

# RESOLUTION OF THE CITY COUNCIL

No. 182

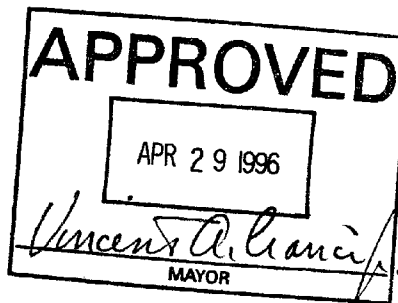
Approved April 29, 1996

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 96-S 2980 and House Bill 96-H 8679 Relating to Tax Sale, in substantially the form attached.

IN CITY COUNCIL  
APR 18 1996  
READ AND PASSED

*Evelyn V. Fargnoli*  
ACTING PRES.

*Michael L. Clement*  
CLERK



IN CITY COUNCIL  
MAR 21 1996  
FIRST READING  
REFERRED TO COMMITTEE ON  
CIVIL RIGHTS

*State*  
Legislation

THE COMMITTEE ON  
*State Legislation*  
Appropriations  
The Within Resolution  
*John M. Livingston*  
Chairman  
APR 15 1996

*Concurrence Separate*

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LC1261  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

96-S 2980

JANUARY SESSION, A.D. 1996

A N A C T

RELATING TO TAX SALES

96-S 2980

Introduced By: Senators Roney, Coderre and Kells

Date Introduced: February 6, 1996

Referred To: Senate Committee on  
Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 44-9-7, 44-9-8, 44-9-12, 44-9-14 and 44-9-15  
2 of the General Laws in Chapter 44-9 entitled "Tax Sales" are hereby  
3 amended to read as follows:

4 44-9-7. Advertisement and sale of real estate. -- The collector  
5 may advertise and sell or take any real estate liable for taxes in the  
6 manner directed.

7 44-9-8. Sale of undivided part or whole of land. -- If the taxes  
8 are not paid, the collector ~~shall~~ may, at the time and place appointed  
9 for the sale, take such land for the city or town or sell by public  
10 auction for the amount of the taxes, assessments, rates, liens, inter-  
11 est, and necessary intervening charges, the smallest undivided part of  
12 the land which will bring the amount, or the whole for the amount if  
13 no person offers to take an undivided part.

14 44-9-12. Collector's deed -- Rights conveyed to purchaser --  
15 Recording. -- The collector shall execute and deliver to the purchaser  
16 a deed of the land, stating the cause of sale, the price for which the  
17 land was sold, the places where the notices were posted, the name of

1 the newspaper in which the advertisement of the sale was published,  
2 and the residence of the grantee. The deed shall convey the land to  
3 the purchaser, subject to the right of redemption. The title thus con-  
4 veyed shall, until redemption or until the right of redemption is  
5 foreclosed, be held as security for the repayment of the purchase  
6 price, with all intervening costs, terms imposed for redemption, and  
7 charges, with interest thereon, and the premises conveyed, both before  
8 and after either redemption or foreclosure, shall also be subject to  
9 and have the benefit of all easements and restrictions lawfully exist-  
10 ing in, upon, or over the land or appurtenant to the land. The deed  
11 shall not be valid unless recorded within sixty (60) days after the  
12 sale. If so recorded it shall be prima facie evidence of all facts  
13 essential to the validity of the title conveyed by the deed. Except  
14 as otherwise provided, no sale shall give to the purchaser any right  
15 to either the possession, or the rents, or profits of the land until  
16 the expiration-of-one-year-after-the-date-of-the-sale right of redemp-  
17 tion is foreclosed, nor shall any sale obviate or transfer any respon-  
18 sibility of an owner of property to comply with any statute of this  
19 state or ordinance of any municipality governing the use, occupancy,  
20 or maintenance or conveyance of property until the right of redemption  
21 is foreclosed.

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

1       44-9-15. Recital in deed to town. -- If the town becomes the  
2       purchaser, the deed to it, in addition to the statements required by  
3       section 44-9-12, shall set forth the fact that no sufficient bid was  
4       made at the sale or that the land was taken by the town and shall con-  
5       fer upon the town the rights and duties of an individual purchaser.

6       SECTION 2. Chapter 44-9 of the General Laws entitled "Tax Sales"  
7       is hereby amended by adding thereto the following section:

8       44-9-18.2. Assignment to redevelopment agency. -- Notwithstand-  
9       ing the provisions of section 44-9-18, the treasurer may transfer and  
10       assign any or all tax titles held by a city or town for no monetary  
11       consideration to the redevelopment agency of said city or town, and  
12       further shall not be required to send notice of any such intended  
13       transfer or assignment to the owner of record. Such transfer shall  
14       not confer upon the redevelopment agency any greater rights or respon-  
15       sibilities than those granted to or imposed upon the city or town as  
16       the original holder of the tax title. The redevelopment agency shall  
17       hold any such tax title so transferred or assigned subject to any and  
18       all rights of redemption held by the owner of record and/or his or her  
19       successors and assigns in title. Notwithstanding the foregoing, the  
20       redemption agency shall also hold and be permitted to exercise a  
21       rights that the city or town previously held, including the right  
22       petition for foreclosure of any rights of redemption.

23       44-9-25.2. Foreclosure of the rights of redemption on account of  
24       abandonment by a city or town. -- Notwithstanding the provisions of  
25       section 44-9-25 of this chapter, following a sale of land for taxes,  
26       whenever the city or town holds the title thereby acquired, the city  
27       or town may bring an immediate petition in the superior court for the  
28       foreclosure of all rights of redemption thereunder upon a finding by  
29       the superior court of abandonment. The petition shall include a de-  
30       scription of the land to which it applies, with its assessed valua-  
31       tion, the source of title, giving reference to the place book, and  
32       page of record, and such other facts as may be necessary for the  
33       information of the court. A finding of abandonment will be made in a

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1 situation where the owner of a building has intended to abandon said  
2 building, and has manifested such intent with some act or failure to  
3 act. In determining whether an owner has abandoned a property, the  
4 court shall infer the intent of said owner from any of the surrounding  
5 facts and circumstances including, but not limited to the following:  
6 (a) whether or not the building is vacant;  
7 (b) whether or not housing and building code violations have gone  
8 unrepaired;  
9 (c) whether or not the grounds are maintained;  
10 (d) whether or not the building's interior is sound;  
11 (e) whether or not any vandalism or damage to the building has  
12 gone unrepaired;  
13 (f) the length of time any of the above conditions have existed.  
14 The taxpayer may appear for the limited purpose of declaring his or  
15 her intention with regard to exercising his or her right of redemption  
16 over the property.  
17 Actions brought under this section to foreclose the right of  
18 redemption on account of abandonment in the superior court shall be  
19 given precedence on the calendar and shall be heard not later than  
20 thirty (30) days from the initiation of such proceedings.

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

## EXPLANATION

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LC1261  
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BY THE LEGISLATIVE COUNCIL  
OF  
AN ACT  
RELATING TO TAX SALES

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1 This act would allow cities and towns to take tax title  
2 properties without first offering them for sale and would allow  
3 for the quick foreclosure of the rights by redemption on account  
4 of abandonment on vacant and dilapidated properties where tax  
5 title is held by the city or town.

6 This act would take effect upon passage.

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DES1238  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

96-H 8679

JANUARY SESSION, A.D. 1996

A N A C T

RELATING TO TAXATION -- TAX SALES

96-H 8679

Introduced By: Reps. Giannini, Smith, Moura, Slater and Williams

Date Introduced: February 6, 1996

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

- 1       SECTION 1. Sections 44-9-7, 44-9-8, 44-9-12, 44-9-14 and 44-9-15
- 2       of the General Laws in Chapter 44-9 entitled "Tax Sales" are hereby
- 3       amended to read as follows:
- 4       44-9-7. Advertisement and sale of real estate. -- The collector
- 5       may advertise or take and sell any real estate liable for taxes in the
- 6       manner directed.
- 7       44-9-8. Sale of undivided part or whole of land. -- If the taxes
- 8       are not paid, the collector shall, at the time and place appointed for
- 9       the sale, take such land for the city or town or sell by public auc-
- 10      tion for the amount of the taxes, assessments, rates, liens, interest,
- 11      and necessary intervening charges, the smallest undivided part of the
- 12      land which will bring the amount, or the whole for the amount if no
- 13      person offers to take an undivided part.
- 14      44-9-12. Collector's deed -- Rights conveyed to purchaser --
- 15      Recording. -- The collector shall execute and deliver to the purchaser
- 16      a deed of the land, stating the cause of sale, the price for which the
- 17      land was sold, the places where the notices were posted, the name of

1 the newspaper in which the advertisement of the sale was published,  
2 and the residence of the grantee. The deed shall convey the land to  
3 the purchaser, subject to the right of redemption. The title thus con-  
4 veyed shall, until redemption or until the right of redemption is  
5 foreclosed, be held as security for the repayment of the purchase  
6 price, with all intervening costs, terms imposed for redemption, and  
7 charges, with interest thereon, and the premises conveyed, both before  
8 and after either redemption or foreclosure, shall also be subject to  
9 and have the benefit of all easements and restrictions lawfully exist-  
10 ing in, upon, or over the land or appurtenant to the land. The deed  
11 shall not be valid unless recorded within sixty (60) days after the  
12 sale. If so recorded it shall be prima facie evidence of all facts  
13 essential to the validity of the title conveyed by the deed. Except  
14 as otherwise provided, no sale shall give to the purchaser any right  
15 to either the possession, or the rents, or profits of the land until  
16 the expiration--of--one--year--after--the--date--of--the--sale; right of  
17 redemption is foreclosed nor shall any sale obviate or transfer any  
18 responsibility of an owner of property to comply with any statute of  
19 this state or ordinance of any municipality governing the use, occu-  
20 pancy, or maintenance or conveyance of property until the right of  
21 redemption is foreclosed.

22 44-9-14. Purchase by collector for town. -- If at the time and  
23 place of sale; the collector takes the land from the city or town or  
24 no person bids for the land offered for sale an amount equal to the  
25 tax and charges, the collector shall then and there make public decla-  
26 ration of the fact; ~~and, if no bid equal to the tax and charges is~~  
27 ~~then made, the collector shall~~ and give public notice that the collec-  
28 tor purchases for the town by which the tax is assessed the land ~~as~~  
29 ~~offered for sale~~ at the amount of the tax and the charges and expenses  
30 of the levy and sale. This amount, together with the cost of record-  
31 ing the deed of purchase, shall be allowed the collector in his or her  
32 settlement with the town, provided the collector causes the deed to be  
33 duly recorded within sixty (60) days after the purchase and to be



1 delivered to the town treasurer.

2 44-9-15. Recital in deed to town. -- If the town becomes the  
3 purchaser, the deed to it, in addition to the statements required by  
4 section 44-9-12, shall set forth the fact that no sufficient bid was  
5 made at the sale or that the land was taken by the town and shall con-  
6 fer upon the town the rights and duties of an individual purchaser.

7 SECTION 2. Chapter 44-9 of the General Laws entitled "Tax Sales"  
8 is hereby amended by adding thereto the following section:

9 44-9-18.2. Assignment to redevelopment agency. -- Notwithstand-  
10 ing the provisions of section 44-9-18, the treasurer may transfer and  
11 assign any or all tax titles held by a city or town for no monetary  
12 consideration to the redevelopment agency of said city or town, and  
13 further shall not be required to send notice of any such intended  
14 transfer or assignment to the owner of record. Such transfer shall  
15 not confer upon the redevelopment agency any greater rights or respon-  
16 sibilities than those granted to or imposed upon the city or town as  
17 the original holder of the tax title. The redevelpoment agency shall  
18 hold any such tax title so transferred or assigned subject to any and  
19 all rights of redemption held by the owner of record and/or his or her  
20 successors and assigns in title. Notwithstanding the foregoing, the  
21 redevelopment agency shall also hold and be permitted to exercise any  
22 rights that the city or town previously held, including the right to  
23 petition for foreclosure of any rights of redemption.

24 44-9-25.2. Foreclosure of the rights of redemption on account of  
25 abandonment by a city or town.-- Notwithstanding the provisions of  
26 section 44-9-25 of this chapter, following a sale of land for taxes,  
27 whenever the city or town holds the title thereby acquired, the city  
28 or town may bring an immediate petition in the superior court for the  
29 foreclosure of all rights of redemption thereunder upon a finding by  
30 the superior court of abandonment. The petition shall include a de-  
31 scription of the land to which it applies, with its assessed valua-  
32 tion, the source of title giving reference to the place, book and page  
33 of record, and such other facts as may be necessary for the informa-

# 96-H 8679

1 tion of the court. A finding of abandonment will be made in a situa-  
2 tion where the owner of a property has intended to abandon said prop-  
3 erty, and has manifested such intent with some act or failure to act.  
4 In determining whether an owner has abandoned a property, the court  
5 shall infer the intent of said owner from any of the surrounding facts  
6 and circumstances including, but not limited to the following:

7 (a) whether or not the property is vacant

8 (b) whether or not housing and building code violations have gone  
9 unrepaired

10 (c) whether or not the grounds are maintained

11 (d) whether or not the building's interior is sound

12 (e) whether or not any vandalism or damage to the building has  
13 gone unrepaired

14 (f) the length of time any of the above conditions have existed.

15 The taxpayer may appear for the limited purpose of declaring his  
16 or her intention with regard to exercising his or her right of redemp-  
17 tion over the property. Actions brought under this section to  
18 foreclose the right of redemption on account of abandonment in the  
19 superior court shall be given precedence on the calendar and shall be  
20 heard not later than thirty (30) days from the initiation of such pro-  
21 ceedings.

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

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DES1238  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL

OF  
AN ACT  
RELATING TO TAXATION -- TAX SALES

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1 This act would amend certain provisions of the law relating  
2 to tax sales.

3 This act would take effect upon passage.