

West's General Laws of Rhode Island Annotated

Title 44. Taxation

Chapter 3. Property Subject to Taxation

Gen.Laws 1956, § 44-3-9

§ 44-3-9. Exemption or stabilizing of taxes on property used for manufacturing, commercial, or residential purposes

Currentness

(a)(1) Except as provided in this section, the electors of any city or town qualified to vote on a proposition to appropriate money or impose a tax when legally assembled, may vote to authorize the city or town council, for a period not exceeding twenty (20) years, and subject to the conditions as provided in this section, to exempt from payment, in whole or in part, real and personal property which has undergone environmental remediation, is historically preserved, or is used for affordable housing, manufacturing, commercial, or residential purposes, or to determine a stabilized amount of taxes to be paid on account of the property, notwithstanding the valuation of the property or the rate of tax; provided, that after public hearings, at least ten (10) days' notice of which shall be given in a newspaper having a general circulation in the city or town, the city or town council determines that:

(i) Granting of the exemption or stabilization will inure to the benefit of the city or town by reason of:

(A) The willingness of the manufacturing or commercial concern to locate in the city or town, or of individuals to reside in such an area; or

(B) The willingness of a manufacturing firm to expand facilities with an increase in employment or the willingness of a commercial or manufacturing concern to retain or expand its facility in the city or town and not substantially reduce its work force in the city or town; or

(C) An improvement of the physical plant of the city or town which will result in a long-term economic benefit to the city or town and state; or

(D) An improvement which converts or makes available land or facility that would otherwise be not developable or difficult to develop without substantial environmental remediation; or

(ii) Granting of the exemption or stabilization of taxes will inure to the benefit of the city or town by reason of the willingness of a manufacturing or commercial or residential firm or property owner to construct new or to replace, reconstruct, convert, expand, retain or remodel existing buildings, facilities, machinery, or equipment with modern buildings, facilities, fixtures, machinery, or equipment resulting in an increase or maintenance in plant, residential housing or commercial building investment by the firm or property owned in the city or town;

(2) Provided that should the city or town council make the determination in subparagraph (1)(i)(B) of this subsection, any exemption or stabilization may be granted as to new buildings, fixtures, machinery, or equipment for new buildings, firms or expansions, and may be granted as to existing buildings, fixtures, machinery and equipment for existing employers in

the city or town.

(b) Cities shall have the same authority as is granted to towns except that authority granted to the qualified electors of a town and to town councils shall be exercised in the case of a city by the city council.

(c) For purposes of this section, "property used for commercial purposes" means any building or structures used essentially for offices or commercial enterprises.

(d) Except as provided in this section, property, the payment of taxes on which has been so exempted or which is subject to the payment of a stabilized amount of taxes, shall not, during the period for which the exemption or stabilization of the amount of taxes is granted, be further liable to taxation by the city or town in which the property is located so long as the property is used for the manufacturing or commercial, or residential purposes for which the exemption or stabilized amount of taxes was made.

(e) Notwithstanding any vote of the qualified electors of a town and findings of a town council or of any vote and findings by a city council, the property shall be assessed for and shall pay that portion of the tax, if any, assessed by the city or town in which the real or personal property is located, for the purpose of paying the indebtedness of the city or town and the indebtedness of the state or any political subdivision of the state to the extent assessed upon or apportioned to the city or town, and the interest on the indebtedness, and for appropriation to any sinking fund of the city or town, which portion of the tax shall be paid in full, and the taxes so assessed and collected shall be kept in a separate account and used only for that purpose.

(f) Nothing in this section shall be deemed to permit the exemption or stabilization provided in this section for any manufacturing or commercial concern relocating from one city or town within the state of Rhode Island to another.

Credits

P.L. 1916, ch. 1376, § 1; P.L. 1962, ch. 135, § 1; P.L. 1965, ch. 37, § 1; P.L. 1966, ch. 53, § 1; P.L. 1994, ch. 402, § 1; P.L. 1996, ch. 257, § 1; P.L. 1996, ch. 293, § 1; P.L. 1998, ch. 106, § 1; P.L. 2006, ch. 347, § 3, eff. July 7, 2006; P.L. 2006, ch. 466, § 3, eff. July 7, 2006.

Codifications: G.L. 1896, ch. 44, §§ 4, 5; G.L. 1909, ch. 56, §§ 4, 5; G.L. 1923, ch. 58, §§ 4, 5; G.L. 1938, ch. 29, §§ 4, 5.

Relevant Notes of Decisions (2)

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Notes of Decisions listed below contain your search terms.

Preemption

City policy of requiring developers to execute and enforce project labor agreement (PLA) in exchange for favorable tax treatment on private construction projects was regulatory action that impermissibly intruded into collective bargaining process, and thus was preempted by National Labor Relations Act (NLRA). National Labor Relations Act, § 1 et seq., as amended, 29 U.S.C.A. § 151 et seq.; R.I.Gen.Laws 1956, § 44-3-9. Associated Builders & Contractors of Rhode Island, Inc. v. City of Providence, 108 F.Supp.2d 73 (2000). Municipal Corporations ¶ 53

Equitable estoppel

§ 44-3-9. Exemption or stabilizing of taxes on property used for..., RI ST § 44-3-9

Town's grant of tax abatement to business wishing to relocate from another political subdivision in state was illegal and ultra vires and any reliance on such grant was not reasonable, thus precluding determination that town was estopped from thereafter denying abatement. Gen.Laws 1956, § 44-3-9. *Technology Investors v. Town of Westerly*, 689 A.2d 1060 (1997). Estoppel @ 62.4

Gen. Laws, 1956, § 44-3-9, RI ST § 44-3-9

Current with amendments through chapter 491 of the 2012 Regular Session. For research tips related to newly added material, see Scope.End of Document

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