

**PUBLIC NOTICE
TOWN OF CHARLESTOWN**

Notice is hereby given that the following ordinance was adopted by the Town Council of the Town of Charlestown after a public hearing, duly advertised and posted, held on March 11, 2024.

**ORDINANCE NO. 412
AN ORDINANCE AMENDING CHAPTER 192 Taxation**

Section 1. The Town Council of the Town of Charlestown hereby ordains that Chapter 192 of the Code of Ordinances, Town of Charlestown is amended as follows:

See Exhibit A for a full version of the proposed amendments and for a full understanding of the proposed amendments.

Note: Words set as ~~strikeover~~ are to be **deleted** from the ordinance; words set in underline are to be **added** to the ordinance.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to the Town of Charlestown's Code of Ordinances.

Section 3. This ordinance shall take effect immediately upon passage.

Attested To By:
Amy Rose Weinreich, CMC Town Clerk

Passed By Town Council On:
March 11, 2024

Advertised in the Westerly Sun: March 18, 2024

Exhibit A

Article I

Elderly Tax Exemption Procedures

§ 192-1 Exemption authorized.

The Tax Assessor is hereby authorized to grant an exemption on residential property situated in the Town and owned and occupied by any and all persons 65 years of age or older, in accordance with the limitations and provisions herein. This exemption will end as of December 31, 2003, the 2004 Tax Year. Only the participants in this exemption program at that time may continue to ~~received~~ receive this exemption until they no longer meet the eligibility requirements.

§ 192-2 Structure on leased land to be real estate.

For the purpose of this article, a home or trailer on leased land shall be deemed to be real estate.

§ 192-3 Eligibility.

In order to be eligible for the exemption provided for herein:

- A. The applicant must be 65 years of age or older.
 - B. The applicant must be the owner-occupant of the property for which the tax exemption is intended.
 - C. The owner-occupant must have been a resident and property taxpayer in the Town for a period of one year prior to the filing of any application for tax exemption.
 - D. It is the express purpose of this article to confine the exemption to residential property primarily used as such by the owners thereof. No income-bearing residential property, business property or combination of business and residential property, owned and occupied by any person 65 years of age or older, shall be entitled to the exemption herein provided.
 - E. Applicants for the ~~age sixty-five~~ age sixty-five general exemption shall be required to file only an initial application. This exemption will end as of December 31, 2003, the 2004 Tax Year. Only the participants in this exemption program at that time may continue to ~~received~~ receive this exemption until they no longer meet the eligibility requirements.
 - F. Prior to December 1st, the Tax Assessor must send to each current exemption participant a verification document requiring proof of ownership and residency for only those participants that own property in a Life Estate or Trust.
- (1) Recipient must complete and return this Proof of Residence document, to the Tax Assessor's office prior to March 15th;
 - (2) If the Proof of Residence document is not received by March 15th, the Tax Assessor must remove all corresponding exemptions from the Recipient's tax account(s);

- (3) Once the tax bills are sent, a potential recipient whose exemptions have been removed due to not filing the Proof of Residence documents to the Tax Assessor in the time prescribed, shall have the right to submit a Tax Exemption Removal Complaint form to the Town Council through the Tax Assessor's office. This Tax Exemption Removal Complaint form will be submitted to the Town Council by the Tax Assessor within thirty (30) days of receipt, along with a request for tax abatement equal to the value of the exemptions removed.

§ 192-4 Form of application.

Application for the exemption provided for herein shall be made in the form approved by the Town Council.

§ 192-5 (Reserved)

§ 192-6 Exemptions and credits on fiscal-year basis.

All exemptions or credits will be on a fiscal-year basis in accordance with the current financial management procedures of the Town.

§ 192-7 Resulting amount of reduction in tax bill.

For all persons eligible for exemption as provided in § 192-3, the general tax credit for the property for which the exemption is appropriate will result in a reduction of \$100 on their tax bill.

§ 192-8 Information to prove eligibility; residency requirement.

Applicants for the exemption shall submit the following information:

- A. Proof of age may be established by birth certificate, baptismal certificate, certificate of citizenship or by other means normally accepted by the Social Security Administration.
- B. Proof of ownership of the property for which the exemption is claimed may be established by confirmation of the Tax Assessor that the property tax on said property has been levied on the residence of the applicant continuously for the required period of time.
- C. The exempt property hereunder must be the residence of the applicant, together with the garage and/or outbuildings appurtenant thereto.
- D. As used in this article, the following terms shall have the meanings indicated:

RESIDENCY

One legally domiciled within the Town for at least 183 days a year. Seasonal or temporary residences shall not be sufficient.

Article IA
Additional Elderly Low Income Tax Benefit Programs

[Adopted 10-2-2004 by Ord. No. 253a]

**§ 192-9 Additional, Low Income, Senior Citizen Tax Credit Program.
[Amended 10-11-2011 by Ord. No. 343; 5-13-2013 by Ord. No. 356]**

- A. If the applicant's total household gross income, including social security, is between \$20,001 and \$30,000, adjusted per § **192-9.6**, he/she shall be entitled to a \$750 tax credit; or,
- B. If the applicant's total household gross income, including social security, is \$20,000, adjusted per § **192-9.6**, or less, he/she may receive a \$1,150 tax credit, if otherwise eligible.

§ 192-9.1 Application Requirements.

- A. Low Income Senior Citizen Tax Credit program requires an annual application, income verification, financial statements and Federal Income tax returns, if required to file, to be filed with the Tax Assessor's office.
- B. This program shall not apply to owner occupied multi-family dwellings or commercial properties. **[Amended 5-13-2013 by Ord. No. 356]**
- C. All applications must be received in the Tax Assessor's office on or before March 1st annually, for the previous Tax Assessment year. **[Amended 3-19-2007 by Ord. No. 303]**
- D. All applications will be reviewed by the Tax Assessor, an approval or denial letter will be sent to the applicant within thirty (30) days from the deadline date.
- E. A one-time life insurance payment to the spouse of the applicant will not disqualify the spouse from the program based on income for that year. Thereafter, the spouse must meet all the conditions of the program. Income and other benefits from the insurance payment, in subsequent years, will apply to the total income.
- F. Appeal from any Tax Assessor's determination concerning eligibility or interpretation of the provisions in this ordinance, shall be directed to the Tax Review Commission of the Town.

§ 192-9.2 Residency Requirement and Eligibility Criteria.

- A. The applicant must be 65 years of age or older on or before December 31st of the Tax Assessment Year for which this exemption is being applied. Proof of age may be established by birth certificate, baptismal certificate, certificate of citizenship or by other means normally accepted by the Social Security Administration. **[Amended 3-19-2007 by Ord. No. 303]**
- B. The applicant must have been the owner-occupant of the property and a legal resident of the Town for one-year prior, for which this tax exemption Program credit is intended. Proof of ownership of the property for which the exemption is claimed, may be established, by confirmation of the Tax Assessor that the property tax on said property has been levied on the residence of the applicant continuously for the required period of time.

RESIDENCY

One legally domiciled within the Town for at least 183 days a year, and who is eligible to become a qualified elector in the Town. Seasonal or temporary residency shall not be

sufficient.

- C. Affidavit sworn to before a notary public by the applicant as to his or her income, including social security benefits, all other income of the household and asserting that no other income is brought into the household shall be required. Further, the applicant will provide to the Tax Assessor any pertinent documentation to prove financial eligibility, including an applicant's investment and banking statements and any other documents which are relevant to proving eligibility. For the purposes of determining total income, any losses due to real estate, stocks, gambling, and other investments shall not be deducted from income.
- D. Prior to December 1st, the Tax Assessor must send to each current exemption participant a verification document requiring proof of ownership and residency for only those participants that own property in a Life Estate or Trust.
- (1) Recipient must complete and return this Proof of Residence document, to the Tax Assessor's office prior to March 15th;
 - (2) If the Proof of Residence document is not received by March 15th, the Tax Assessor must remove all corresponding exemptions from the Recipient's tax account(s);
 - (3) Once the tax bills are sent, a potential recipient whose exemptions have been removed due to not filing the Proof of Residence documents to the Tax Assessor in the time prescribed, shall have the right to submit a Tax Exemption Removal Complaint form to the Town Council through the Tax Assessor's office. This Tax Exemption Removal Complaint form will be submitted to the Town Council by the Tax Assessor within thirty (30) days of receipt, along with a request for tax abatement equal to the value of the exemptions removed.

§ 192-9.3 Form of Application.

Applications for Tax Credit provided for herein shall be made in the form approved by the Town Council.

§ 192-9.4 Date to file applications.

The application for each and every year shall be filed with the Tax Assessor by March 1.

§ 192-9.5 Exemptions and credits on fiscal-year basis.

All Tax Credits will be on a fiscal-year basis in accordance with the current financial management procedures of the Town.

§ 192-9.6 Calculation of Income.

For the purposes of this exemption, household gross income will be calculated with an annual increase equal to Social Security Administration's Cost-of-Living Adjustments (COLA) effective as of December 31, 2011 and thereafter.

Example for § **192-9A**, \$30,000 income level: SS COLA increase for 2011 was 0%, for 2012 was 3.6% and 2013 will be 1.7%, therefore creating an adjusted household gross income limit to an amount of \$31,080 for 2012 and \$31,608 for 2013, and so on.

Example for § **192-9B**, \$20,000 income level: SS COLA increase for 2011 was 0%, for 2012 was 3.6% and 2013 will be 1.7%, therefore creating an adjusted household gross income limit to an amount of \$20,720 for 2012 and 21,052 for 2013, and so on.

§ 192-10 (Reserved).

§ 192-11 (Reserved)

§ 192-12 **False statements.**

The penalty for anyone falsifying the amount of his or her income and for violating any part of this article shall result in the loss of all benefits, and the ~~applicants~~ applicants' property shall be returned to the normal tax rate. The amount of tax money the applicant has saved through these benefits will be billed to the applicant in addition to interest at the rate being used by the Collector of Taxes on delinquent accounts at the time of discovery of the false statement or violation.

§ 192-13 **Effect upon Assessor's authority.**

Nothing contained herein shall abrogate or affect the authority of the Assessor under the provision of G.L. 1956 § 44-3-3 (16), as amended.

§ 192-14 (Reserved)

Article II Veterans Exemptions

§ 192-15 **Purpose.**

The purpose of this article shall be to provide for the adjustment of the tax exemption for any veteran receiving an exemption pursuant to R.I.G.L. § 44-3-4 and § 44-2-4.2.

§ 192-16 **Exemptions.**

The following property tax exemptions will be in effect upon passage of this article:

- A. For veterans (qualified service dates only): \$250 as a tax dollar credit.
- B. For veterans, honorably discharged, not within qualified service dates: \$250 as a tax dollar credit.
- C. For an ~~unremarried~~ un-remarried widow or widower of a veteran: \$250 as a tax dollar credit.
- D. For a 100% service-connected disabled veteran: \$500 as a tax dollar credit.

§ 192-16.1 **Eligibility.**

Any veteran applying for this property tax exemption shall be deemed eligible upon complying with the following:

- A. Complete and submit an application form to the Town Clerk.

- B. Submit with said application, documentation from the Armed Forces of Discharge (Form DD214) or if still serving, documentation of qualified service.
- C. Completed application must be submitted to the Town Clerk no later than January 31 of the year applying. No reapplication will be necessary, provided that residency is continuous.
- D. Prior to December 1st, the Tax Assessor must send to each current exemption participant a verification document requiring proof of ownership and residency for only those participants that own property in a Life Estate or Trust.
 - (1) Recipient must complete and return this Proof of Residence document, to the Tax Assessor's office prior to March 15th;
 - (2) If the Proof of Residence document is not received by March 15th, the Tax Assessor must remove all corresponding exemptions from the Recipient's tax account(s);
 - (3) Once the tax bills are sent, a potential recipient whose exemptions have been removed due to not filing the Proof of Residence documents to the Tax Assessor in the time prescribed, shall have the right to submit a Tax Exemption Removal Complaint form to the Town Council through the Tax Assessor's office. This Tax Exemption Removal Complaint form will be submitted to the Town Council by the Tax Assessor within thirty (30) days of receipt, along with a request for tax abatement equal to the value of the exemptions removed.

Article IIA
Gold Star Parent

§ 192-16.2 Purpose.

The property of every person whose son or daughter has served with the armed forces of the United States of America and has lost his or her life as a result of his or her service with the armed forces of the United States of America, providing the death was determined to be in the line of duty, shall be exempted in the amount of \$200 as a tax dollar credit; provided, that there shall be but one exemption granted where both parents of the deceased son or daughter are living, according to R.I.G.L. 44-3-5.

§ 192-16.3 Eligibility.

A parent applying for this property tax exemption shall be deemed eligible upon complying with the following:

- A. Complete and submit a veteran application form to the Town Clerk.
- B. Submit with said application documentation from the Veterans' Administration of the United States certifying that the applicant veteran's death was determined to be in the line of duty.
- C. Completed application must be submitted to the Town Clerk no later than January 31 of the year applying. No reapplication will be necessary, provided that residency is continuous.

- D. Prior to December 1st, the Tax Assessor must send to each current exemption participant a verification document requiring proof of ownership and residency for only those participants that own property in a Life Estate or Trust.
- (1) Recipient must complete and return this Proof of Residence document, to the Tax Assessor's office prior to March 15th;
 - (2) If the Proof of Residence document is not received by March 15th, the Tax Assessor must remove all corresponding exemptions from the Recipient's tax account(s);
 - (3) Once the tax bills are sent, a potential recipient whose exemptions have been removed due to not filing the Proof of Residence documents to the Tax Assessor in the time prescribed, shall have the right to submit a Tax Exemption Removal Complaint form to the Town Council through the Tax Assessor's office. This Tax Exemption Removal Complaint form will be submitted to the Town Council by the Tax Assessor within thirty (30) days of receipt, along with a request for tax abatement equal to the value of the exemptions removed.

Article III
Veteran Prisoners of Wars Tax Exemption Procedures

§ 192-17 Purpose.

The purpose of this article shall be to provide a real and personal property tax exemption of \$500 as a tax dollar credit to those veterans, of the military or naval service of the United States of America, classified as prisoners of war. This exemption is in addition to other real and personal property tax exemptions of qualified veterans, pursuant to G.L. 1956 § 44-3-4.

§ 192-18 Eligibility.

Any veteran applying for this property tax exemption shall be deemed eligible upon complying with the following:

- A. Complete and submit an application form to the Town Clerk.
 - B. Submit with said application documentation from the Veterans' Administration of the United States certifying that the applicant veteran has been classified as, or determined to be, a prisoner of war.
 - C. Completed application must be submitted to the Town Clerk no later than January 31 of the year applying. No reapplication will be necessary, provided that residency is continuous.
 - D. Prior to December 1st, the Tax Assessor must send to each current exemption participant a verification document requiring proof of ownership and residency for only those participants that own property in a Life Estate or Trust.
- (1) Recipient must complete and return this Proof of Residence document, to the Tax Assessor's office prior to March 15th;

- (2) If the Proof of Residence document is not received by March 15th, the Tax Assessor must remove all corresponding exemptions from the Recipient's tax account(s);
- (3) Once the tax bills are sent, a potential recipient whose exemptions have been removed due to not filing the Proof of Residence documents to the Tax Assessor in the time prescribed, shall have the right to submit a Tax Exemption Removal Complaint form to the Town Council through the Tax Assessor's office. This Tax Exemption Removal Complaint form will be submitted to the Town Council by the Tax Assessor within thirty (30) days of receipt, along with a request for tax abatement equal to the value of the exemptions removed.

Article IV
Blind Person's Exemption Procedures

§ 192-19 Purpose.

The purpose of this article shall be to provide a real and personal property tax exemption of \$500 as a tax dollar credit for blind persons pursuant to G.L. 1956 § 44-3-12.

§ 192-20 Eligibility.

Any blind person newly applying for this property tax exemption shall be deemed eligible upon complying with the following:

- A. Complete and submit an application form to the Town Tax Assessor no later than January 31.
 - B. Submit, with said application, documentation from a licensed eye physician as to the condition of the applicants eyes.
 - C. Said documented condition of the applicant's eyes must meet the guidelines stated in G.L. 1956 § 44-3-12.
 - D. Applicant must be a legal resident of the State of Rhode Island and the Town of Charlestown.
 - E. Those applicants who received this exemption prior to passage of this article shall be deemed eligible for this exemption, if they received such benefit on the last certified tax roll, ending December 31, 1985.
 - F. Prior to December 1st, the Tax Assessor must send to each current exemption participant a verification document requiring proof of ownership and residency for only those participants that own property in a Life Estate or Trust.
- (1) Recipient must complete and return this Proof of Residence document, to the Tax Assessor's office prior to March 15th;
 - (2) If the Proof of Residence document is not received by March 15th, the Tax Assessor must remove all corresponding exemptions from the Recipient's tax account(s);

- (3) Once the tax bills are sent, a potential recipient whose exemptions have been removed due to not filing the Proof of Residence documents to the Tax Assessor in the time prescribed, shall have the right to submit a Tax Exemption Removal Complaint form to the Town Council through the Tax Assessor's office. This Tax Exemption Removal Complaint form will be submitted to the Town Council by the Tax Assessor within thirty (30) days of receipt, along with a request for tax abatement equal to the value of the exemptions removed.

Article V
Tax Relief for Disabled Persons

§ 192-21 Exemption authorized.

The Tax Assessor is hereby authorized to grant an exemption on real property situated in the Town and owned and occupied by any one or more persons who have been determined to be 100% disabled by the Social Security Administration, in accordance with the limitations and provisions herein. This article shall provide a real property tax exemption of \$575 as a tax dollar credit for persons who are totally disabled pursuant to G.L. § 44-3-15.

§ 192-22 Eligibility.

In order to be eligible for the exemption provided for herein:

- A. The applicant must be certified by the Social Security Administration as 100% disabled.
 - B. The applicant must be at least 18 years old.
 - C. The applicant must be the owner/occupant of the property for which the tax exemption is intended.
 - D. The applicant must have been a resident in the Town for a period of one year next prior to the filing of any application for tax exemption.
 - E. It is the express purpose of this article to confine the exemption to property solely used as a single-family dwelling.
 - F. Applicants for the disabled persons exemption must file an initial application on or before March 1st.
 - G. Prior to December 1st, the Tax Assessor must send to each current exemption participant a verification document requiring proof of ownership and residency for only those participants that own property in a Life Estate or Trust.
- (1) Recipient must complete and return this Proof of Residence document, to the Tax Assessor's office prior to March 15th;
 - (2) If the Proof of Residence document is not received by March 15th, the Tax Assessor must remove all corresponding exemptions from the Recipient's tax account(s);

- (3) Once the tax bills are sent, a potential recipient whose exemptions have been removed due to not filing the Proof of Residence documents to the Tax Assessor in the time prescribed, shall have the right to submit a Tax Exemption Removal Complaint form to the Town Council through the Tax Assessor's office. This Tax Exemption Removal Complaint form will be submitted to the Town Council by the Tax Assessor within thirty (30) days of receipt, along with a request for tax abatement equal to the value of the exemptions removed.

§ 192-23 Applications; exemptions to be on fiscal-year basis.

- A. Application for the exemption provided for herein shall be made in the form approved by the Town Council.
- B. All applications must be fully completed by the applicants and submitted to the Tax Assessor in a timely manner on or before March 1st, this exemption will then continue until the transfer of property or until the applicant is no longer a resident of Charlestown.
- C. All exemptions will be on a fiscal-year basis in accordance with the current financial management procedures of the Town.

§ 192-24 Proof of eligibility; residency requirement.

Applicants for tax exemption shall submit the following information:

- A. Proof of age, which may be established by birth certificate, certificate of citizenship or other means normally accepted by the Social Security Administration.
- B. Proof of ownership of the property for which the exemption is claimed, which may be established by confirmation of the Tax Assessor.
- C. "Residency," for the purpose of this article, shall mean one is legally domiciled within the Town for at least 183 days a year. The Tax Assessor may require documentation, which would become part of the Assessor's records, that would be utilized for proof of required residency. Seasonal or temporary residency shall not be sufficient.
- D. A statement from the Social Security Administration that the applicant is 100% disabled, attached to the initial application.

§ 192-25 (Reserved)

§ 192-26 (Reserved)

§ 192-27 Sworn affidavit; documentation of financial eligibility.

In addition to meeting the various other provisions of this article, the applicant, using forms approved by the Town Council, shall provide a sworn affidavit as to his or her social security benefits and other government assistance.

§ 192-28 (Reserved)

§ 192-29 **False statements.**

The penalty for anyone falsifying the amount of his or her income and for violating any part of this article shall result in the loss of all benefits, and the applicants' property shall be returned to the normal tax rate. The amount of tax money the applicant has saved through these benefits will be billed to the applicant, in addition to interest, at the rate being used by the Collector of Taxes on delinquent accounts at the time of discovery of the false statement or violation.

§ 192-30 **Effect on Assessor's authority.**

Nothing contained herein shall abrogate or affect the authority of the Assessor under the provision of G.L. 1956 § 44-3-3, Subparagraph 16.

Article VI

Additional Exemption for Disabled Veterans

§ 192-31 **Purpose.**

The purpose of this article shall be to provide a real and personal property tax exemption of \$500 as a tax dollar credit to those veterans of the military or naval service of the United States of America classified as 100% disabled. This exemption will end as of December 31, 2018, the 2019 Tax Year. Only the participants in this exemption program at that time may continue to receive this exemption until they no longer meet the eligibility requirements.

§ 192-32 **Eligibility.**

Any veteran applying for this property tax exemption shall be deemed eligible upon complying with the following:

- A. An application form shall be completed and submitted to the Town Tax Assessor.
- B. Documentation from the Veterans Administration of the United States, certifying that the applicant veteran has been classified as 100% disabled, shall be submitted with said application.
- C. The completed application must be submitted to the Town Tax Assessor no later than January 31.

Article VII

Parsonages - Real Estate Assessment Exemption

§ 192-33 **Purpose.**

The purpose of this article shall be to provide a real estate property tax exemption in total, for dwellings and buildings that include housing, the land on which they stand not exceeding one acre in size, or a minimum lot size for the zone in which the building is located, owned by or held in trust for any religious organization and actually used by its officiating clergy, used as a convent, nunnery or retreat center by its religious order.

§ 192-34 Eligibility.

- A. Subject to further legislative authorization by the General Assembly, dwellings and buildings that include housing, the land on which they stand, not exceeding one acre in size, or the minimum lot size for the zone in which the dwelling house is located, owned by or held in trust for any religious organization and actually used by its officiating clergy, used as a convent, nunnery or retreat center by its religious order.
- B. This ordinance shall be effective only upon passage of enabling legislative authorization by the General Assembly and all taxes shall be retroactively abated for those on the Tax Roll as of December 31, 2005.

Article VIII

Waiver of Interest on Overdue Quarterly Tax Payments

§ 192-35 Purpose.

Pursuant to the authority granted to the Town of Charlestown under the provisions of Title 5 of Chapter 44, Section 8.1 of the General Laws, as amended, the tax collector is hereby authorized to waive the interest on one quarter's overdue property tax payment and to allow the remaining balance to be paid on a quarterly basis provided the taxpayer can demonstrate with such evidence as may be required by the tax collector that the failure to make such payment in a timely manner was prevented by circumstances, other than financial incapacity, beyond the control of the taxpayer such as, but not limited to, a personal or family illness or family death.

§ 192-36 Eligibility.

A taxpayer may apply to the tax collector to waive the interest on one quarter's overdue property tax payment and to allow the remaining balance to be paid on a quarterly basis provided the following conditions are satisfied (Acceptable evidence shall include, but is not limited to, obituary (death of a family member) or doctor's note or proof of illness):

- A. The property subject to the overdue payment is the residence of the taxpayer and has been for the five years immediately preceding the tax payment which is overdue.
- B. The request for a waiver of interest is in writing, signed and dated by the taxpayer.
- C. The taxpayer has made timely tax payments to the Town for five years immediately preceding the tax payment which is overdue. The burden of proof of timely payments shall be on the taxpayer.
- D. The bill for which the payment was overdue was issued less than two years prior to the date of the request for a waiver of interest.
- E. The waiver of interest on a tax bill shall not exceed five hundred dollars (\$500).

Decisions of the Tax Collector shall be in writing and contain a notice to the Town Council. If the taxpayer receives an adverse ruling from the Tax Collector, the taxpayer must pay the interest and may file a claim for reimbursement with the Town Council within 10 days of the decision.

Article IX
Low and Moderate Income Housing Taxation

§ 192-37 Purpose.

- A. Ensuring the development of affordable, healthy, and safe housing for the residents is a priority for the Town of Charlestown.
- B. Development of LMIH requires complex financing and deed restrictions that limit both the amount of rent that may be charged, and the income levels of tenants, making predictability in operating expenses crucial for the success and viability of LMIH projects.
- C. Deed-restricted LMIH projects require public and private investment, and the application of the so-called "8 percent tax treatment" prescribed in R.I.G.L. § 44-5-13.11 and application of an exemption from the tax assessment prescribed in R.I.G.L. § 44-3-13.4 represents the Town's investment in such LMIH projects.

§ 192-38 Definitions.

The following definitions shall apply to this article:

QUALIFYING LOW OR MODERATE INCOME HOUSING ("LMIH")

Newly constructed or rehabilitated residential rental units that are encumbered by a covenant recorded in the land records in favor of a governmental unit or Rhode Island housing and mortgage finance corporation restricting either or both the rents that may be charged to tenants of the property or the incomes of the occupants of the property, as referenced in R.I.G.L. § 44-5-13.11 and 44-3-13.4 and have been issued a certificate of occupancy, whether or not occupied.

EIGHT PERCENT

Eight (8) percent of a Qualifying LMIH property's previous year's gross scheduled rental income and/or tax payment due the Town.

§ 192-39 Administration.

- A. Owners of Qualifying LMIH properties shall make annual payments that equal eight (8) percent of the property's previous year's gross scheduled rental income and/or tax payment due the Town, as set forth elsewhere herein this ordinance provision.
- B. In the case of Qualifying LMIH rental units which have been substantially rehabilitated pursuant to the relevant provisions of R.I.G.L. 44-5-13.11, a tax that equals eight percent (8%) of the property's previous year's gross scheduled rental income or a lesser percentage as determined by each municipality.
- C. In the case of Qualifying LMIH rental property which do not otherwise fall under the provisions of Subsection B, an exemption from taxation shall be applied by the tax assessor under the provisions of R.I.G.L. 44-3-13.4 that will constitute a tax that equals eight (8) percent of the property's previous year's gross scheduled rental income.

- D. Payments shall be made in a lump sum during the first quarter of the applicable tax year.
- E. On or before March 1st the owners of Qualifying LMIH properties shall submit to the tax assessor documentation of the previous year's gross scheduled rental income. Documentation shall include and annual application and gross rental income calculations.
- F. The tax assessor shall review the documentation required in Subsection E, and determine the dollar amount of the eight (8) percent payment due to be collected from the Qualifying LMIH property owner.
- G. The tax assessor shall forward to the tax collector the eight (8) percent payment data.
- H. In the event that the eight (8) percent payment in lieu of taxes is not received in a timely manner, the Town reserves the right to assess taxes in the same form and manner as for other taxpayers in the Town.
- I. During the construction/re-construction phases of these projects, the tax assessor shall assess the development of construction similar to all other building permit assessment practices, whereas the property value will be established at the percentage of completed construction on December 31 annually.

§ 192-40 Noncompliance and Revocation of Reduced Tax Assessment.

- A. Owners of Qualifying LMIH properties who do not submit the proper documentation within thirty (30) days of the deadline shall be assessed at the tax rate that applies to the property's standard classification. Upon submission of proper documentation, the eight percent rate shall be reapplied prospectively.
- B. Should the property no longer maintain the property as Qualifying LMIH, the property shall be assessed at the tax rate that applies to the property's standard classification.

Article X
Business Tangible Property Exemption

[Adopted 9-12-2016 by Ord. No. 374]

§ 192-41 Purpose.

The purpose of this article shall be to provide a tangible property tax assessment exemption to businesses that have tangible business property within Charlestown, pursuant to R.I.G.L. Title 44, Chapter 3, Sections 3 ~~(48)~~(51), 3.1 and 40.

§ 192-42 Eligibility.

Any business applying for this tangible tax exemption shall be deemed eligible upon complying with the following:

- A. Complete and submit the Tangible Tax Declaration Form to the Town Tax Assessor annually. Any business not submitting a Tangible Tax Declaration Form will not be eligible for this

exemption.

- B. Declare taxable property to the Assessor between December 31 and January 31. If the taxpayer is unable to make such a declaration within the prescribed time, they may submit a written notice, prior to January 31, of the intention to submit the declaration by March 15. Failure to file a true and full account within the prescribed time eliminates the right to appeal and eliminates the eligibility for this exemption

§ 192-43 Exemptions.

A tax assessment exemption ~~of ten thousand dollars (\$10,000)~~ per business account will be provided in compliance with RIGL 44-5.3-1.