

# RESOLUTION OF THE CITY COUNCIL

No. 553

Approved September 9, 1977

The City Collector is requested to be guided by the following procedure on the sale of tax delinquent property as set forth below:

SWAP is a non-profit, grassroots community organization incorporated on August 25, 1976. SWAP is constituted for the purpose of improvement of inner city neighborhoods by working with the residents to promote the rehabilitation and renovation of vacant and abandoned houses. All activities of the corporation are performed on a non-profit basis.

All corporate powers of the corporation are exercised by or under the authority, the business and affairs of the corporation are controlled by the Board of Directors. The Board of Directors consists of corporate members of no more than forty-five and no less than ten members. Presently, there are thirty-seven Board Members with Board Meeting, held on a monthly basis. Board Resolutions are passed by simple majority.

All corporate activities of SWAP are designed toward working toward alleviating the blight on the neighborhoods of Providence of vacant and abandoned houses which cause deterioration of property values of the neighborhood and community.

WHEREAS, SWAP's purpose is to cause the improvement of inner city neighborhoods by promoting the rehabilitation of vacant abandoned property and whereas, back taxes are a detrimental factor towards that rehabilitation. SWAP is requesting tax abatements for abandoned houses under the following procedures:

1. Abatements shall be considered on an individual basis. Neighborhood associations such as SWAP, however may make recommendations for abatements on behalf of its members. SWAP shall certify for the Finance Committee that it has checked the documents required below and that SWAP will not base any certification on race, sex or religion.
2. Any interested person or association may file with the City Clerk's Office to be notified by letter at least one week before the Finance Committee meets in order to contact qualified homeowners.
3. Abatements shall be brought before the City Council Finance Committee with the necessary documentation. The Committee shall consider the request and decide whether to recommend conditional abatement to full Council. Abatements shall be passed conditionally, pending completion of the following documentation and presentation of said documents to the City Collector.
4. The applicant for abatement shall provide the City Collector with the following information before receiving final abatement of back taxes:

- \*Sworn affidavit of residency for at least one year;
- \*Certification from the Building Inspector that the appropriate permits have been applied for and compiled with,
- \*Certification from the Division of Minimum Housing that the house has been in compliance with the Providence Minimum Housing Standards for a period of one year;
- \*Proof evident of clear title but for tax liens.

5. Upon presentation of these documents to the City Collector the abatement of back taxes as specified by the City Council shall take effect.

6. All properties that shall be considered for abatement of back taxes by the City Council shall not be offered for tax sale by the City Collector and no current tax payments shall be used for payment of back taxes that are under consideration for abatement.

7. The categories of houses which qualify for abatement shall be abandoned structures with back taxes that are on or are potentials for the City's demolition list and that are acquired by qualified homesteaders. A qualified homesteader shall be any homeowner who shall occupy an abandoned house for at least one year, bring it up to minimum housing code within four years and maintain it at minimum housing code levels for at least one year.

Nothing shall preclude any individual from applying directly to the City Council for tax abatements without SWAP certification.

IN CITY COUNCIL

SEP 1 1977  
READ AND PASSED *as amended*

*Robert J. Edgerton*  
PRES.

*Rose M. Mendonca*  
CLERK

APPROVED  
*Vincent A. G. [unclear]*  
SEP 9 1977



LAW DEPARTMENT

June 13, 1977

Carolyn F. Brassil  
Committee on Finance  
City Hall  
Providence, RI 02903

Re: SWAP (Stop Wasting Abandoned Property)

Dear Mrs. Brassil:

Your Honorable Committee has requested an opinion as to the legality of the proposed resolution regarding the organization known to us as SWAP. Let me preface this opinion by stating that I was requested to examine this matter at your last meeting which was held on June 9, 1977 and asked to report back to you on June 13, 1977.

After a cursory view of the proposed resolution, I must state that there are certain aspects of this resolution that appear to require much more than a short-range view. The following is a recital of possible legal problems which the City Council must be aware of regarding this proposed resolution:

1. The SWAP Program has not been clearly defined for legal satisfaction regarding purpose, size, structure, and organization. It has also come to my attention, after being present at two meetings, that there is a definite absence of defined legal representation regarding this program. This could result in a tremendous amount of legal questions in the future to the proposed applicants of this program.
2. The SWAP Program (as referred to in the proposed resolution) does not adequately describe the guidelines under which each applicant must be viewed; for example, eligibility requirements and/or any other pre-requisites which would be considered for acceptance of an applicant.
3. The membership (of the SWAP Certification Board)-- that is, whether the members of the City Council would have direct input via membership or in a consultant position.

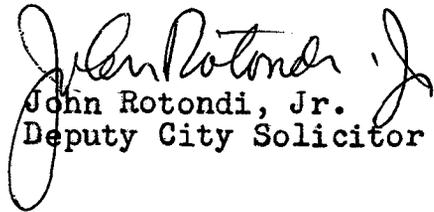
4. The possibility of improving these structures, located on the designated properties, in a constructional sense, automatically suggests the following questions:

- a. Who would be responsible to determine whether or not these properties are physically susceptible to improvement.
- b. The possible liability of the City of Providence in case the above determination is made by anyone other than the Department of the Building Inspector.
- c. Whether this situation would create the possibility of enlarging the duties of the building inspector under the Charter of the City of Providence.

5. An adequately defined time table (which is absent in this resolution) regarding when these properties would be returned to the Tax Roll of the City of Providence in case of abandonment of property after having qualified under this resolution; how long would the City of Providence be required to wait before said property be offered for tax sale by the City Collector.

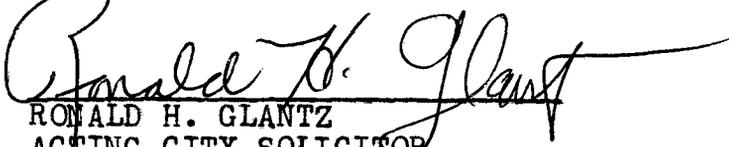
In summary, it is the opinion of the undersigned, that the proposed resolution, as presently constitution, which is the subject of this inquiry, is incomplete, poorly defined and replete with a plethora of legal questions and possible liabilities on the City of Providence. In my opinion, there should be a complete examination of the questions I have proposed prior to passage of this resolution.

Very truly yours,

  
John Rotondi, Jr.  
Deputy City Solicitor

/abt

APPROVED:

  
RONALD H. GLANTZ  
ACTING CITY SOLICITOR  
June 13, 1977