7-11 Salisbury Street), in the amount of Twenty Two Thousand Three Hundred Fifty Dollars and Sixty One (\$22,350.61) Cents.

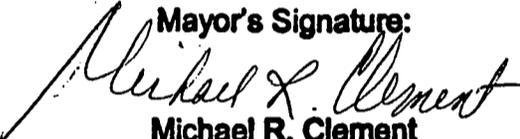
IN CITY COUNCIL
APR 15 2004
READ AND PASSED



PRES.


CLERK 

Effective without the
Mayor's Signature:



Michael R. Clement
City Clerk

IN CITY COUNCIL
MAR 18 2004
FIRST READING
REFERRED TO COMMITTEE ON
FINANCE

Michael R. Clement
CLERK

THE COMMITTEE ON
FINANCE

Approves Passage of
the Within Resolution, As Amended

Ann M. Steiner

3-30-04 Clerk

Consensus Aponte, By Request

MUNICIPAL LIEN CERTIFICATE
 CITY OF PROVIDENCE - OFFICE OF THE COLLECTOR
 CITY HALL PROVIDENCE, R. I. 02903 (401) 331-5252

DATE	PLATE	LOT	UNIT	LOCATION	CERT #	PAGE
March 29, 2004	048	0314	0000	11 Salisbury St	22,138	1

ASSESSED Annie L Morris
 OWNER

STATUS OF REAL ESTATE AND PERSONAL PROPERTY BILLS AS OF DATE PRINTED

YR	TYPE	ORIGINAL TAX	CHARGE	ADJUSTMENT ABATEMENT	PAID	BALANCE DUE	INTEREST	TOTAL DUE	BILL NAME
03	RE	\$2,039.00	\$0.00	\$0.00	\$1,529.25	\$509.75	\$0.00	\$509.75	Annie L Morris
		<u>\$2,039.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$1,529.25</u>	<u>\$509.75</u>	<u>\$0.00</u>	<u>\$509.75</u>	

NOTE - INTEREST SHOWN IS VALID FOR 30 DAYS FROM DATE ISSUE. ADDITIONAL CHARGES MAY APPLY IF PAYMENT IS RECEIVED LATER THAN 30 DAYS FROM DATE.
 NOTE - PLEASE BE AWARE THAT UNPAID TAXES MAY BE SUBJECT TO TAX SALE.

PLEASE CONTACT THE WATER SUPPLY BOARD AT 521-6300
 PLEASE CONTACT THE NARRAGANSETT BAY COMMISSION AT 521-6300

C E R T I F I C A T I O N

THIS IS TO CERTIFY THAT THE ABOVE IS TRUE AND CORRECT, SAID CERTIFICATION BEING GIVEN IN ACCORDANCE WITH 44-7-11 OF THE GENERAL LAWS OF RHODE ISLAND 1956, AS OF THE DATE PRINTED ABOVE.

Demolition Lien 22,000

MAILED TO: City Council
 City of Providence

Robert P. Ceprano

ROBERT P. CEPRANO
 TAX COLLECTOR

MARC CASTALDI, DEPUTY.



Mayor of Providence

David N. Cicilline

April 26, 2004

Michael R. Clement
Office of City Clerk
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Dear Mr. Clement:

I respectfully submit the following communication to the Office of City Clerk and the members of the Providence City Council in response to the Resolution requesting to abate in whole, the demolition lien placed upon Assessor's Plat 48, Lot 314 (7-11 Salisbury Street), in the amount of Twenty-Two Thousand Three Hundred Fifty Dollars and Sixty One Cents (\$22,350.61).

I continue my policy of extreme discretion and restraint in the use of veto power, and address this particular Resolution with utmost sensitivity and understanding. I requested the City Solicitor's Office render an opinion pertaining to the policies and procedures of the City of Providence with regard to the abatement of demolition liens. I have enclosed this written opinion, which prescribes the appropriate mechanism for the withdrawal and cancellation of outstanding accounts due to a City department, in accordance with the City of Providence Code of Ordinances § 21-12.

The Director of the Department of Inspections and Standards is vested with the authority to place liens upon property to recover costs incurred by the city for the demolition of structures deemed unsafe or unsanitary (Code of Ordinances § 13-100). Accordingly, the Director of the Department of Inspections and Standards is authorized to take necessary action to collect liens (§ 13-25), as well as initiate the process for the cancellation of uncollectible accounts (§ 21-12).

I recognize and respect the authority of the City Council to make requests of city departments, and voice expressions of sentiment, through the use of Resolutions. However, my decision to refrain from exercising veto authority in this particular instance should in no way be interpreted as support for the circumvention of legally prescribed processes for the cancellation of uncollectible accounts. In light of the fact that the Resolution in question is a

Resolution requesting to abate, I have instructed all pertinent departments to continue to follow the procedures set forth in the City of Providence Code of Ordinances § 21-12, regarding the cancellation of uncollectible accounts.

I am grateful for, and applaud to the fullest extent, the many decades of service Annie Morris has provided to the Providence community. I also believe that we cannot disregard the appropriate procedures for the cancellation of uncollectible accounts. I have instructed the Director of Inspections and Standards to collaborate with the City Solicitor's Office, review this request carefully and proceed according to law.

Sincerely,



David N. Cicilline
Mayor, City of Providence



Department of Law

April 26, 2004

The Hon. David N. Cicilline
Mayor
City of Providence
City Hall
Providence, RI 02903

Re: Procedure for Abating Demolition Liens

Dear Mayor Cicilline:

In regard to the recent passage of a Resolution requesting the abatement of a demolition lien in the amount of \$22,350.61 placed on property located at 7-11 Salisbury Street (AP 48, L 314), I have researched the policies and procedures to be utilized for the withdrawal and cancellation of outstanding debts to the City. There is a specific provision in the Providence Code of Ordinances governing this topic. Section 21-12 reads as follows:

It shall be the duty of the officer having charge of any department in which any indebtedness to the city shall accrue, to make out and leave at the office of the city collector accounts thereof within one month, and to send to the person so indebted copies thereof, with notices that said accounts are due and payable as aforesaid. If any such indebtedness has not been collected within a period a three (3) years, the city collector shall refer the same to the city solicitor for an opinion as to whether or not said indebtedness is uncollectible, and if the city solicitor shall certify that in his opinion any such indebtedness is uncollectible, the collector may withdraw and cancel said accounts.

It is worth noting that this provision was adopted in 1937, during the Depression, and amended in 1946. The ordinance encompasses all forms of debt, including liens that arise from housing and building code violations, and environmental violations. This interpretation of the ordinance is consistent with City and State law regarding the

* It does not apply to the abatement of tax liens, which are governed by State law.

demolition of unsafe structures. The City of Providence Code of Ordinances, Section 13-25, authorizes the Director of the Department of Building Inspection to collect liens placed by his department for demolition or for boarding of abandoned buildings. Amounts collected are to be deposited in the general fund for further boarding and/or demolition of buildings. Section 13-100 provides that demolition expenses incurred by the City

[. . .] together with a ten (10) per cent service charge in addition thereto, shall be a lien against all the real property owned by that person or corporation within the City of Providence; provided, however, that *such lien shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property*. Such lien shall be recorded with the records of land evidence of the City of Providence and the lien shall incur legal interest from the date of recording. (Italics added)

Because the ordinance essentially characterizes the lien (and the debt underlying it) as a general lien on personal property, and absent a specific grant of authority for the abatement of demolition liens, *see, e.g.*, Code of Ordinances Article VI, Sec. 21-129, *et seq.*, Tax Abatement on Rehabilitated Property, the procedure outlined in Sec. 21-12 is applicable. Although the City Collector states that to his knowledge, the City has not exercised the authority conferred by this section in many years, this clearly is the path articulated by the Providence City Council to abate non-tax liens.

The history of the instant property is, briefly, that a vacant structure at the rear of the property at 7 Salisbury Street was found unfit for human habitation on April 3, 1981. The homeowner was advised that the building would need to be properly secured, and follow-up correspondence reveals that this was done. However, the Director of Inspections and Standards' letter of April 30, 1981 advises that the building would need to be restored or demolished after the six months' grace period provided under the Rhode Island State Building Code. Some twelve *years* later, on July 21, 1993, the homeowner requested the Director to "include" the vacant house in the Department's "demolition program," because she did not have the funds to demolish it herself. The homeowner and her mortgage holder were notified on January 14, 1994 that the three-story house was unsafe. A bid for the demolition was awarded in March, and the home was razed in June 1994, at a cost of \$10,499.95. The balance now stands at \$22,350.61, including a 10% service charge and accrued interest, as required by Section 13-100 of the Code of Ordinances.

Now that the matter has been brought to the attention of the Director of Inspections and Standards through the Resolution, he is aware that this is a debt that has gone uncollected in excess of the three months contemplated by Section 21-12. It should be referred to the City Collector, who in turn may properly request an opinion from the City Solicitor as to the status of the account. Should the Solicitor's Office determine that

Hon. David Cicilline

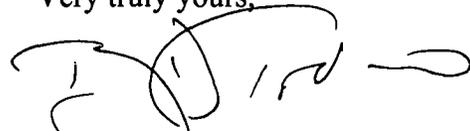
April 26, 2004

Page 3

the demolition lien is *collectible* and therefore should not be withdrawn and cancelled, resort to the Council may be appropriate. At the moment, however, such a step is premature.

If there are further questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bruce D. Todesco". The signature is fluid and cursive, with a large initial "B" and "T".

Bruce D. Todesco

Senior Assistant City Solicitor

DEPARTMENT OF CITY CLERK



Michael R. Clement
City Clerk

Claire E. Bestwick
First Deputy

DEPARTMENT OF CITY CLERK
CITY HALL

Anna M. Stetson
Second Deputy

RESOLUTIONS AND ORDINANCES REQUESTED

Date: 3/10/04

Time: 11:30

Council Person Oporets

By Request
Not By Request

Summary: Abating demolition land

for 7-11 Salisbury Street.

Information coming from
Sam Shannon.

Taken By: Claire