

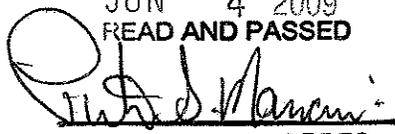
RESOLUTION OF THE CITY COUNCIL

No. 271

Approved June 15, 2009

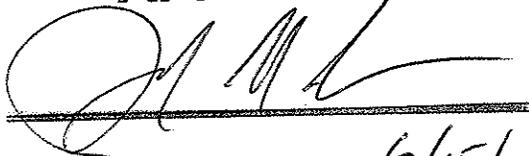
Resolution Requesting the Tax Assessor to assess the real estate designated on Assessor's Plat 47, Lot 685 (being 11 Trask Street), as petitioned by Habitat for Humanity for Greater Providence Inc., as being substantially diminished in value during the period of construction for affordable housing.

IN CITY COUNCIL
JUN 4 2009
READ AND PASSED


PRES.


CLERK

APPROVED



MAYOR

6/15/09

City of Providence
Tax Map # 047-0685-0000
Parcel Id 16864
11 Trask St, Providence
Habitat For Humanity Of Ri Inc
807 Broad St
Providence, RI 02907-1676

| | | | |
|---------------------|----------------------------|----------------------|---------------|
| Class | 13 Residential Vacant Land | Roll Section | 1 Taxable |
| Book No | 4938/138 4938/138 | Property Type | 1 Residential |
| Nbhd | 1240 1240 | Zoning | R3 R-3 |
| District No. | 5 | Living Units | 0 |
| Tax Code | R01 R01 | Size Total | 0.07 Acres |
| FY | 2008 | | |

Parcel Info.

| | | | | | | | |
|--------------------|--|-----------------------|------|----------------------|------|--------------|--|
| Subdivision | | Effective Year | 1967 | Inactive Year | 9999 | Legal | |
| / | | | | | | | |

Property Area

| | |
|---------------|-----------|
| Zoning | R3 R3 |
| Nbhd | 1240 1240 |

Legal Description

| | | | |
|-------------------|------------------|----------------------|----------------------------|
| Front Size | | Class | 13 Residential Vacant Land |
| Size 1 | 3200 Square Feet | Primary Land | |
| Size 2 | | Property Type | 1 Residential |
| Size Total | 0.07 Acres | | |

Owner (Current)

Habitat For Humanity Of Ri Inc
 807 Broad St
 Providence, RI 02907-1676

Owner (Previous)

NANCY BAILEY
 15 TRASK ST
 PROVIDENCE, RI 02905-2113

Moises Santana
 11 Trask St
 Providence, RI 02905

Luis Santana
 15 Trask St
 Providence, RI 02905

Luis Santana
 15 Trask St
 Providence, RI 02905

Keith A Strickland
 3 Andreozzi Dr
 Barrington, RI 02806

City of Providence
Tax Map # 047-0685-0000
Parcel Id 16864
11 Trask St, Providence
Habitat For Humanity Of Ri Inc
807 Broad St
Providence, RI 02907-1676

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| FY | 2008 | | |

Sales Information

| Date | Book/Page | Instrument | Doc.No. | Adj. Reason | Sale Price | Subj. Price |
|------------|-----------|-----------------|---------|----------------|------------|-------------|
| 12/29/2008 | 9297/291 | WARRANTY DEED | | U I | \$35,000 | \$35,000 |
| 3/20/2007 | 8595/268 | WARRANTY DEED | | Sole Owner U I | \$0 | \$0 |
| 8/22/2005 | 7501/212 | QUIT CLAIM DEED | | Sole Owner U I | \$0 | \$0 |
| 6/15/2005 | 7352/166 | WARRANTY DEED | | Joint Ten U I | \$235,000 | \$235,000 |

RE Assessment

CURRENT YEAR INFO 2008 - ESTIMATED

| | | | | | |
|------------|--------------|-------------|----------|------------|-------------|
| Land Value | Improvements | Total Value | Tax Rate | True Taxes | Total Taxes |
| \$37,200 | \$0 | \$37,200 | | \$881.64 | \$881.64 |

PRIOR YEAR INFO 2007

| | | | |
|------------|--------------|-------------|-------------|
| Land Value | Improvements | Total Value | Total Taxes |
| \$37,200 | \$0 | \$37,200 | \$849.68 |

MUNICIPAL LIEN CERTIFICATE
 CITY OF PROVIDENCE - OFFICE OF THE COLLECTOR
 CITY HALL PROVIDENCE, R.I. 02903 (401) 331-5252

| DATE | PLAT | LOT | UNIT | LOCATION | CERT # | PAGE |
|-------------------|------|------|------|-------------|--------|------|
| February 05, 2009 | 047 | 0685 | 0000 | 11 Trask St | 67,279 | 1 |

ASSESSED Keith A Strickland
 OWNER

STATUS OF REAL ESTATE BILL AS OF DATE PRINTED

| YR | TYPE | ORIGINAL TAX | CHARGE | ADJUSTMENT ABATEMENT | PAID | BALANCE DUE | INTEREST | TOTAL DUE | BILL NAME |
|----|------|-----------------|---------------|----------------------|-----------------|---------------|---------------|---------------|--------------------|
| 08 | RE | \$881.64 | \$0.00 | \$0.00 | \$881.64 | \$0.00 | \$0.00 | \$0.00 | Keith A Strickland |
| | | <u>\$881.64</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$881.64</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | |

INTEREST SHOWN IS VALID FOR 30 DAYS FROM DATE ISSUED. ADDITIONAL CHARGES MAY APPLY IF PAYMENT IS RECEIVED LATER THAN 30 DAYS FROM DATE.

Note:

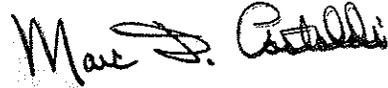
- Please be aware that unpaid taxes may be subject to tax sale.
- Please contact the Water Supply Board at 521-6300.
- Please contact the Narragansett Bay Commission at 461-8828
- Property within designated City plat maps known as 19, 20, 24, 25, and 26 may be subject to assessment by the Downtown Providence District Management authority (aka: Downtown Improvement District). Please call (401)421-4450 for payment information.

C E R T I F I C A T I O N

THIS IS TO CERTIFY THAT THE ABOVE IS TRUE AND CORRECT, SAID CERTIFICATION BEING GIVEN IN ACCORDANCE WITH 44-7-11 OF THE GENERAL LAWS OF RHODE ISLAND 1956, AS OF THE DATE PRINTED ABOVE.

MAILED TO:

City Council
 City of Providence



ROBERT P. CEPRANO
 TAX COLLECTOR

MARC CASTALDI
 DEPUTY COLLECTOR



Department of Law

May 13, 2009

John Igliazzi
Chairperson, Finance Committee
City Council Office
Providence City Hall
Providence, RI 02903

✓ Anna Stetson
City Clerk
Providence City Hall
Providence, RI 02903

RE: Proposed Resolution Purporting To Grant Tax Abatement
To Habitat for Humanity of Rhode Island

Dear Chairperson Igliazzi and Ms. Stetson:

Opinion

The collector's office reports that no taxes are due with respect to AP 123, Lots 478 and 40, designated 38 and 44 Veazie Street, respectively. See Duplicate Bills.

Therefore the issue of the City Council's power to abate taxes lawfully imposed is not reached. However, in the way of guidance, please be advised that, should taxes have been due on the properties in question, the Providence City Council does not have the authority to grant tax abatement to lawfully imposed taxes except as provided by pertinent statute, RIGL 44-7-14.

Power to Tax:

As is set forth in McQuillan, Municipal Corporations, Sec. 44.05, Taxation, 3d, the power to tax inheres in the state as an attribute of its sovereignty. Unless delegated, the taxing power is vested solely in the state legislature. Ibid.

In contrast, a municipal corporation has no inherent power of taxation. Ibid. It possesses only the power delegated to it through a statutory grant which power must be exercised in strict conformity to its terms. Ibid.

The City of Providence enjoys the power to tax through the statutory scheme embodied in R.I.G.L. § 44-5-1 et seq., pursuant to which it may, through its assessor, levy and assess local taxes. The collection of local taxes is generally addressed in R.I.G.L. § 44-9-1, et seq; but, property subject to taxation is generally set forth in R.I.G.L. § 44-3-1, et seq.

275 Westminster Street, Suite 200 • Providence, Rhode Island 02903-1845

(401) 421-7740 (Voice) • (401) 751-0203 (TDD) • (401) 351-7596 (Facsimile)

Property subject to taxation:

R.I.G.L. § 44-3-1 states that “[a]ll real property in the state, and all personal property belonging to the inhabitants of the state . . . are liable to taxation unless specifically provided.” Thus, the general grant of taxing power to municipal corporations is subject to reservation by the General Assembly to, amongst other things, set forth specific exemptions.

For the most part, this reservation finds expression in R.I.G.L. § 44-3-3 which provides for the exemption from local taxation thirty-one (31) classifications of property. Such exemptions are usually tied to a certain designated use of the property; however, in some instances the exemption is tied to a specific location or project owned by a particular entity or due to a direct charter from the General Assembly.

Obligation to collect:

The collector is legally required to collect all taxes levied by the City Council pursuant to RIGL 44-7-2. And, while there is some discretion with respect to interest penalties imposed on delinquent taxes pursuant to RIGL 44-5-8.1 and Chapter 21-4 of the Providence Code of Ordinances, there is no such discretion with respect to taxes. The collector must collect them unless they fall within the ambit of RIGL 44-7-14, supra.

Abatement/cancellation of taxes:

The collector may cease efforts to collect taxes if they are deemed erroneous or illegal by opinion of the tax assessor or uncollectible by opinion of the city solicitor. See RIGL 44-7-14 and Chapter 21-2 of the Providence Code of Ordinances. Ultimately, these type of taxes need to be presented to the City Council for formal abatement.

In addition to abating erroneous, uncollectible or illegal taxes, the City Council does have the power to abate taxes for an adopted Homestead Program, which involves the taking of title of city owned property by an individual who renovates the property and lives in it. RIGL 45-44-4. No such program currently exists in the City of Providence to the best of my knowledge.

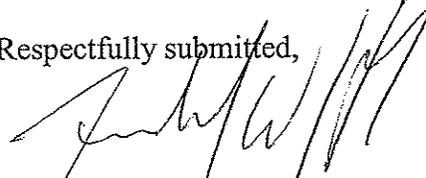
RIGL 44-7-27 is instructive as to the extreme narrowness of abatement authority insofar as it represents special legislation for the City of Newport to abate taxes on property transferred to the State of Rhode Island for the creation of a visitor’s center. I reference this legislation to highlight how restrictive the legislative scheme is with respect to the cancellation of taxes.

John Iglizzi
Chairperson, Finance Committee
Page 3
May 13, 2009

Review:

The Law Department advises that the power to abate taxes by the City of Providence is found to be expressed in the statutory scheme; and, as described above, such power is extremely narrow. Such power to abate would not have encompassed the current petition before the City Council submitted by Habitat for Humanity.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frederick W. Stolle, Jr.", written over a horizontal line.

Frederick W. Stolle, Jr.
Senior Assistant City Solicitor

City of Providence Duplicate Bill

Habitat For Humanity of RI Inc
807 BROAD ST
PROVIDENCE, RI 02907-1676



ACCOUNT NO: 90008035001
LENDER:

| | |
|---------------------------|---------------|
| 2008 TAX DUE: | |
| 2008 INTEREST DUE: | |
| PRIOR YEARS TAXES DUE: | |
| PRIOR YEARS INTEREST DUE: | \$0.00 |
| TOTAL AMOUNT DUE: | \$0.00 |

DESCRIPTION

| REAL ESTATE | | | | | | | | | | | |
|--------------------|---------------|---------------|-------------|------------|----------|----------|---------|---------|--------|----------------------|----------|
| YR | PLAT/LOT | PROPERTY LOC. | TOTAL A. | ORIG. DUE | ADJ./AB. | CHARGES. | INT. | REVERS. | REFUND | PAYMENTS | TOT. DUE |
| 2008 | 123-0040-0000 | 44 Veazio St | \$75,700.00 | \$1,794.12 | | \$0.00 | \$71.76 | | | \$1,865.88 | |
| REAL ESTATE TOTAL: | | | \$1,865.88 | | | \$0.00 | \$71.76 | | | Interest as of date: | \$0.00 |
| | | | | | | | | | | \$1,865.88 | |

| | | | | | | |
|------------------|--------------------|---------------------|-------------|-------------|-------------|-------------|
| REAL ESTATE TAX: | <u>PRIOR YEARS</u> | <u>CURRENT YEAR</u> | <u>QTR1</u> | <u>QTR2</u> | <u>QTR3</u> | <u>QTR4</u> |
| TANGIBLE TAX: | | | | | | |
| EXCISE TAX: | | | | | | |

TOTAL AMOUNT DUE :

| Summary | | | Detail | | | | Notes | | | | | |
|--|-------------|------------|--|------------|------------|---------------|--|-----------------------|------------------------------------|---------|---------|---------|
| Year id | Sub System | Bill # | Billed | Interest | Paid | Balance | Late Charges | Total Due | 1st Due | 2nd Due | 3rd Due | 4th Due |
| 2008 | Real Estate | 1690024 | \$1,794.12 | \$71.76 | \$1,865.88 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| <input type="checkbox"/> Balance Forward | | | <input checked="" type="checkbox"/> Balance Forward Detail | | | | <input type="checkbox"/> Applied Records | | <input type="checkbox"/> Cash Flow | | | |
| Entry Date | Installment | Trans Type | Class Code | Amount | Balance | Amount Billed | Posted | Posting Stamp | | | | |
| 8/23/2008 | 1 st | Billed | Real Estate Tax | \$448.53 | \$448.53 | | Yes | 8/23/2008 9:20:13 AM | | | | |
| 8/23/2008 | 2 nd | Billed | Real Estate Tax | \$448.53 | \$897.06 | | Yes | 8/23/2008 9:20:13 AM | | | | |
| 8/23/2008 | 3rd | Billed | Real Estate Tax | \$448.53 | \$1,345.59 | | Yes | 8/23/2008 9:20:13 AM | | | | |
| 8/23/2008 | 4th | Billed | Real Estate Tax | \$448.53 | \$1,794.12 | \$1,794.12 | Yes | 8/23/2008 9:20:13 AM | | | | |
| 10/22/2008 | Total | Interest | RE Interest | \$71.76 | \$1,865.88 | | Yes | 10/27/2008 9:28:09 AM | | | | |
| 10/22/2008 | Total | Payment | sbo00041104 | \$1,865.88 | \$0.00 | | Yes | 10/27/2008 9:28:09 AM | | | | |
| | | | | \$0.00 | \$0.00 | \$1,794.12 | | | | | | |

| | | | | | | | |
|-------|--------|------------|-------------|----------|--------------|-------------|------|
| Query | Search | Bill (P/L) | Bill (Acct) | Dup Bill | Reverse Sort | Record Card | Exit |
|-------|--------|------------|-------------|----------|--------------|-------------|------|