

NO.22
ORDINANCE STABILIZING TAXES OF THE ELDERLY

APPROVED JUNE 14, 1972
AMENDED JULY 8, 1992
AMENDED NOVEMBER 10, 1993
AMENDED MAY 11, 2005
AMENDED OCTOBER 10, 2007

Be it ordained by the Town of West Greenwich as follows:

SECTION 1. AUTHORIZATION:

Pursuant to the Rhode Island Public Laws of 1972, Chapter 12, as amended by Rhode Island Public Laws of 1992, Chapter 41, there is hereby enacted an ordinance for the stabilization of taxes for the elderly, as herein below set forth.

SECTION 2. LIMITATIONS:

Every person who is a citizen and legal resident of the Town of West Greenwich, of the age of sixty-five (65) years or more, and residing in the Town of West Greenwich for seven (7) years or more in the same dwelling house owned by him or her, or in a dwelling house of equal or less value, which is a constituent part of his or her real property, on a proper claim being made therefore, shall be entitled to the stabilization of his or her tax assessment on such real property at the then existing rate and valuation. An exception to the seven (7) year residency requirement in the same dwelling shall be made for any person who moved to a second dwelling of equal or less value, during said seven (7) year period. Those persons who would otherwise qualify but have been forced to relocate their residence within the Town of West Greenwich due to the acquisition of their residence by the state for reservoir purposes during said seven (7) year period shall also be entitled to the benefits of this ordinance.

SECTION 3. RESTRICTIONS:

The restriction stabilizing the tax rate and valuation on the property of elderly persons, contained in this ordinance, shall not apply to the portion of the tax, if any, assessed by the Town for the purpose of paying the indebtedness of the Town and the interest thereon, and for appropriation to any sinking fund of the Town, which portion of the tax shall be paid in full.

SECTION 4. DEFINITIONS AND CONDITIONS:

The stabilization of tax assessment shall be subject to the following definitions and conditions.

(a) When the qualified resident resides in a single-family or two-family dwelling, the stabilized tax assessment shall apply *only* to the owner-occupied, single-family dwelling and to the homesite lot on which the dwelling is situated, along with any out-buildings on the homesite used with the dwelling which are not additional dwellings.

When the qualified resident resides in a two-family dwelling or an Elderly and/or Handicapped Family Apartment, the stabilized tax assessment shall apply only to the value of the owner-occupied dwelling or apartment and not to the value of the dwelling to which it is attached or the homesite lot on which it is located.

The homesite lot shall be a single parcel of land that is shown on the tax assessor plat map with a single plat and lot number (except that, a vacant lot of less than two (2) acres, which is contiguous to the homesite lot, may be joined to the homesite lot and shall qualify for stabilized tax assessment, provided the so joined are therefore shown on the tax assessor plat map as a single homesite lot.) A land parcel of two (2) or more acres with assigned plat and/or lot number different from the homesite plat and lot number whether contiguous or non-contiguous to the homesite lot shall not have stabilized tax assessment.

(b) The term " legal resident" as used in this ordinance shall mean a person who is eligible to become a qualified elector in the Town of West Greenwich, and who resides and has resided in the Town of West Greenwich in the same dwelling, owned by his or her, for the preceding seven (7) or more years that being the dwelling identified on the application for stabilized taxes. No person who is not a legal resident of the Town shall be entitled to stabilized taxes.

(c) The stabilized tax assessment as provided in this ordinance shall apply to jointly owned property if any of the joint tenants meet the applicant qualifications. The stabilized tax assessment benefit shall be in addition to any exemptions to which any of these tenants may be entitled.

i. In the case of property held jointly by husband and wife, the property, if otherwise eligible for stabilization shall not be disallowed upon the grounds that one (1) spouse is not sixty-five (65) years or older or has not resided in West Greenwich for the required seven (7) years.

ii. A stabilization under this section shall not be disallowed if the owner-occupant has only a life estate in the property or if the property is in the name of a parent or one or more children or a living trust for the benefit of the otherwise qualified resident and the owners submit an affidavit that the qualified resident is principal owner or present beneficiary and title is held in that manner for estate planning purposes only.

(d) The stabilized tax assessment shall terminate upon conveyance of the stabilized property, or upon the death of the qualified applicant, or failure of the qualified applicant

to file an annual declaration of eligibility statement. In the case of death, a surviving spouse who meets the applicant requirements and who files proper application, shall have his or her taxes stabilized at the assessment in effect at the time of death pursuant to the terms of Paragraph (h).

(e) The stabilized assessment shall be identified with an account number separate from that assigned to any other building and/or land in excess of the homesite. The tax assessor shall stabilize the assessment at the rate and valuation in effect at the date of application, if approved. Any additions to the dwelling and/or outbuildings which do not exceed ten percent (10%) of the stabilized value within any three (3) year period shall remain under the stabilized tax assessment. Improvements that exceed ten percent (10%) in value over any three (3) year period shall be taxed each year thereafter at the current rate and valuation.

(f) Any stabilized tax assessment effected by the tax assessor shall not apply to any decreased in tax assessment below the assessment so stabilized. However, only the rate and valuation that are applicable to a given tax year shall be used in combination to compute any decreased assessment. In such instance, the lower assessment shall apply. Appeal from any tax assessor determinations concerning eligibility or interpretation of the provisions of this ordinance, shall be directed to the tax board of review Town of West Greenwich.

(g) The tax rate and valuation on a single-family dwelling or a two-family dwelling owned and occupied as their domicile by a person who has attained age sixty-five (65) years, regardless of income, shall be fixed at the tax rate and valuation applicable to such property for the December 31 assessment date immediately following the date on which such person meets the requirements of this ordinance.

(h) A surviving spouse will be entitled to a twenty-four (24) month transition period from the date of death before the property is removed from stabilization. If a surviving spouse reaches the age of sixty-five (65) during those twenty-four (24) months, tax stabilization shall remain in place. If the surviving spouse does not reach the age of sixty-five (65) during those twenty-four (24) months, the stabilization is removed and the current assessment and tax rate shall be applied.

SECTION 5. QUALIFICATION PROCEDURE:

No person shall be entitled to the stabilized tax assessment as provided in this ordinance unless he or she filed proper application with the tax assessor and has met all the requirements thereof. The application form shall be provided by the tax assessor's office and shall elicit the following information:

- (a) The person and legal address of applicant.
- (b) The applicant's date of birth.

(c) The plat and lot number as shown on the tax assessor's plat map, which shall identify the property for stabilized tax assessment.

(d) The date the property was acquired by the applicant.

(e) A declaration of eligibility, which shall read: "I, the undersigned, have read and do understand the provisions and limitations set forth in this ordinance under which I am applying for stabilized tax assessment, and I declare by signature that I am a legal resident of the Town of West Greenwich and I am eligible for the stabilized tax assessment ordained by this ordinance."

(f) Following the declaration of eligibility, there shall appear the applicant's notarized signature and date.

(g) All new applicants shall submit to an inspection of the stabilized property by the tax assessor's office before final approval.

(h) The tax assessor's final approval.

(i) Additionally, the application form shall state that after the initial application and approval of stabilized tax assessment status, the above qualified applicant shall file with the tax assessor a "continuation of eligibility" statement for each year that the stabilized tax assessment is claimed. On the statement, the applicant shall verify that he or she is a citizen and legal resident of the Town of West Greenwich and still owns and resides at the stabilized property. The renewal statement form shall be provided by the tax assessor and shall be filed prior to March 31 of each year. Failure of the qualified applicant to file the continuation of eligibility statement shall terminate the stabilized tax assessment status for the year.

(j) Proof of age, ownership and domicile shall be presented to the tax assessor at the time of application. The documents of verification, along with the application, shall be filed in the tax assessor's office. A copy of the application and ordinance shall be provided to the applicant.

SECTION 6. EFFECT

This amended ordinance shall take effect upon adoption by the West Greenwich town council, and shall apply prospectively to all residents who qualify as of the effective date, and who have not previously been granted stabilized taxes. All residents who qualified prior to the effective date of this amendment shall comply with the provisions of 5 (h) of this ordinance.

