

RESOLUTION OF THE CITY COUNCIL

No. 182

Approved April 29, 1996

RECEIVED
CITY CLERK
APR 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 R. Clement
CLERK

APPROVED
APR 29 1996
Vincenzo A. Cianci
MAYOR

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

Photo
Resolution

THE COMMITTEE ON
Photo Resolution
Aperdine Jensen of
The Within Resolution
Jean M. Langston
Chairman
APR 15 1996

Concederwoman Segrate

LC1261

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 redevelopment 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

BY THE LEGISLATIVE COUNCIL

LC1261

OF

AN ACT

RELATING TO TAX SALES

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.

DES1238

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 redevelopment 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.

DES1238

EXPLANATION
BY THE LEGISLATIVE COUNCIL

OF
AN ACT
RELATING TO TAXATION -- TAX SALES

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

3 This act would take effect upon passage.