

TOWN OF FOSTER RHODE ISLAND

RESOLUTION 2015-03

RESOLUTION OF THE FOSTER TOWN COUNCIL

SUBJECT: PILOT AMENDMENT

WHEREAS, the State of Rhode Island has determined that it is in the public interest to encourage the preservation of farm, forest, and open space land in order to maintain a readily available source of food and farm products close to the metropolitan areas of the state, to conserve the state's natural resources, and to provide for the welfare and happiness of the inhabitants of the state; and

WHEREAS, the State of Rhode Island has also determined that it is in the public interest to prevent the forced conversion of farm, forest, and open space land to more intensive uses as the result of economic pressures caused by the assessment for purposes of property taxation at values incompatible with their preservation as farm, forest, and open space land; and

WHEREAS, the state has provided for certain payments to municipalities on account of tax exemptions provided to certain properties owned by the state and certain private institutions, in recognition of the value afforded to those municipalities by virtue of the presence of such institutions, and the costs incurred by such municipalities in connection with the same; and

WHEREAS, the value of the amount of land classified as farm, forest or open space land is realized by the entire state, by virtue of such classification preserving clean air and water for the state's residents and encouraging the proliferation of farms generating locally-produced food and other farm products; and

WHEREAS, the cost to many municipalities by virtue of the classification of land as farm, forest or open space land is both direct, in terms of decreased revenue, and indirect, in terms of reduced future development opportunities; and

WHEREAS, the Town Council for the Town of Foster requests that the General Assembly for the State of Rhode Island adopt a bill amending Section 44-13-5.1 of Rhode Island General Laws, as further set forth below, to provide for a measure of compensation to municipalities with farm, forest and open space land.

NOW, THEREFORE, be it resolved that the Town Council for the Town of Foster does hereby request that the General Assembly for the State of Rhode Island amend Section 44-13-5.1 of Rhode Island General Laws to read as follows:

45-13-5.1. General assembly appropriations in lieu of property tax from certain exempt private and state properties.

(a) In lieu of the amount of local real property tax on real property owned by any private nonprofit institution of higher education, or any nonprofit hospital facility, or any state owned and operated hospital, veterans' residential facility, or correctional facility occupied by more than one hundred (100) residents which may have been or will be exempted from taxation by applicable state law, exclusive of any facility operated by the federal government, the state of Rhode Island, or any of its subdivisions, or any real property classified as farmland, forest land, or open space land pursuant to § 44-27-1 *et seq.*, the general assembly shall annually appropriate for payment to the several cities and towns in which the property lies a sum equal to twenty-seven percent (27%) of all tax that would have been collected had the real property been taxable (or, with respect to or any real property classified as farmland, forest land, or open space land, a sum equal to twenty-seven percent (27%) of the difference between the tax assessed against such land and the tax that would have been collected had such land not been so-classified); provided, however, said percentage shall be subject to adjustment pursuant to subsection (e) of this section.

(b) In no event shall any city or town record in a fiscal year both: (1) Taxes and/or payments under a stabilization agreement with a for-profit hospital facility; and (2) Distributions of appropriations under this section attributable to the prior nonprofit status of said for-profit hospital facility.

(c) As used in this section, "private nonprofit institution of higher education" means any institution engaged primarily in education beyond the high school level, the property of which is exempt from property tax under any of the subdivisions, and "nonprofit hospital facility" means any nonprofit hospital licensed by the state and which is used for the purpose of general medical, surgical, or psychiatric care and treatment.

(d) The grant payable to any municipality under the provision of this section shall be equal to twenty-seven percent (27%) of the property taxes that, except for any exemption to any institution of higher education or general hospital facility, would have been paid with respect to that exempt real property on the assessment list in the municipality for the assessment date of December 31, 1986 and with respect to such exempt real property appearing on an assessment list in the municipality on succeeding assessment dates. Provided, however, that the grant paid for the fiscal year ending June 30, 2008 shall be based upon the assessment list in the municipality as of December 31, 2004.

(e) The state budget offices shall include the amount of the annual appropriation in the state budget for the fiscal year commencing July 1, 1988, and each fiscal year thereafter. The amount of the annual distribution of appropriation payable to each eligible municipality in any year in accordance with this section shall be reduced proportionately in the event that the total of the annual appropriation in the state budget is insufficient to pay the eligible municipalities the amounts otherwise payable to said communities pursuant to subsection (a) of this section.

(f) Distribution of appropriations shall be made by the state on or before July 31 of 1988 and each July 31 thereafter or following verified receipt of a municipality's assessment data for the following fiscal year's payment, whichever is later, and the payments may be counted as a receivable by any city or town for a fiscal year ending the preceding June 30.

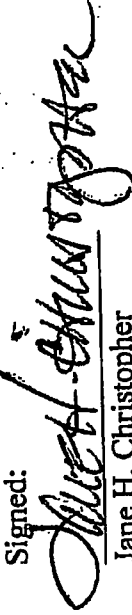
(g) Any act or omission by the state with respect to this chapter shall in no way diminish the duty of any town or municipality to provide public safety or other ordinary services to the properties or facilities of the type listed in subsection (a).

(h) Provided, that payments authorized pursuant to this section shall be reduced pro rata, for that period of time that the municipality suspends or reduces essential services to eligible facilities. For the purposes of this section "essential services" include, but are not to be limited to, police, fire and rescue.

Adopted this 9th day of April, 2015;

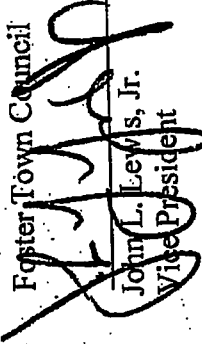
WHERETO the following bear witness:

Signed:



Jane H. Christopher
Town Clerk

Foster Town Council


John L. Lewis, Jr.
Vice President