

RESOLUTION OF THE CITY COUNCIL

No. 195

Approved April 15, 1994

RESOLVED, that the City Council endorses and urges passage by the General Assembly of House Bill 94-H 8927 Relating to Tax Sales, in substantially the form attached.

IN CITY COUNCIL
APR 7 1994
READ AND PASSED
James H. Russell
PRES.
Richard L. Clement
CLERK

APPROVED
APR 15 1994
Vincent A. Cianci
MAYOR

INCL. COST/VT

PRINTED AND SERIALIZED

CLERK
3/31/54

IN CITY COUNCIL
March 17, 1954
FIRST READING
REFERRED TO COMMITTEE ON
FINANCE

Legislative Matters

Michael L. Clark CLERK

THE COMMITTEE ON

Legislative Matters

Approves Passage of
The Resolution *As Amended*

Barbara A. Quinn

3/31/54 Clerk

Councilman Flavin, Lombardi and Aguzzi (By request)

PD1399

STATE OF RHODE ISLAND

94-H 8927

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1994

A N A C T

RELATING TO TAX SALES

94-H 8927 (By Request)

Introduced By: Rep. S. Smith

Date Introduced: February 17, 1994

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 44-9-12, 44-9-14 and 44-9-25.1 of the Gen-
 2 eral Laws in Chapter 44-9 entitled "Tax Sales" are hereby amended to
 3 read as follows:

4 44-9-12. Collector's deed -- Rights conveyed to purchaser --
 5 Recording. -- The collector shall execute and deliver to the purchaser
 6 a deed of the land, stating the cause of sale, the price for which the
 7 land was sold, the places where the notices were posted, the name of
 8 the newspaper in which the advertisement of the sale was published,
 9 and the residence of the grantee. The deed shall convey the land to
 10 the purchaser, subject to the right of redemption. The title thus con-
 11 veyed shall, until redemption or until the right of redemption is
 12 foreclosed as hereinafter provided, be held as security for the repay-
 13 ment of the purchase price, with all intervening costs, terms imposed
 14 for redemption, and charges, with interest thereon, and the premises
 15 conveyed, both before and after either redemption or foreclosure,
 16 shall also be subject to and have the benefit of all easements and re-
 17 strictions lawfully existing in, upon, or over the land or appurtenant

1 thereto. The deed shall not be valid unless recorded within sixty (60)
2 days after the sale. If so recorded it shall be prima facie evidence
3 of all facts essential to the validity of the title thereby conveyed.
4 Except as otherwise provided, no sale hereafter made shall give to the
5 purchaser any right to either the possession, or the rents, or profits
6 of the land until the ~~expiration of one year after the date of the~~
7 ~~sale;~~ right of redemption is foreclosed, nor shall any sale obviate or
8 transfer any responsibility of an owner of property to comply with any
9 statute of this state or ordinance of any municipality governing the
10 use, occupancy, or maintenance or conveyance of property until the
11 right of redemption is foreclosed.

12 44-9-14. Purchase by collector for town. -- If at the time and
13 place of sale no person bids for the land offered for sale an amount
14 equal to the tax and charges, the collector shall then and there make
15 public declaration of the fact; and, if no bid equal to the tax and
16 charges is then made, the collector shall give public notice that the
17 collector purchases for the town by which the tax is assessed the land
18 as offered for sale at the amount of the tax and the charges and
19 expenses of the levy and sale. This amount, together with the cost of
20 recording the deed of purchase, shall be allowed the collector in his
21 or her settlement with the town, provided the collector causes the
22 deed to be duly recorded within sixty (60) days after the purchase and
23 to be delivered to the town treasurer.

24 Whenever the collector of a city or town shall have purchased
25 land therein he may, in the name and on behalf of said city or town or
26 redevelopment agency, take immediate possession of such land and,
27 until the tax title so acquired is redeemed, collect rent and other
28 income from such land. Rent and income, after the payment therefrom
29 of all necessary expenses in the care, repair and management of such
30 land, shall be applied on account of taxes, assessments, rates,
31 charges, interest and costs due said city or town on said land, with
32 any balance remaining being paid to the person otherwise entitled
33 thereto.

1 44-9-25.1. Foreclosure of the rights of redemption on account of
2 abandonment. -- Notwithstanding the provisions of section 44-9-25 of
3 this chapter, following a sale of land for taxes, whoever then holds
4 the title thereby acquired may bring an immediate petition in the
5 superior court for the foreclosure of all rights of redemption there-
6 under upon a finding by the superior court of abandonment. The peti-
7 tion shall include a description of the land to which it applies, with
8 its assessed valuation, the petitioner's source of title, giving ref-
9 erence to the place, book, and page of the record, and such other
10 facts as may be necessary for the information of the court. A finding
11 of abandonment shall be made under the following circumstances:

12 (a) The summons initiating the proceedings for the foreclosure of
13 all rights of redemption and directed to the taxpayer(s) at the
14 taxpayer's premises, or at the last known address of the taxpayer, if
15 known by the petitioner to be different from that of the taxpayer's
16 premises, is returned not found.

17 (b) Upon the return of such summons as "not found," the peti-
18 tioner may move the court, notice of the motion having been sent to
19 the taxpayer by certified mail at the taxpayer's last known address,
20 for the appointment of the code enforcement officer of the city or
21 town or other appropriate person as an officer of the court to make a
22 personal inquiry into the whereabouts of the taxpayer. The inquiry
23 shall include visits to the taxpayer's premises, and inquiries with
24 neighbors, known relatives, employers, and any other person or entity
25 whom the officer may reasonably conclude has information to the where-
26 abouts of the taxpayer.

27 (c) If the officer of the court, upon such inquiry, is unable to
28 ascertain the whereabouts of the taxpayer, the court may, upon hearing
29 the report of the officer and being satisfied as to its thoroughness,
30 enter a finding that the taxpayer's premises are abandoned, and order
31 that all rights of redemption thereunder be immediately foreclosed on
32 account of the abandonment.

33 (d) If the inquiry of the officer results in the location of the

1 taxpayer; the taxpayer shall be ordered by the court to appear for the
2 limited purpose of declaring his or her intention with regard to exer-
3 cising his right of redemption over the property; if, upon making such
4 an appearance, the taxpayer states that neither he or she nor anyone
5 holding under him or her intends to occupy the mortgaged premises, the
6 court may order that all rights of redemption be immediately fore-
7 closed on account of that abandonment;

8 (e) Any person who willfully misrepresents facts regarding the
9 finding of abandonment of taxpayer's premises or who engages in
10 harassment or pressure to cause taxpayers to abandon premises or
11 otherwise fraudulently obtains a finding of abandonment or a finding
12 that premises have not been abandoned, shall be guilty of a misdemea-
13 nor punishable by a fine of not less than one thousand dollars (\$1,000)
14 or thirty (30) days in prison;

15 (f) Actions brought under this section to foreclose the right of
16 redemption on account of abandonment in the superior court shall be
17 given precedence on the calendar and shall be heard not later than
18 thirty (30) days from the initiation of such proceedings;

19 Whenever a city or town or a redevelopment agency shall have pur-
20 chased or taken land for nonpayment of taxes, and the city or town or
21 redevelopment agency has reason to believe the building(s) or improve-
22 ment(s) thereon are unoccupied, he shall forthwith request the build-
23 ing official, or such other authorized person, to inspect the build-
24 ing(s).

25 If the building official determines that said building(s) or
26 improvement(s) are in fact unoccupied property, he shall notify the
27 taxpayer and, if appropriate, the mortgagee in possession or lessee,
28 of any violations of the state building code and the housing and prop-
29 erty maintenance code which must be corrected. Such notice shall
30 include a statement that the inspection was conducted at the request
31 of the city or town or redevelopment agency and that the failure of
32 the taxpayer to correct the conditions described in the aforementioned
33 notice within sixty (60) days will result in proceedings to foreclose

1 the right of redemption on account of abandonment.
2 Said notice shall be served upon the taxpayer:
3 (1) By any person authorized by law to serve civil process within
4 the state of Rhode Island by serving a copy of the notice upon the
5 taxpayer or by leaving a copy of said notice at the last and usual
6 place of abode; or
7 (2) By sending said taxpayer a copy of the notice by registered
8 mail, return receipt requested; or
9 (3) By publication in one (1) or more newspapers of general cir-
10 ulation in the municipality where the building or premises in viola-
11 tion is situated and by posting a copy of said notice in a conspicuous
12 place on or about the building or premises in violation.
13 If, at the expiration of the sixty (60) day period, the building
14 official is of the opinion that no action has been initiated to cor-
15 rect the conditions described in the aforementioned notice, he shall
16 notify the treasurer of the city or town in writing, under penalty of
17 perjury, that the building(s) or improvement(s) on the land have been
18 found to be abandoned property. Such written notice shall include the
19 facts and circumstances which formed the basis of his findings, and a
20 copy of the notice served on the taxpayer, or if service was by publi-
21 cation, an account of the steps taken to locate the owner of record
22 and a copy of the published notice.
23 Upon receipt of such written notice, the treasurer of said city
24 or town shall bring a petition for foreclosure of redemption of said
25 land.
26 SECTION 2. Chapter 44-9 of the General Laws entitled "Tax Sales"
27 is hereby amended by adding thereto the following sections:
28 44-9-14.1. Taking for taxes -- Notice -- Instrument -- Form --
29 Contents -- Effect. -- If the taxes are not paid, the collector may,
30 notwithstanding the provisions of section 44-9-8, take such land for
31 the city or town or a redevelopment agency established in conformance
32 with chapter 45-31, first giving notice of his intention to exercise
33 such power of taking, which notice may be served in a manner consist-

1 ent with the requirements of section 44-9-10 of this chapter or may be
2 published and shall conform to the requirements of section 44-9-9 of
3 this chapter.

4 Whenever the collector of a city or town shall have taken land
5 therein he may, in the name and on behalf of said city or town or
6 redevelopment agency, take immediate possession of such land and,
7 until the tax title so acquired is redeemed, collect rent and other
8 income from such land. Rent and income, after the payment therefrom
9 of all necessary expenses in the care, repair and management of such
10 land, shall be applied on account of taxes, assessments, rates,
11 charges, interest and costs due said city or town on said land, with
12 any balance remaining being paid to the person otherwise entitled
13 thereto. Upon petition of any person having a right to redeem such
14 tax title, the superior court, if it adjudges justice and the circum-
15 stances so warrant, may, upon such terms as it shall deem equitable,
16 enjoin a taking of possession under this section or command the sur-
17 render of a possession taken.

18 Neither said city or town nor any of its officers, agents or
19 employees or a redevelopment agency nor any of its officers agents or
20 employees shall be liable or accountable to the owner or to any other
21 person having an interest in such land for failure to collect rent or
22 other income therefrom; and neither said city or town nor any of its
23 officers shall be liable for injury or damage caused by the posses-
24 sion of land under this section to such land or to the person or prop-
25 erty of any person.

26 The instrument of taking shall be under the hand and seal of the
27 collector and shall contain a statement of the cause of the taking,
28 the places where the notices were posted, the name of the newspaper in
29 which the taking was advertised, the amount of tax thereon, and the
30 incidental expenses and costs to the date of taking. This amount,
31 together with the cost of recording the deed of taking, shall be
32 allowed the collector in his settlement with the city or town or
33 redevelopment agency, provided the collector causes the deed to be

1 duly recorded within sixty (60) days after the purchase and to be
2 delivered to the treasurer of said city or town or to the secretary of
3 a redevelopment agency. If so recorded, it shall be prima facie evi-
4 dence of all facts essential to the validity of title so taken. Title
5 to the land so taken shall thereupon vest in the said city or town or
6 redevelopment agency, subject to the right of redemption. Such title
7 shall, until redemption or until the right of redemption is foreclosed
8 as hereinafter provided, be held as security for the repayment of said
9 taxes with all intervening costs, terms imposed for redemption and
10 charges, with interest thereon, and the premises so taken, both before
11 and after either redemption or foreclosure, shall also be subject to
12 and have the benefit of all easements and restrictions lawfully exist-
13 ing in, upon or over said land or appurtenant thereto, and, except as
14 provided in section 44-9-17.1, all covenants and agreements running
15 with said premises either at law or in equity, when so taken.

16 44-9-17.1. Foreclosure by municipalities -- Tax titles -- Cove-
17 nants calling for money payments by the owners. -- After foreclosure
18 by a city or town or redevelopment agency of the right of redemption
19 under a tax title or taking, as in herein before provided, the land
20 shall thereafter be held and disposed of like any land belonging to it
21 and held for municipal purposes. While so held, said land shall not
22 be assessed taxes.

23 Before foreclosure, the provisions of any covenant or agreement
24 running with the land which calls for the payment of money by the
25 owner thereof, shall not be enforceable against a city or town or
26 redevelopment agency which is the owner of record of such land under a
27 tax title or taking.

28 44-9-25.2. Purchase by city or town of tax title on account of
29 abandonment. -- Whenever the building official of the city or town has
30 reason to believe that a building is abandoned and that tax title has
31 been held on said property for over one (1) year from sale of taxes
32 and no petition has been brought for the foreclosure of redemption, he
33 may give notice to the treasurer of said city or town of his findings.

94-H 8927

1 The treasurer shall then notify the purchaser of tax title to petition
2 to foreclose the right of redemption within thirty (30) days. Such
3 notice shall be sent by registered or certified mail to the purchaser
4 of tax title at his premises or to the last known address of said pur-
5 chaser.

6 If at the end of the thirty (30) day period, a petition to
7 foreclose redemption has not been filed, the treasurer may petition
8 foreclosure of redemption on behalf of the city or town. The petition
9 shall set forth: that the property has been determined to be aban-
10 doned; the purchaser of tax title; the original sum in intervening
11 taxes and costs by him or her, plus a penalty as provided in section
12 44-9-19, or in the case of an assignee of a tax title from a town, the
13 amount stated in the instrument of assignment, plus the abovementioned
14 penalty. The treasurer shall deposit with the court said amount. If
15 the purchaser of tax title has filed a petition of foreclosure of
16 redemption, the treasurer may not petition for foreclosure of redemp-
17 tion on behalf of the city or town. However, if after ninety (90)
18 days following the filing of the petition for foreclosure of redemp-
19 tion by the tax title purchaser, said foreclosure has not been dili-
20 gently pursued, the treasurer may enact the aforementioned procedure
21 to foreclose redemption on behalf of the city or town.

22 SECTION 3. This act shall take effect upon passage.

EXPLANATION

BY THE LEGISLATIVE COUNCIL

PDI399

OF

AN ACT

RELATING TO TAX SALES

1 This act would allow cities and towns to take tax title to
2 properties without offering at a tax sale first and would allow
3 for the quick foreclosure of the rights of redemption on account
4 of abandonment on properties where tax-title has been taken or
5 purchased by the city or town.

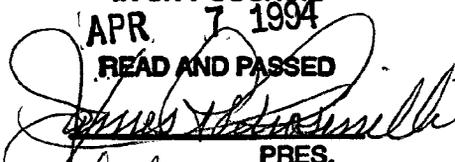
6 This act would take effect upon passage.

RESOLUTION OF THE CITY COUNCIL

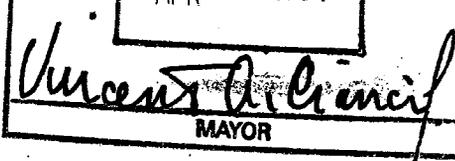
No. 196

Approved April 15, 1994

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 94-S 3097 and House Bill 94-H 9248 Relating to Guardians and Conservators - Annual Account, in substantially the form attached.

IN CITY COUNCIL
APR. 7 1994
READ AND PASSED

PRES.

CLERK

APPROVED
APR 15 1994

MAYOR

RESOLUTION
LEGISLATIVE MATTER

IN CITY COUNCIL
March 17, 1994
FIRST READING
REFERRED TO COMMITTEE ON
FINANCE

Legislative Matter

Michael R. Gennaro CLERK

THE COMMITTEE

Legislative Matter
Approves Passage of
The Within Resolution *As Amended*
Barbara L. Carri
Chairman

3/31/94 *Carri*

Coccone, Alvar, Lombardi and Ileggi (By request)

DPD1858

STATE OF RHODE ISLAND

94-S 3097

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1994

A N A C T

RELATING TO GUARDIANS AND CONSERVATORS
-- ANNUAL ACCOUNTS

94- S - 3097

Introduced By: Senator Maryellen
Goodwin

Date Introduced: February 17, 1994

Referred To: Senate Committee on
Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 33-15-26 and 33-15-26.1 of the General Laws
2 in Chapter 33-15 entitled "Limited Guardianship and Guardianship of
3 Adults" are hereby amended to read as follows:
4 33-15-26. Annual account. -- A limited guardian/guardian with
5 authority to make decisions regarding the ward's estate, shall return
6 to the probate court, in every year, his or her account, in the same
7 manner as executors and administrators are by law required to do. The
8 ~~probate court shall monitor each limited guardianship/guardianship~~
9 ~~file.~~ If the court finds that an annual accounting has not been filed,
10 the court shall cite the limited guardian/guardian and demand that an
11 accounting be filed within thirty (30) days. If the limited
12 guardian/guardian fails to comply with such citation for thirty (30)
13 days, without sufficient excuse, the limited guardian/guardian shall
14 be accountable for the full value of the estate and property of his or
15 her ward over which he or she had authority, and shall have no compen-
16 sation; but the court may, upon the application of the limited
17 guardian/guardian, excuse him or her from rendering an account in any

94-S 3097

1 year if satisfied that it is not necessary or expedient that it should
2 be rendered.

3 Notwithstanding any provision of the general laws to the con-
4 trary, no municipality, its officers, and/or employees, individually
5 or otherwise, shall be held civilly liable for failure to monitor
6 guardianship estates pursuant to sections 33-15-26 and 33-15-26.1.

7 33-15-26.1. Annual status report. -- (a) A limited
8 guardian/guardian with authority to make decisions regarding the
9 ward's person shall return to the probate court, in every year, a
10 report regarding the status of the ward; the report shall include the
11 following information:

12 (1) the residence of the ward;

13 (2) the condition of the ward;

14 (3) any changes the limited guardian/guardian perceives in the
15 decision making capacity of the ward; and

16 (4) a summary of actions taken and decisions made on behalf of
17 the ward by the limited guardian/guardian.

18 ~~(b) The probate court shall monitor each limited guardian-~~
19 ~~ship/guardianship file. If the court finds that the required annual~~
20 ~~status report has not been filed, the court shall cite the limited~~
21 ~~guardian/guardian and demand that the status report be filed within~~
22 ~~thirty (30) days.~~

23 SECTION 2. This act shall take effect upon passage.

EXPLANATION

BY THE LEGISLATIVE COUNCIL

DPD1858

OF

AN ACT

RELATING TO GUARDIANS AND CONSERVATORS
-- ANNUAL ACCOUNTS

1 This act would remove the requirement that probate courts
2 monitor guardianship files and would provide that municipalities
3 would not be held civilly liable for failure to monitor guardian-
4 ship estates.

5 This act would take effect upon passage.

PD1858

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

94-H 9248

JANUARY SESSION, A.D. 1994

A N A C T

RELATING TO GUARDIANS AND CONSERVATORS
-- ANNUAL ACCOUNTS

94-H 9248

Introduced By: Reps. S. Smith and
Moura

Date Introduced: February 17, 1994

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 33-15-26 and 33-15-26.1 of the General Laws
2 in Chapter 33-15 entitled "Limited Guardianship and Guardianship of
3 Adults" are hereby amended to read as follows:

4 33-15-26. Annual account. -- A limited guardian/guardian with
5 authority to make decisions regarding the ward's estate, shall return
6 to the probate court, in every year, his or her account, in the same
7 manner as executors and administrators are by law required to do. The
8 ~~probate court shall monitor each limited guardianship/guardianship~~
9 ~~file~~ If the court finds that an annual accounting has not been filed,
10 the court shall cite the limited guardian/guardian and demand that an
11 accounting be filed within thirty (30) days. If the limited
12 guardian/guardian fails to comply with such citation for thirty (30)
13 days, without sufficient excuse, the limited guardian/guardian shall
14 be accountable for the full value of the estate and property of his or
15 her ward over which he or she had authority, and shall have no compen-
16 sation; but the court may, upon the application of the limited
17 guardian/guardian, excuse him or her from rendering an account in any

94-H 9248

1 year if satisfied that it is not necessary or expedient that it should
2 be rendered.

3 Notwithstanding any provision of the general laws to the con-
4 trary, no municipality, its officers, and/or employees, individually
5 or otherwise, shall be held civilly liable for failure to monitor
6 guardianship estates pursuant to sections 33-15-26 and 33-15-26.1.

7 33-15-26.1. Annual status report. -- (a) A limited
8 guardian/guardian with authority to make decisions regarding the
9 ward's person shall return to the probate court, in every year, a
10 report regarding the status of the ward; the report shall include the
11 following information:

12 (1) the residence of the ward;

13 (2) the condition of the ward;

14 (3) any changes the limited guardian/guardian perceives in the
15 decision making capacity of the ward; and

16 (4) a summary of actions taken and decisions made on behalf of
17 the ward by the limited guardian/guardian.

18 ~~(b) The probate court shall monitor each limited guardian-~~
19 ~~ship/guardianship file. If the court finds that the required annual~~
20 ~~status report has not been filed, the court shall cite the limited~~
21 ~~guardian/guardian and demand that the status report be filed within~~
22 ~~thirty (30) days.~~

23 SECTION 2. This act shall take effect upon passage.
EXPLANATION

BY THE LEGISLATIVE COUNCIL

PD1858

OF

AN ACT

RELATING TO GUARDIANS AND CONSERVATORS
-- ANNUAL ACCOUNTS

1 This act would remove the requirement that probate courts
2 monitor guardianship files and would provide that municipalities
3 would not be held civilly liable for failure to monitor guardian-
4 ship estates.

5 This act would take effect upon passage.