

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 2012-31

**No. 337**

**AN ORDINANCE** AMENDING ORDINANCE NO. 414 OF CHAPTER 2011-24, ADOPTED JULY 18, 2011 PROVIDING FOR THE ASSESSMENT AND COLLECTION OF 2012 TAXES IN A SUM NOT LESS THAN THREE HUNDRED SEVENTEEN MILLION ONE HUNDRED SIXTEEN THOUSAND ONE HUNDRED SEVENTY FIVE (\$317,116,175) DOLLARS AND NOT MORE THAN THREE HUNDRED THIRTY FIVE MILLION FOUR HUNDRED NINETY TWO THOUSAND FIVE HUNDRED EIGHTY FOUR (\$335,492,584) BEING BASED ON A ONE HUNDRED PERCENT (100%) OF THE 2012-2013 FISCAL YEAR TAX COLLECTIONS, AMENDING SECTION 21-182 OF THE CODE OF ORDINANCES TO REFLECT THE TAX CLASSIFICATION PLAN APPROVED BY THE RHODE ISLAND GENERAL ASSEMBLY, AMENDING SECTION 21-126 OF THE CODE OF ORDINANCES TO RAISE THE PERSONAL EXEMPTIONS, AND SETTING THE HOMESTEAD RATES FOR FISCAL YEAR 2013

*Approved June 12, 2012*

***Be it ordained by the City of Providence:***

Section 1. The City Council of the City of Providence hereby orders the assessment and collection of a tax on the ratable real estate and tangible personal property, as well as orders the assessment and collection of an excise tax on all registered motor vehicles, in a sum not less than THREE HUNDRED SEVENTEEN MILLION ONE HUNDRED SIXTEEN THOUSAND ONE HUNDRED SEVENTY FIVE (\$317,116,175) DOLLARS AND NOT MORE THAN THREE HUNDRED THIRTY FIVE MILLION FOUR HUNDRED NINETY TWO THOUSAND FIVE HUNDRED EIGHTY FOUR (\$335,492,584) Dollars being one hundred percent (100%) of the 2012-2013 year tax collection, said tax is for ordinary expense charges and for the payment of interest and indebtedness in whole or in part of the City of Providence and for other purposes authorized by law.

Section 2. The Providence City Assessor shall assess and apportion said tax on inhabitants and ratable real estate and tangible personal property of said City as of the 31<sup>st</sup> day of December AD 2011 midnight, Eastern Standard Time, as well as assess and apportion said excise tax on owners of registered motor vehicles in the City of Providence during calendar year 2011, according to law, and shall on completion of said assessment, date and sign, and shall make out and certify to the City Collector of the City of Providence, on or before the 15<sup>th</sup> day of June AD 2012, or as permitted or extended by law, a complete listing containing: (1) the names of persons taxed and the total value of all real estate taxed to each; (2) the amount of the personal estate, except manufacturer's machinery and equipment, assessed against each person; and, (3) the amount of said motor vehicle excise assessment against each person, on said real estate, personal estate and motor vehicle opposite the name of the person or persons assessed.

The assessment of real estate, personal estate and motor vehicles shall appear on separate lists.

Said taxes shall be due and payable on and between the first day of July AD 2012, next, and the twenty-fourth-day of July, AD 2012, next, and all taxes remaining unpaid as of said last named day shall carry until collected a penalty at the rate of twelve percent (12%) per annum upon such unpaid real estate, personal estate and excise taxes.

Said taxes may be paid in four (4) installments, the first installment of twenty-five percent (25%) on or before the twenty-fourth day of July AD 2012, next, and the remaining installments as follows:

Twenty-five percent (25%) on the  
Twenty-fourth day of October AD 2012  
Twenty-five percent (25%) on the  
Twenty-fourth day of January AD 2013  
Twenty-five percent (25%) on the  
Twenty-fourth day of April AD 2013

Each installment period successively and in order shall be free from any charges for interest; provided, however, the option to pay taxes in quarterly installments shall not apply to any tax account levied in an amount not in excess of one hundred dollars (\$100.00). If the first installment or any succeeding installment of taxes is not paid by the last day of the respective installment period or periods as they occur, then the whole tax or remaining unpaid balance of the tax, as the case may be, shall immediately become due and payable and shall carry until collected a penalty at the rate of twelve percent (12%) per annum on said real estate, personal estate and excise taxes.

The City Collector shall by advertisement in a public newspaper of the City notify all persons assessed to pay their respective taxes at his/her office; said Collector shall attend daily, Saturdays, Sundays, and holidays excepted, at his/her office from eight-thirty o'clock a.m. to four o'clock p.m. to receive taxes.

Section 3. This ordinance is enacted pursuant to Rhode Island General Laws 44-5-2 (a).

Section 4. Section 21-182 of the Code of Ordinances, entitled "Apportionment of taxes," is amended as follows;

(a) The tax classification plan is hereby adopted with the following limitations:

(1) The designated classes of property shall be limited to the four (4) classes as defined in subsection (b) hereof.

(2) The tax rate for Class 2 shall not be more than two (2) times the tax rate of Class 1, without regard to any applicable homestead exemption; the tax rate applicable to Class 3 shall not exceed the tax rate of Class 1 by more than two hundred percent (200%).

(3) Notwithstanding subdivision (a) (2) hereof, the tax rate applicable to wholesale and retail inventory within Class 3 as defined in subsection (b) hereof, are governed by Rhode Island General Laws 44-3-19.1.

(4) Notwithstanding subdivision (a) (2) hereof, tax rates applicable to motor vehicles within Class 4 as defined in subsection (b) hereof, are governed by Rhode Island General Laws 44-34.1-1.

(5) The provisions of Rhode Island General Laws, chapter 35 of title 44 relating to property tax and fiscal disclosure applies to the reporting of and compliance with these classifications.

(b) *Classes of property.*

(1) *Class 1.* Residential real estate consisting of no more than five (5) dwelling units, land classified as open space, and dwellings on leased land including mobile homes. This class may also include residential properties containing partial commercial or business uses and residential real estate of more than five (5) dwelling units. A homestead exemption is authorized within this class as follows: (a) owner-occupied residential real estate may be granted an exemption in an amount not to exceed fifty percent (50%) of the assessed valuation; except owner occupied residential real estate with an assessed valuation of one million dollars (\$1,000,000) or more is granted an exemption in an amount not to exceed fifty percent (50%) of the assessed valuation attributable to the first one million dollars (\$1,000,000) of valuation, and thereafter, an exemption of thirty-three percent (33%); and further that owner-occupied residential real estate consisting of more than five (5) dwelling units may be granted an exemption in an amount not to exceed fifty percent (50%) of the assessed valuation attributable to the first five (5) dwelling units. Owner-occupied mixed use real estate may be granted an exemption in an amount not to exceed fifty percent (50%) of the assessed valuation attributable to the first five (5) dwelling units of the residential portion of such real estate; or (b) in the case of non-owner-occupied residential real estate consisting of five (5) dwelling units or less an

valuation may be granted. Non-owner-occupied residential real estate consisting of more than five (5) dwelling units may be granted an exemption in an amount not to exceed fifteen percent (15%) of the assessed valuation attributable to the first five (5) units. Non-owner-occupied mixed use real estate may be granted an exemption in an amount not to exceed fifteen percent (15%) of the assessed valuation attributable to the first five (5) units of the residential portion of such real estate. Page 3

The percentage reduction in valuation of residential real estate pursuant to the homestead exemption shall apply to residential real estate containing five (5) or fewer dwelling units. In the case of multiple dwellings containing more than five (5) dwelling units, the percentage reduction in valuation shall be applied to the result of dividing the assessed valuation by the number of dwelling units in the multiple dwelling and multiplying the quotient by five (5).

The granting of an application for an owner-occupied or non-owner-occupied homestead exemption as referenced above as type (a) or (b) is subject to the following limitations:

a. To be eligible for a type (a) or (b) homestead exemption, effective as to the assessment date of December 31 at midnight, an applicant must file with the City Assessor no later than July 31 a homestead exemption application, together with a declaration, and present evidence, under oath, as to the owner-occupied or non-owner-occupied status together with any other proof of residency or ownership and the ownership of all motor vehicles registered either with the State of Rhode Island or with any foreign state, and to provide that information in any manner which may be required by the City Assessor; except, that in the case of new construction of, or renovation of no less than thirty percent (30%) of the prior year's assessment of improvements, as certified by the Providence building official, of foreclosed upon existing structures for affordable owner-occupied residential property, eligibility for the homestead exemption shall be determined upon application on or after the date of the execution of a purchase and sales agreement for a specific property, but no later than sixty (60) days of its sale, and, if granted, applied on a pro rata basis for the remainder of the current tax year as if the homestead exemption had been granted as of the prior December 31<sup>st</sup> assessment date. "Affordable residential property" shall mean property determined to be affordable under the rules and regulations of the Department of Planning and Development. For good cause, the City Assessor may, with advice of the Board of Tax Assessment Review, accept applications for homestead exemptions for the filing deadline for current or previous taxes only.

b. Only natural person(s) are qualified to receive the type (a) owner-occupied residential real estate homestead exemption. Real property which is partially or wholly owned by a business, an institution, a non-profit organization, a financial institution that has foreclosed on real estate, including, without limitation, HUD, Rhode Island Housing and Mortgage Finance Corporation, or any other such public or private entity, do not qualify for a type (a) owner-occupied real estate homestead exemption; provided, however, that with respect to the application of the owner-occupied real estate homestead exemption to taxes assessed as of December 31, 2011, the City Assessor may, with the advice of the Board of Tax Assessment Review, accept an application and grant a type (a) owner-occupied real estate homestead exemption to an entity and its shareholder(s)/member(s)/owner(s), as the case may be, upon receiving a sworn declaration from said person(s) that he/she/they primarily resided in the subject real estate as of December 31, 2011, and that the ownership of the subject property is in said entity's name solely for estate purposes.

c. Applicants may qualify only for one (1) type (a) owner-occupied real estate homestead exemption in the City at any one (1) point in time. In addition, an owner of real estate in the City of Providence must meet all of the following requirements in order to qualify for a type (a) owner-occupied homestead exemption:

(1) Neither the homestead exemption applicant nor the applicant's spouse is receiving a homestead exemption for another piece of real property, located elsewhere in the State of Rhode Island, or in any other State of the United States, for the same period of time the owner is seeking the homestead exemption for property owned in Providence, unless during that time the owner is either legally separated or divorced from the spouse during some or all of the period in which they are claiming more than one homestead exemption;

(2) The homestead exemption applicant, and the homestead applicant's spouse, is paying the Providence excise tax due on each and every motor vehicle owned by either one when that vehicle is garaged more than 30 days in the State of Rhode Island, unless (a) the vehicle is registered in the name of the applicant's spouse, and (b) the homestead exemption applicant and the spouse are either legally separated or divorced;

(3) The homestead exemption applicant has filed with the Providence Tax Assessor a current listing of all motor vehicles with foreign registrations that the applicant owns as required by R.I.G.L. §31-7-1.

If a homeowner currently receiving the homestead exemption has at least one motor vehicle registered to the same address as the property receiving the exemption, then the tax collector shall presume that these requirements have been complied with; however, the tax collector shall have the authority to investigate whether other circumstances (such as the ownership of additional motor vehicles registered elsewhere) indicate noncompliance that overcomes this presumption. If a homeowner currently receiving the exemption does not have any motor vehicles registered to the same address, the tax collector may take appropriate action to ascertain compliance with these requirements and to revoke the homestead exemption, both prospectively and retroactively as necessary to the enactment of this ordinance.

d. The homestead exemption, either type (a) or (b), attaches to the owner(s) of the real property not to the real property itself.

e. The City Assessor shall deny an application for the homestead exemption filed for either type (a) or (b) if the City Assessor determines that an execution of record based upon a judgment of the housing court for a real estate code violation(s) against the applicant remains unsatisfied.

f. In the event the property granted an exemption is sold or transferred during the year for which the homestead exemption is claimed, the exemption is void for that portion of the year following the sale or transfer. The buyer or transferee shall be liable to the City for any tax benefit received after the date of sale or transfer.

g. If the taxpayer knowingly gives misinformation as to ownership and/or occupancy of the real estate and/or ownership of motor vehicles on his/her application for a homestead exemption, the City Assessor may, in such event, remove the homestead exemption and recalculate the tax for the period in question and in addition charge the taxpayer the maximum interest permitted by law. If the taxpayer provides incorrect information, knowingly or not, the city assessor may remove the homestead exemption and may impose back taxes up to the full amount owed for the period in question.

h. The City Assessor is empowered to promulgate any further rules and regulations which he/she deems necessary to carry out the intent and purpose of this ordinance as it relates to the homestead exemption.

(2) *Class 2.* Commercial and industrial real estate, residential properties containing partial commercial or business uses and residential real estate of more than five (5) dwelling units. Properties containing partial commercial or business uses and residential real estate of more than five (5) dwelling units may be included in Class 1.

(3) *Class 3.* All ratable tangible personal property.

(4) *Class 4.* Motor vehicles and trailers subject to the excise tax created by General Laws, chapter 34 of title 44. For FY2013, the motor vehicle tax exemption shall be one thousand dollars (\$1,000.00). The rate of taxation shall be \$60.00 per thousand of assessed value less any applicable reductions.

(c) The City, pursuant to Rhode Island General Laws 44-5-11.8(c), adopts a tax rate for Class 2 which shall not be more than two times the tax rate of Class 1, without regard to any applicable homestead exemption; the tax rate applicable to Class 3 shall not exceed the tax rate of Class 1 by more than two hundred percent (200%).

Section 5. In keeping with the authorization provided in Rhode Island General Laws 44-3-31 and 44-3-24, Section 21-126 of the Providence Code of Ordinances is hereby amended as follows:

The amount of the following exemptions with respect to the assessed value from local taxation on taxable property is fixed as follows:

(a) Veterans as defined in Section 44-3-4 of the General Laws of Rhode Island and the un-remarried widow or widower of such veterans at six thousand dollars (\$6,000.00)

(b) Blind persons as defined in Section 44-3-12 of the General Laws of Rhode Island at thirty-six thousand dollars (\$36,000.00).

(c) Veterans who are totally disabled as defined in Section 44-3-4, of the General Laws of Rhode Island at twelve thousand dollars (\$12,000.00).

(d) Gold Star Parents as defined in Section 44-3-5 of the General Laws of Rhode Island at eighteen thousand dollars (\$18,000.00).

(e) Specially adapted housing for paraplegic veterans as defined in Section 44-3-4 of the General Laws of Rhode Island at sixty thousand dollars (\$60,000.00).

(f) For any person sixty-five (65) years of age or over at twenty thousand dollars (\$20,000.00).

(g) For persons who are one hundred percent (100%) disabled as determined pursuant to Title II and Title XVI of the Social Security Act, 42 U.S.C. § 401 et seq., and 42 U.S.C. § 1381 et seq., as amended, or who, by reason of their being one hundred percent (100%) disabled, are receiving disability payments from sources other than the social security administration (such as employees of the railroad, federal civil service, postal service, and the Providence police and fire departments) at nineteen thousand five hundred dollars (\$19,500.00).

(h) For any person sixty-two (62) through sixty-four (64) years of age, who is receiving social security benefits, eighteen thousand dollars (\$18,000.00).

(i) Prisoners of War who are veterans of military or naval service of the United States of America, as defined in Section 44-3-4(e) of the General Laws of Rhode Island and the unmarried widow or widower of such prisoner of war at thirty thousand dollars (\$30,000.00).

Provided, however, that any such increase in exemption provided for herein over the amount heretofore provided by general or special law shall apply only to real property[3].

Section 6. This ordinance shall take effect upon its passage.

IN CITY COUNCIL  
JUN 07 2012  
FIRST READING  
READ AND PASSED  
Car M. Steh CLERK

IN CITY COUNCIL  
JUN 11 2012  
FINAL READING  
READ AND PASSED  
W. Steh PRESIDENT  
Car M. Steh CLERK

I HEREBY APPROVE.  
April Tavernier  
Mayor  
Date: 6/12/12