

ORDINANCE NO. 2024-16

PROPOSED ORDINANCE IN AMENDMENT TO
CHAPTER 27
OF THE ORDINANCES OF THE BRISTOL TOWN CODE

IT IS HEREBY ORDAINED BY THE Town Council of the Town of Bristol, Rhode Island that Chapter 27 of the Town Code be amended as follows.

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CHAPTER 27 – TAXATION

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Sec. 27-15. - Tax Classification System.

(A) The town does hereby adopt a system of classification of taxable property in the town in conformity with the provisions of R.I. Gen. Laws § 44-5-11.8, effective for taxes assessed as of December 31, 2024. All ratable property in the town shall be classified by the Tax Assessor as follows:

(1) *Class One.* Residential real estate consisting of no more than five dwelling units, land classified as open space and dwellings on leased land including mobile homes. This class does not include residential properties containing partial commercial or business uses. This class shall be further subdivided into (a) owner-occupied and (b) non-owner- occupied properties, and the Town Council shall adopt separate tax rates for each category in compliance with the tax rate restrictions of R.I. Gen. Laws § 44-5-11.8. The granting of an application for an owner-occupied residential tax as referenced above is subject to the following limitations:

(a) An owner-occupied residential tax rate shall only be allowed upon written application. In the absence of such application, the non-owner-occupied rate shall apply. Taxpayers applying for an owner-occupied residential tax rate shall file an initial application and declaration, and present evidence as to the owner-occupied status of the subject property in such a manner as may be required by the Tax Assessor. The applicant shall be required to reapply for the owner-occupied residential tax rate annually following the initial approval by certifying that the information provided in the previous application remains true, accurate, and complete. The reapplication shall include an express certification that there have been no material changes to the applicant's circumstances, qualifications, or the information previously provided. All applications and reapplications must be filed with the Tax Assessor's Office between January 1 and March 15 following the date of assessment for the year for which the owner-occupied rate is claimed; provided however, that for the year following the December 31, 2023 assessment date, all applications may be filed with the Tax Assessor's Office between January 1 and May 1, 2024. The Tax Assessor may, with the advice of the Board of Tax Assessment Review, accept applications for owner-occupied status after the filing deadline for the current or previous year's taxes only upon the applicant's showing of excusable neglect. Excusable neglect can be established by evidence showing that the circumstances that caused the applicant's failure to file by the deadline were out of the applicant's control, and not due to mere carelessness or inattention.

(b) The real property for which the owner-occupied residential tax rate is claimed must be legally titled to the taxpayer occupying the property, a trust to which the taxpayer is the named beneficiary, a life tenant with responsibility for the payment of taxes on the property, or to a corporate entity owned and controlled by the taxpayer, as of December 31 prior to the fiscal year for which the owner-occupied rate shall apply.

(c) Applicants may qualify for an owner-occupied residential tax rate on any qualified property in the town at any point in time. In addition, an owner of real estate in the Town of Bristol must meet all of the following requirements in order to qualify for an owner-occupied rate:

1. The owner-occupied rate applicant, or the owner-occupied rate applicant's spouse, must be a registered voter in the Town of Bristol;

2. Neither the owner-occupied rate applicant nor the applicant's spouse is receiving an owner-occupied rate or homestead exemption or other personal exemption for another piece of real property located elsewhere in the State of Rhode Island, or in any other state of the United States, for the same period of time the owner is seeking the owner-occupied rate for property owned in the town, unless during that time the owner is either legally separated or divorced from the spouse during some or all of the period in which they are claiming more than one owner-occupied rate;

3. The owner-occupied rate attaches to the owner(s) of the real property, and not to the real property itself;

4. Applicants for the owner-occupied rate must reside at the subject property for more than six months of the year;

5. If the taxpayer gives misinformation as to ownership and/or occupancy of the real property on his/her application or reapplication for an owner-occupied rate, the Tax Assessor may, in such event, remove the owner-occupied rate and apply the non-owner-occupied rate and recalculate the tax for the period in question and in addition charge the taxpayer the maximum interest permitted by law. Such person shall also be subject to a fine of up to \$1,000;

6. The Tax Assessor is empowered to inquire into the right of a taxpayer to the continuance of the owner-occupied rate, and for such purpose he/she may require the filing of a new application or the submission of such proof as he/she shall deem necessary to determine the right of the taxpayer to the continuance of such rate.

7. The Tax Assessor may promulgate any further rules, regulations, forms, and policies which he/she deems necessary to carry out the intent and purpose of this section as it relates to the owner-occupied residential tax rate; and

8. An owner-occupied residential tax rate granted pursuant to this division shall terminate upon:

a. The conveyance of the subject property; provided however, if the new owner(s) of the property makes application and qualifies for an owner-occupied residential tax rate within 30 days of the date of the conveyance, the rate shall continue throughout the end of said tax year;

b. The death of the owner(s) occupying the subject property; provided however, that if the owner(s) holds an ownership interest in the subject property as of the date of assessment for the year for which the exemption is claimed and subsequently deceases, the rate shall continue through the end of said tax year, unless the subject property is sold; or

c. The subject property ceases to be owner-occupied.

(2) *Class Two.* Commercial and industrial real estate, residential properties containing partial commercial or business uses and residential real estate of more than five dwelling units.

(3) *Class Three.* All ratable tangible personal property.

(4) *Class Four.* Motor vehicles and trailers subject to excise tax created by R.I. Gen. Laws Title 44, Ch. 34.

(B) The Tax Assessor of the town, on or before June 15 each year shall make a full and fair cash valuation of all the estate, real and personal, including motor vehicles and trailers, subject to taxation and determine the assessed valuation of all property within each class.

(1) The designated classes of property shall be limited to the four classes as defined in division (A) above.

(2) The effective tax rate applicable to any class shall not exceed by 50% the rate applicable to any other class.

(3) Any tax rate changes from one year to the next shall be applied such that the same percentage rate change is applicable to all classes, unless otherwise mandated by law.

(4) The tax rates applicable to wholesale and retail inventory within Class Three are governed by R.I. Gen. Laws § 44-3-29.1.

(5) The tax rates applicable to motor vehicles within Class Four as defined in division (A) above are governed by R.I. Gen. Laws § 44-34.1-1.

(C) The provisions of R.I. Gen. Laws Title 44, Ch. 35 relating to property tax and fiscal disclosure applies to the reporting of and compliance with these classification restrictions.

(D) The Assessor has the authority to apply different rates of taxation against Class One, Class Two, Class Three and Class Four property to determine the tax due and payable on the property provided the rate of taxation is uniform within each class.

(E) The Assessor shall provide to the Finance Director a list containing the full and fair cash valuation of each property class and, with the approval of the Town Council, annually determine the percentages of the tax levy to be apportioned each class or property and shall annually establish tax rates sufficient to produce the proportion of the total tax levy.

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This ordinance shall take place upon its passage.

The Town Council will be in session in the Town Hall, Council Chambers, on October 9, 2024. If remonstrance in the meantime, a petition bearing the valid signatures of at least twenty (20) qualified voters must be filed with the Town Clerk requesting a Public Hearing, such hearing must be held before final action may be taken on said ordinance.

By Order of the Town Council
Melissa Cordeiro
COUNCIL CLERK

October 3, 2024