

PRO4

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 1995

AN ACT

95-S 932

95-S 932 RELATING TO TAX SALES

Introduced By: Senators Roney,
Caprio, Ruggerio,
Goodwin, Graziano, et. al.
Date Introduced: February 16, 1995

Referred To: Senate Committee on
Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. SECTION 44-9-7 OF THE GENERAL LAWS entitled "TAX SALES"
2 IS HEREBY AMENDED TO READ AS FOLLOWS:

3 44-9-7 Advertisement and sale of real estate. - The collector may advertise and sell
4 or take any real estate liable for taxes in the manner hereinafter directed.

5 SECTION 2. SECTION 44-9-8 OF THE GENERAL LAWS entitled "TAX SALES"
6 IS HEREBY AMENDED TO READ AS FOLLOWS:

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

13 SECTION 3. SECTION 44-9-12 OF THE GENERAL LAWS entitled "TAX
14 SALES" IS HEREBY AMENDED TO READ AS FOLLOWS:

15 44-9-12. Collector's deed - Right's conveyed to purchaser - Recording - The
16 collector shall execute and deliver to the purchaser a deed of the land, stating the cause of
17 the sale, the price for which the land was sold, the places where notices were posted, the
18 name of the newspaper in which the advertisement of the sale was published, and the
19 residence of the grantee. The deed shall convey the land to the purchaser, subject to the
20 right of redemption. The title thus conveyed shall, until redemption or until the right of
21 redemption is foreclosed as hereinafter provided, be held as security for the repayment of
22 the purchase price, with all intervening costs, terms imposed for redemption, and charges,
23 with interest thereon, and the premises conveyed, both before and after either redemption
24 or foreclosure, shall also be subject to and have the benefit of all easements and
25 restrictions lawfully existing in, upon, or over the land of appurtenant thereto. The deed
26 shall not be valid unless recorded within sixty (60) days after the sale. If so recorded it
27 shall be prima facie evidence of all facts essential to the validity of the title thereby
28 conveyed. Except as otherwise provided, no sale hereafter made shall give the purchaser
29 any right to either the possession, or the rents, or profits of the land until the ~~expiration of~~
30 ~~one year after the date of sale~~ right of redemption is foreclosed, nor shall any sale obviate
31 or transfer any responsibility of an owner of property to comply with any statute of this

95-S 932

EXPLANATION
OF
AN ACT
RELATING TO TAX SALES

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

RESOLUTION OF THE CITY COUNCIL

No. 254

Approved April 17, 1995

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 95-S 0932 and House Bill 95-H 6647 Relating to Tax Sales, in substantially the form attached.

IN CITY COUNCIL

APR 6 1995

READ AND PASSED

Evelyn V. Fargnoli
ACTING PRES.

Michael L. Clement
CLERK

APPROVED

APR 17 1995

Robert A. Rossi
MAYOR

RHODE ISLAND STATE LIBRARY

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 1995

AN ACT

RELATING TO TAX SALES

95-H 6647

Introduced By: Reps. Giannini, DeSimone,
Ajello, Slater, Carpenter
Date Introduced: February 14, 1995

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. SECTION 44-9-7 OF THE GENERAL LAWS entitled "TAX SALES"
2 IS HEREBY AMENDED TO READ AS FOLLOWS:

3 **44-9-7 Advertisement and sale of real estate.** - The collector may advertise and sell
4 or take any real estate liable for taxes in the manner hereinafter directed.

5 SECTION 2. SECTION 44-9-8 OF THE GENERAL LAWS entitled "TAX SALES"
6 IS HEREBY AMENDED TO READ AS FOLLOWS:

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

13 SECTION 3. SECTION 44-9-12 OF THE GENERAL LAWS entitled "TAX
14 SALES" IS HEREBY AMENDED TO READ AS FOLLOWS:

15 **44-9-12. Collector's deed - Right's conveyed to purchaser - Recording** - The
16 collector shall execute and deliver to the purchaser a deed of the land, stating the cause of
17 the sale, the price for which the land was sold, the places where notices were posted, the
18 name of the newspaper in which the advertisement of the sale was published, and the
19 residence of the grantee. The deed shall convey the land to the purchaser, subject to the
20 right of redemption. The title thus conveyed shall, until redemption or until the right of
21 redemption is foreclosed as hereinafter provided, be held as security for the repayment of
22 the purchase price, with all intervening costs, terms imposed for redemption, and charges,
23 with interest thereon, and the premises conveyed, both before and after either redemption
24 or foreclosure, shall also be subject to and have the benefit of all easements and
25 restrictions lawfully existing in, upon, or over the land of appurtenant thereto. The deed
26 shall not be valid unless recorded within sixty (60) days after the sale. If so recorded it
27 shall be prima facie evidence of all facts essential to the validity of the title thereby
28 conveyed. Except as otherwise provided, no sale hereafter made shall give the purchaser
29 any right to either the possession, or the rents, or profits of the land until the ~~expiration of~~
30 ~~one year after the date of sale~~ right of redemption is foreclosed, nor shall any sale obviate
31 or transfer any responsibility of an owner of property to comply with any statute of this

1 state or ordinance of any municipality governing the use, occupancy, or maintenance or
2 conveyance of property until the right of redemption is foreclosed.

3 SECTION 4. SECTION 44-9-14 OF CHAPTER 44-9 OF THE GENERAL LAWS
4 ENTITLED "TAX SALES" IS HEREBY AMENDED TO READ AS FOLLOWS:

5 **44-9-14. Purchase by collector for town** - If at the time and place of sale the
6 collector takes the land for the city or town or no person bids for the land offered for sale
7 an amount equal to the tax and charges, the collector shall then and there make public
8 declaration of the fact; and, if no bid equal to the tax and charges is then made, the
9 collector shall and give public notice that the collector purchases for the town by which
10 the tax is assessed the land as offered for sale at the amount of the tax and the charges and
11 expenses of the levy and sale. This amount, together with the cost of recording the deed
12 of purchase, shall be allowed the collector in his or her settlement with the town, provided
13 the collector causes the deed to be duly recorded within sixty (60) days after the purchase
14 and to be delivered to the town treasurer.

15 SECTION 5. CHAPTER 44-9 OF THE GENERAL LAWS ENTITLED "TAX
16 SALES" IS HEREBY AMENDED TO READ AS FOLLOWS:

17 **44-9-15. Recital in deed to town.** - If the town becomes the purchaser, the deed to
18 it, in addition to the statements required by §44-9-12, shall set forth the fact that no
19 sufficient bid was made at the sale or that the land was taken by the town, and shall confer
20 upon the town the rights and duties of an individual purchaser.

21 SECTION 6. CHAPTER 44-9 OF THE GENERAL LAWS ENTITLED "TAX
22 SALES" IS HEREBY AMENDED BY ADDING THERETO THE FOLLOWING
23 SECTION:

24 **44-9-18.2. Assignment to redevelopment agency.** - Notwithstanding the provisions
25 of § 44-9-18, the treasurer may transfer and assign any or all tax titles held by a city or
26 town for no monetary consideration to the redevelopment agency of said city or town, and
27 further shall not be required to send notice of any such intended transfer or assignment to
28 the owner of record. Such transfer shall not confer upon the redevelopment agency any
29 greater rights or responsibilities than those granted to or imposed upon the city or town as
30 the original holder of the tax title. The redevelopment agency shall hold any such tax title
31 so transferred or assigned subject to any and all rights of redemption held by the owner of
32 record and/or his or her successors and assigns in title. Notwithstanding the foregoing,
33 the redevelopment agency shall also hold and be permitted to exercise any rights that the
34 city or town previously held, including the right to petition for foreclosure of any rights of
35 redemption.

36 SECTION 7. CHAPTER 44-9 OF THE GENERAL LAWS ENTITLED "TAX
37 SALES" IS HEREBY AMENDED BY ADDING THERETO THE FOLLOWING
38 SECTION:

39 **44-9-25.2 Foreclosure of the rights of redemption on account of abandonment**
40 by a city or town - Notwithstanding the provisions of § 44-9-25 of this chapter,
41 following a sale of land for taxes, whenever the city or town holds the title thereby
42 acquired, the city or town may bring an immediate petition in the superior court for the
43 foreclosure of all rights of redemption thereunder upon a finding by the superior court of
44 abandonment. The petition shall include a description of the land to which it applies, with
45 its assessed valuation, the source of title, giving reference to the place book, and page of
46 record, and such other facts as may be necessary for the information of the court. A
47 finding of abandonment will be made in a situation where the owner of a building has
48 intended to abandon said building, and has manifested such intent with some act or failure

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

EXPLANATION
OF
AN ACT
RELATING TO TAX SALES

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

RESOLUTION OF THE CITY COUNCIL

No. 255

Approved April 17, 1995

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 95-S 1120 and House Bill 95-H 6096 Relating to Foundation Level School Support, in substantially the form attached.

IN CITY COUNCIL
APR 6 1995
READ AND PASSED
Evelyn V. Fargnoli
ACTING PRES.
Michael L. Clement
CLERK

APPROVED
APR 17 1995
Steven A. Cooney
MAYOR

S T A T E O F R H O D E I S L A N D

I N G E N E R A L A S S E M B L Y

J A N U A R Y S E S S I O N , A . D . 1 9 9 5

A N A C T

R E L A T I N G T O
F O U N D A T I O N L E V E L S C H O O L S U P P O R T

95-S 1120

Introduced By: Senators Roney,
Goodwin, Perry,
Walton, Palazzo et.al.
Date Introduced: February 16, 1995

Referred To: Senate Committee on
Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-7-41 of the General Laws in Chapter
2 16-7 entitled "Foundation Level School Support" is hereby amended
3 to read as follows:

4 SECTION 16-7-41. Computation of school housing aid. -- (1)
5 In each fiscal year the state shall pay to each community a grant
6 to be applied to the cost of school housing equal to the sum of
7 the following computations:

8 (a) For projects approved prior to July 1, 1981: one-
9 twentieth (1/20) of the cost of each new school housing project
10 certified to the commissioner not later than January 15 of the
11 fiscal year next preceding and an equal amount for each of the
12 next nineteen (19) years times the school housing aid ratio.

13 (b) For projects approved after July 1, 1981: the cost of
14 each new school housing project certified to the commissioner not
15 later than January 15 of the fiscal year next preceding shall be
16 divided by the actual number of years of the bond issued by the
17 local community in support of the specific project, times the

EXPLANATION
OF
AN ACT
RELATING TO
FOUNDATION LEVEL SCHOOL SUPPORT

- 1 This act would authorize school housing aid to communities
- 2 using conduit financing for certified projects.

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1995

95-H 6096

A N A C T

RELATING TO
FOUNDATION LEVEL SCHOOL SUPPORT

95-H 6096

Introduced By: Reps. Slater, S. Smith,
Moura

Date Introduced: February 14, 1995

Referred To: Committee on Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-7-41 of the General Laws in Chapter
2 16-7 entitled "Foundation Level School Support" is hereby amended
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9 twentieth (1/20) of the cost of each new school housing project
10 certified to the commissioner not later than January 15 of the
11 fiscal year next preceding and an equal amount for each of the
12 next nineteen (19) years times the school housing aid ratio.

13 (b) For projects approved after July 1, 1981: the cost of
14 each new school housing project certified to the commissioner not
15 later than January 15 of the fiscal year next preceding shall be
16 divided by the actual number of years of the bond issued by the
17 local community in support of the specific project, times the

1 school housing aid ratio. If a community fails to specify or
2 identify the appropriate reimbursement schedule, the commissioner
3 of elementary and secondary education may at his or her
4 discretion set up to a five (5) year reimbursement cycle for
5 projects under five hundred thousand dollars (\$500,000); up to
6 ten years (10) for projects up to three million dollars
7 (\$3,000,000); and up to twenty years (20) for projects over three
8 million dollars (\$3,000,000).

9 (c) Seventy-five percent (75%) of the remainder, if any, of
10 the total costs to the community for the payment of school
11 housing commitments after the deduction of payments due from
12 computations in subsections (1)(a) and (b) including payments for
13 interest under subsections (1)(a) and (b) of this section on
14 bonds issued after July 1, 1988 of this section and the yield of
15 a tax of three dollars (\$3.00) per thousand on adjusted equalized
16 weighted assessed valuation for the reference year commitments
17 made prior to July 1, 1981, for periods of less than twenty (20)
18 years shall be prorated over a twenty (20) year period commencing
19 with the date of the first payment of the commitment.

20 (2) Commitments made after July 1, 1981, shall provide
21 state aid for the same period as the life of the bonds issued in
22 support of the project.

23 (3) Implementation of calculations for housing aid payments
24 for projects approved after July 1, 1981, shall be made in
25 accordance with §§ 16-7-40 and 16-7-41 and shall commence in
26 fiscal year 1982-1983.

27 (4) Beginning July 1, 1994, the phrase, "bond issued by the
28 local community" shall include rentals and other amounts payable
29 by a community to an issuer of bonds, evidences of indebtedness,
30 or other obligations, the proceeds of which financed a certified
31 school housing project on behalf of, or for the benefit of, a
32 community.

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

95-H 6096

EXPLANATION

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RELATING TO

FOUNDATION LEVEL SCHOOL SUPPORT

- 1 This act would authorize school housing aid to communities
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IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 1995

AN ACT

95-S 932

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RELATING TO TAX SALES

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9 or town or sell by public auction for the amount of the taxes, assessments, rates, liens,
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21 redemption is foreclosed as hereinafter provided, be held as security for the repayment of
22 the purchase price, with all intervening costs, terms imposed for redemption, and charges,
23 with interest thereon, and the premises conveyed, both before and after either redemption
24 or foreclosure, shall also be subject to and have the benefit of all easements and
25 restrictions lawfully existing in, upon, or over the land of appurtenant thereto. The deed
26 shall not be valid unless recorded within sixty (60) days after the sale. If so recorded it
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29 any right to either the possession, or the rents, or profits of the land until the ~~expiration of~~
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31 or transfer any responsibility of an owner of property to comply with any statute of this

1 state or ordinance of any municipality governing the use, occupancy, or maintenance or
2 conveyance of property until the right of redemption is foreclosed.

3 SECTION 4. SECTION 44-9-14 OF CHAPTER 44-9 OF THE GENERAL LAWS
4 ENTITLED "TAX SALES" IS HEREBY AMENDED TO READ AS FOLLOWS:

5 **44-9-14. Purchase by collector for town** - If at the time and place of sale the
6 collector takes the land for the city or town or no person bids for the land offered for sale
7 an amount equal to the tax and charges, the collector shall then and there make public
8 declaration of the fact; and, if no bid equal to the tax and charges is then made, the
9 collector shall and give public notice that the collector purchases for the town by which
10 the tax is assessed the land as offered for sale at the amount of the tax and the charges and
11 expenses of the levy and sale. This amount, together with the cost of recording the deed
12 of purchase, shall be allowed the collector in his or her settlement with the town, provided
13 the collector causes the deed to be duly recorded within sixty (60) days after the purchase
14 and to be delivered to the town treasurer.

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16 SALES" IS HEREBY AMENDED TO READ AS FOLLOWS:

17 **44-9-15. Recital in deed to town.** - If the town becomes the purchaser, the deed to
18 it, in addition to the statements required by §44-9-12, shall set forth the fact that no
19 sufficient bid was made at the sale or that the land was taken by the town, and shall confer
20 upon the town the rights and duties of an individual purchaser.

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24 **44-9-18.2. Assignment to redevelopment agency.** - Notwithstanding the provisions
25 of § 44-9-18, the treasurer may transfer and assign any or all tax titles held by a city or
26 town for no monetary consideration to the redevelopment agency of said city or town, and
27 further shall not be required to send notice of any such intended transfer or assignment to
28 the owner of record. Such transfer shall not confer upon the redevelopment agency any
29 greater rights or responsibilities than those granted to or imposed upon the city or town as
30 the original holder of the tax title. The redevelopment agency shall hold any such tax title
31 so transferred or assigned subject to any and all rights of redemption held by the owner of
32 record and/or his or her successors and assigns in title. Notwithstanding the foregoing,
33 the redevelopment agency shall also hold and be permitted to exercise any rights that the
34 city or town previously held, including the right to petition for foreclosure of any rights of
35 redemption.

36 SECTION 7. CHAPTER 44-9 OF THE GENERAL LAWS ENTITLED "TAX
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38 SECTION:

39 **44-9-25.2 Foreclosure of the rights of redemption on account of abandonment**
40 **by a city or town** - Notwithstanding the provisions of § 44-9-25 of this chapter,
41 following a sale of land for taxes, whenever the city or town holds the title thereby
42 acquired, the city or town may bring an immediate petition in the superior court for the
43 foreclosure of all rights of redemption thereunder upon a finding by the superior court of
44 abandonment. The petition shall include a description of the land to which it applies, with
45 its assessed valuation, the source of title, giving reference to the place book, and page of
46 record, and such other facts as may be necessary for the information of the court. A
47 finding of abandonment will be made in a situation where the owner of a building has
48 intended to abandon said building, and has manifested such intent with some act or failure

1 to act. In determining whether an owner has abandoned a property, the court shall infer
2 the intent of said owner from any of the surrounding facts and circumstances including,
3 but not limited to the following:

- 4 (a) whether or not the building is vacant
5 (b) whether or not housing and building code violations have gone unrepaired
6 (b) whether or not the grounds are maintained
7 (c) whether or not the building's interior is sound
8 (d) whether or not any vandalism or damage to the building has gone unrepaired
9 (e) the length of time any of the above conditions have existed

10 The taxpayer may appear for the limited purpose of declaring his or her intention with
11 regard to exercising his or her right of redemption over the property.

12 Actions brought under this section to foreclose the right of redemption on account of
13 abandonment in the superior court shall be given precedence on the calendar and shall be
14 heard not later than thirty (30) days from the initiation of such proceedings.

15 SECTION 8. This act shall take effect upon passage.

95-S 932

EXPLANATION
OF
AN ACT
RELATING TO TAX SALES

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

5 This act would take effect upon passage.