

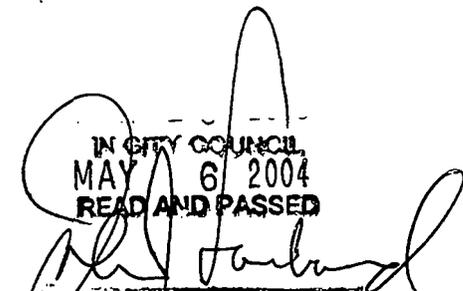
THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

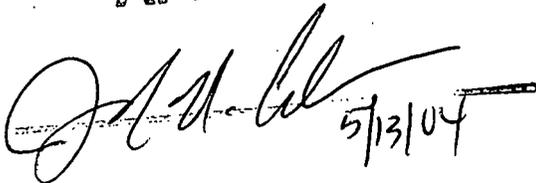
No. 203

Approved May 13, 2004

RESOLVED, That the Members of the Providence City Council hereby Endorse and Urge Passage by the General Assembly of Senate Bill 2004-S 2741 and House Bill 2004-H 8265, Relative to Taxation—Tax Sales.

IN CITY COUNCIL
MAY 6 2004
READ AND PASSED

PRES.
Michael B. Clement
CLERK 

APPROVED


5/13/04

IN CITY COUNCIL
APR 15 2004
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION

Nicholas Carmont
CLERK

THE COMMITTEE ON
STATE LEGISLATION
Recommends Approval

Cair E. Burt
April 21, 2004
CLERK

Councilmen Spotts, Jackson, Luna, Mancini and Councilwoman Romano (By Request)

2004 -- S 2741

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LC01981
=====**STATE OF RHODE ISLAND****IN GENERAL ASSEMBLY****JANUARY SESSION, A.D. 2004**

A N A C T
RELATING TO TAXATION -- TAX SALES**Introduced By:** Senators Pichardo, Ciccone, and Goodwin**Date Introduced:** February 11, 2004**Referred To:** Senate Judiciary

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Section 44-9-25.2 of the General Laws in Chapter 44-9 entitled "Tax Sales"
- 1-2 is hereby amended to read as follows:
- 1-3 **44-9-25.2. Foreclosure of the rights of redemption on account of constructive**
- 1-4 **abandonment by a city or town.** -- (a) Notwithstanding the provisions of section 44-9-25,
- 1-5 following a sale or taking of land for taxes, whenever the city or town holds the acquired title, the
- 1-6 city or town may at any time foreclose all rights of redemption upon a finding by the superior
- 1-7 court of constructive abandonment.
- 1-8 (b) If the inspector of buildings determines that the buildings or unimproved land are
- 1-9 abandoned property he or she shall notify the record owner, and, if appropriate, the mortgagee or
- 1-10 lessee, of his or her finding. The notice shall include a statement that the inspection was
- 1-11 conducted at the request of the local treasurer and that the failure of the record owner, or other
- 1-12 interested party, to correct the conditions described in the notice within thirty (30) days of receipt
- 1-13 or publication of the notice will result in proceedings to foreclose the record owner's right of
- 1-14 redemption. The notice may be served in the manner required by law for the service in civil cases
- 1-15 or may be published. The inspector of buildings shall also, at the time of service or publication,
- 1-16 post a copy of the notice in two (2) or more convenient public places.

1-17 (c) If at the expiration of the thirty (30) day period, the inspector of buildings is of the
1-18 opinion that action has not been initiated to correct the condition described in the notice, he or she
1-19 shall immediately notify the local treasurer in writing under penalties of perjury, that the
2-1 buildings on the land or the unimproved land itself have been found to be abandoned property.
2-2 The written notice shall include the facts and circumstances which formed the basis of his or her
2-3 findings, and a copy of the notice served on the record owner, or if service was by publication, an
2-4 account of the steps taken to locate the record owner and a copy of the published notice as well as
2-5 information appearing in the records of the assessors and of the collector and tending to establish
2-6 the validity of tax title on the land.

2-7 (d) If the treasurer is of the opinion that the facts and circumstances as found by the
2-8 inspector of buildings are sufficient to establish that the buildings on the land or the unimproved
2-9 land taken or purchased are abandoned property and that the facts essential to the validity of the
2-10 tax title on the land have been adequately established, he or she shall make an affidavit of that
2-11 finding which shall be recorded in the registry of deeds for the district where the land lies. The
2-12 treasurer shall incorporate in his or her affidavit the statements of the inspector of buildings and
2-13 the treasurer, or portions of the statements he or she finds pertinent, and when recorded, shall be
2-14 prima facie evidence of those facts.

2-15 (e) The treasurer shall make an affidavit and shall bring a petition in the superior court
2-16 pursuant to section 45-9-25 for the foreclosure of all rights of redemption of the land. The petition
2-17 shall include a description of the land to which it applies, with its assessed valuation, the source
2-18 of title giving reference to the place, book and page of record, and other facts as may be necessary
2-19 for the information of the court. A finding of constructive abandonment will be made in a
2-20 situation where the owner of a property has manifested constructive abandonment with some act
2-21 or failure to act. In determining whether an owner has constructively abandoned a property, the
2-22 court shall consider the following:

- 2-23 (1) Whether or not the property is vacant;
- 2-24 (2) Whether or not housing and building code violations have not been addressed;
- 2-25 (3) Whether or not the grounds are maintained;
- 2-26 (4) Whether or not the building's interior is sound;
- 2-27 (5) Whether or not any vandalism or damage to the building has not been repaired;
- 2-28 (6) Whether or not dumping regularly occurs on the property;

- 2-29 (7) Whether or not the property is regularly maintained (i.e. grass, litter control, etc.);
- 2-30 and
- 2-31 (8) The length of time any of the above conditions have existed.
- 2-32 (f) Actions brought under this section to foreclose the right of redemption on account of
- 2-33 constructive abandonment in the superior court shall be given precedence on the calendar and
- 2-34 shall be heard not later than thirty (30) days from the initiation of the proceedings.
- 3-1 SECTION 2. This act shall take effect upon passage.

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 LC01981
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**EXPLANATION
 BY THE LEGISLATIVE COUNCIL
 OF**

**A N A C T
 RELATING TO TAXATION -- TAX SALES**

- 4-1 This act would allow the foreclosure of tax title for abandoned unimproved land.
- 4-2 This act would take effect upon passage.

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 LC01981
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2004 -- H 8265

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LC01979
=====**STATE OF RHODE ISLAND**

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

A N A C T**RELATING TO TAXATION -- TAX SALES****Introduced By:** Representative Thomas C. Slater**Date Introduced:** March 09, 2004**Referred To:** House Judiciary

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Section 44-9-25.2 of the General Laws in Chapter 44-9 entitled "Tax Sales"
1-2 is hereby amended to read as follows:
1-3 **44-9-25.2. Foreclosure of the rights of redemption on account of constructive**
1-4 **abandonment by a city or town.** -- (a) Notwithstanding the provisions of section 44-9-25,
1-5 following a sale or taking of land for taxes, whenever the city or town holds the acquired title, the
1-6 city or town may at any time foreclose all rights of redemption upon a finding by the superior
1-7 court of constructive abandonment.
1-8 (b) If the inspector of buildings determines that the buildings or unimproved land are
1-9 abandoned property he or she shall notify the record owner, and, if appropriate, the mortgagee or
1-10 lessee, of his or her finding. The notice shall include a statement that the inspection was
1-11 conducted at the request of the local treasurer and that the failure of the record owner, or other
1-12 interested party, to correct the conditions described in the notice within thirty (30) days of receipt
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1-14 redemption. The notice may be served in the manner required by law for the service in civil cases

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1-16 post a copy of the notice in two (2) or more convenient public places.

1-17 (c) If at the expiration of the thirty (30) day period, the inspector of buildings is of the
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2-25 (3) Whether or not the grounds are maintained;
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- 2-28 (6) Whether or not dumping regularly occurs on the property;
- 2-29 (7) Whether or not the property is regularly maintained (i.e. grass, litter control, etc.);
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- 2-31 (8) The length of time any of the above conditions have existed.
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