

# RESOLUTION OF THE CITY COUNCIL

No. 352

Approved June 13, 1994

RESOLVED, That the City Council endorses and urges passage by the General Assembly of House Bill H-8926 relating to Levy and Assessment of Services Charges in the City of Providence.

IN CITY COUNCIL  
JUN 2 1994  
READ AND PASSED  
*James H. Smith*  
PRES.  
*Jan M. Angelone*  
CLERK

APPROVED  
JUN 13 1994  
*Vincent A. Cianci*  
MAYOR

IN CITY COUNCIL

APR 7 1994

FIRST READING

REFERRED TO COMMITTEE ON

LEGISLATIVE MATTERS

*Michael R. Clement*

THE COMMITTEE ON

*Comm. on Legislative Matters*

Approves Passage of  
The Within Resolution

*Michael R. Clement*  
Chairman

5-19-94

Clerk

*Councilmen Plavin, Lombardi, Mosier and Councilwoman Helton*

A N A C T

RELATING TO TAXATION -- SERVICE CHARGES  
IN THE CITY OF PROVIDENCE

# 33

Introduced By:

94-H 8926

Date Introduced:

Referred To:

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 44 of the General Laws entitled "Taxation" is  
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 5.2

4 LEVY AND ASSESSMENT OF SERVICE CHARGES IN THE

5 CITY OF PROVIDENCE

6 44-5.2-1. Short title. -- This chapter shall be known and may be  
7 cited as the "Providence Service Charge Assessment Act."

8 44-5.2-2. Service charges. -- (a) Notwithstanding the provisions  
9 of section 44-3-3 of the general laws or of any other law or legis-  
10 lative charter, the city council of the city of Providence, at its  
11 option, may impose a levy in the form of a service charge upon the  
12 owners of the following classes of real and personal property within  
13 the city of Providence;

14 (i) the land, buildings and personal property used exclusively as  
15 a college or university or other institution of higher education as  
16 defined and as certified by the commissioner of post-secondary educa-  
17 tion;

33 profit activities, is income producing and its use is not directly

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1           (ii) the land, buildings and personal property used exclusively  
2 as a nonprofit hospital as licensed by the director of health or by  
3 the director of mental health, retardation and hospitals; unless the  
4 state of Rhode Island reimburses the city for the amount of service  
5 charges imposed.

6           (b) Such service charge shall not exceed the levy that would have  
7 otherwise been imposed upon such property had that property been sub-  
8 ject to taxation pursuant to title 44 of the general laws.

9           (c) The city assessor shall calculate the service charge levy on  
10 said properties in the following manner:

11           (i) as of June 30 of each year, the city assessor shall assess  
12 the value of land, buildings and personal property owned by each  
13 entity subject to a service charge.

14           (ii) for each such tax exempt entity, the assessor will determine  
15 a percentum by the division of the assessed value of land, buildings  
16 and personal property owned by the otherwise tax exempted entity into  
17 the total assessed value of land, buildings and personal property in  
18 the city of Providence.

19           (iii) the assessor shall then multiply that percentum times the  
20 total amount of monies expended by the city of Providence for fire  
21 protection, police protection and the maintenance of city roads.

22           (iv) that amount shall be charged to such entity as a service  
23 charge and recorded as such on the tax roll of the city.

24           (v) such service charge shall be payable and subject to appeal as  
25 otherwise set forth in chapters 4, 5, 7, 8 and 9 of title 44 of the  
26 general laws as amended.

27           44-5.2-3. Income producing properties. -- Notwithstanding the  
28 provisions of section 44-3-3 of the general laws or of any other law  
29 or legislative charter, the city council of the city of Providence, at  
30 its option, may impose a levy and subject to ad valorem taxation, on  
31 real or personal property otherwise exempted pursuant to section  
32 44-3-3, if such property is not utilized on a regular basis for non-  
33 profit activities, is income producing and its use is not directly

1 related to and necessary for the purposes of the tax exemption pro-  
2 vided by state law as determined by the tax assessor, subject to an  
3 appeal by the owner of said property to the city council of the city  
4 of Providence.

5 44-5.2-4. Tax exempted disclosures. -- The owner of any property  
6 located in the city of Providence which property is exempt pursuant to  
7 section 44-3-3 or pursuant to a special act or legislative charter,  
8 shall file, on or before March of each year, with the tax assessor, a  
9 disclosure statement indicating the location, use, amount of square  
10 footage of land and buildings and the amount and sources of income  
11 generated by the property which is exempted. Property exempted shall  
12 be certified by the tax assessor. Any owner of tax exempted property  
13 in the city of Providence failing to file such disclosure shall be  
14 subject to taxation as otherwise provided in chapters 4, 5, 7, and 9  
15 of title 44 of the general laws.

16 44-5.2-5. Public utilities. -- Notwithstanding any other law or  
17 legislative charter, any public utility located in the city of Provi-  
18 dence, including the Narragansett Bay Water Quality Management Dis-  
19 trict Commission and the Providence Water Supply Board, shall be sub-  
20 ject to property taxation as otherwise provided in chapters 4, 5, 7  
21 and 9 of title 44 of the general laws.

22 44-5.2-6. Additions to tax exempted property. -- Ownership of  
23 real property acquired after July 1, 1990 by entities subject to the  
24 benefits of the provisions of subsections 44-3-3 (1), (4), (8), (9),  
25 (10), (13), and (14) and/or special charters or acts in the city, of  
26 Providence shall be subject to taxation as provided in chapters 4, 5,  
27 7 and 9 of title 44 of the general laws unless the council of the city  
28 of Providence either by ordinance exempts such additional property or  
29 imposes an annual service fee upon said property as provided in  
30 section 1 above.

31 44-5.2-7. Leases of tax exempted property. -- Tax exempted real  
32 property leased or rented in the city of Providence shall be taxable  
33 to the persons or entities to whom such properties are leased or

1 rented pursuant to the provisions of chapter 5 of title 44 unless said  
2 leased or rented property is subject to the payment of an annual ser-  
3 vice fee or has been exempted by an ordinance of the council of the  
4 city of Providence.

5 44-5.2-8. Transfers of tax exempted properties. -- Any pur-  
6 chasers, heir, successor or assigns of an any real or personal prop-  
7 erty otherwise previously exempt from property taxation shall be lia-  
8 ble to property taxation pursuant to the provisions of chapter 5 of  
9 title 44 that year on a prorated basis on the basis of the value of  
10 said previously exempted property as of December 31 of the previous  
11 year. Any new non-tax-exempt owner of such previously exempted prop-  
12 erty may appeal such pro rata assessment and levy within thirty (30)  
13 days of receipt of a tax bill as otherwise provided in chapter 4 of  
14 title 44.

15 44-5.2-9. Repeal. -- To the extent that any corporate charter of  
16 a college or hospital, special act or other legislative act is incon-  
17 sistent or in conflict with this act such portion of such charter or  
18 acts are hereby repealed.

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

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LC941  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO TAXATION -- SERVICE CHARGES  
IN THE CITY OF PROVIDENCE

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1           This act would allow the city council of the city of Provi-  
2           dence to impose a charge for the provision of city services upon  
3           real and personal property that otherwise would be exempt from  
4           taxation.

5           This act would take effect upon passage.

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LC941  
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