

2012 -- S 2134

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION

Introduced By: Senators Tassoni, DiPalma, Cote, Nesselbush, and DeVall

Date Introduced: January 18, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-3-4 of the General Laws in Chapter 44-3 entitled "Property
2 Subject to Taxation" is hereby amended to read as follows:

3 **44-3-4. Veterans' exemptions.** -- (a) (1) The property of each person who served in the
4 military or naval service of the United States in the war of the rebellion, the Spanish-American
5 war, the insurrection in the Philippines, the China-relief expedition, or World War I, and the
6 property of each person who served in the military or naval service of the United States in World
7 War II at any time during the period beginning December 7, 1941, and ending on December 31,
8 1946, and the property of each person who served in the military or naval services of the United
9 States in the Korean conflict at any time during the period beginning June 27, 1950 and ending
10 January 31, 1955 or in the Vietnam conflict at any time during the period beginning February 28,
11 1961 and ending May 7, 1975 or who actually served in the Grenada or Lebanon conflicts of
12 1983-1984, or the Persian Gulf conflict, the Haitian conflict, the Somalian conflict, and the
13 Bosnian conflict, at any time during the period beginning August 2, 1990 and ending May 1,
14 1994, or in any conflict or undeclared war for which a campaign ribbon or expeditionary medal
15 was earned, and who was honorably discharged from the service, or who was discharged under
16 conditions other than dishonorable, or who, if not discharged, served honorably, or the property
17 of the unmarried widow or widower of that person, is exempted from taxation to the amount of
18 one thousand dollars (\$1,000), except in:

19 (i) Burrillville , where the exemption is four thousand dollars (\$4,000);

- 1 (ii) Cumberland , where the town council may, by ordinance, provide for an exemption
2 of a maximum of twenty-three thousand seven hundred seventy-two dollars (\$23,772);
- 3 (iii) Cranston , where the exemption shall not exceed three thousand dollars (\$3,000);
- 4 (iv) Jamestown , where the town council may, by ordinance, provide for an exemption
5 not exceeding five thousand dollars (\$5,000);
- 6 (v) Lincoln , where the exemption shall not exceed ten thousand dollars (\$10,000); and
7 where the town council may also provide for a real estate tax exemption not exceeding ten
8 thousand dollars (\$10,000) for those honorably discharged active duty veterans who served in
9 Operation Desert Storm.
- 10 (vi) Newport , where the exemption is four thousand dollars (\$4,000);
- 11 (vii) New Shoreham , where the town council may, by ordinance, provide for an
12 exemption of a maximum of thirty-six thousand four hundred fifty dollars (\$36,450);
- 13 (viii) North Kingstown , where the exemption is ten thousand dollars (\$10,000);
- 14 (ix) North Providence , where the town council may, by ordinance, provide for an
15 exemption of a maximum of five thousand dollars (\$5,000);
- 16 (x) Smithfield , where the exemption is four thousand dollars (\$4,000);
- 17 (xi) Warren , where the exemption shall not exceed five thousand five hundred dollars
18 (\$5,500) on motor vehicles, or nine thousand six hundred dollars (\$9,600) on real property.
- 19 (xii) Westerly , where the town council may, by ordinance, provide an exemption of the
20 total value of the veterans' real and personal property to a maximum of forty thousand five
21 hundred dollars (\$40,500);
- 22 (xiii) Barrington , where the town council may, by ordinance, provide for an exemption
23 of six thousand dollars (\$6,000) for real property;
- 24 (xiv) Exeter , where the exemption is five thousand dollars (\$5,000); and
- 25 (xv) Gloucester , where the exemption shall not exceed thirty thousand dollars (\$30,000).
- 26 (xvi) West Warwick , where the exemption shall be equal to one hundred seventy dollars
27 (\$170).

28 (2) The exemption is applied to the property in the municipality where the person resides
29 and if there is not sufficient property to exhaust the exemption, the person may claim the balance
30 in any other city or town where the person may own property; provided, that the exemption is not
31 allowed in favor of any person who is not a legal resident of the state, or unless the person
32 entitled to the exemption has presented to the assessors, on or before the last day on which sworn
33 statements may be filed with the assessors for the year for which exemption is claimed, evidence
34 that he or she is entitled, which evidence shall stand so long as his or her legal residence remains

1 unchanged; provided, however, that in the town of South Kingstown, the person entitled to the
2 exemption shall present to the assessors, at least five (5) days prior to the certification of the tax
3 roll, evidence that he or she is entitled to the exemption; and, provided, further, that the
4 exemption provided for in this subdivision to the extent that it applies in any city or town shall be
5 applied in full to the total value of the person's real and tangible personal property located in the
6 city or town; and, provided, that there is an additional exemption from taxation in the amount of
7 one thousand dollars (\$1,000), except in:

8 (i) Central Falls , where the city council may, by ordinance, provide for an exemption of
9 a maximum of seven thousand five hundred dollars (\$7,500);

10 (ii) Cranston , where the exemption shall not exceed three thousand dollars (\$3,000);

11 (iii) Cumberland , where the town council may, by ordinance, provide for an exemption
12 of a maximum of twenty-two thousand five hundred dollars (\$22,500);

13 (iv) Lincoln , where the exemption shall not exceed ten thousand dollars (\$10,000);

14 (v) Newport , where the exemption is four thousand dollars (\$4,000);

15 (vi) New Shoreham , where the town council may, by ordinance, provide for an
16 exemption of a maximum of thirty-six thousand four hundred fifty dollars (\$36,450);

17 (vii) North Providence , where the town council may, by ordinance, provide for an
18 exemption of a maximum of five thousand dollars (\$5,000);

19 (viii) Smithfield , where the exemption is four thousand dollars (\$4,000);

20 (ix) Warren , where the exemption shall not exceed eleven thousand dollars (\$11,000);

21 and

22 (x) Barrington , where the town council may, by ordinance, provide for an exemption of
23 six thousand dollars (\$6,000) for real property; of the property of every honorably discharged
24 veteran of World War I or World War II, Korean or Vietnam, Grenada or Lebanon conflicts, the
25 Persian Gulf conflict, the Haitian conflict, the Somalian conflict and the Bosnian conflict at any
26 time during the period beginning August 2, 1990 and ending May 1, 1994, or in any conflict or
27 undeclared war for which a campaign ribbon or expeditionary medal was earned, who is
28 determined by the Veterans Administration of the United States of America to be totally disabled
29 through service connected disability and who presents to the assessors a certificate from the
30 veterans administration that the person is totally disabled, which certificate remains effectual so
31 long as the total disability continues.

32 (3) Provided, that:

33 (i) Burrillville may exempt real property of the totally disabled persons in the amount of
34 six thousand dollars (\$6,000);

1 (ii) Cumberland town council may, by ordinance, provide for an exemption of a
2 maximum of twenty-two thousand five hundred dollars (\$22,500);

3 (iii) Little Compton may, by ordinance, exempt real property of each of the totally
4 disabled persons in the amount of six thousand dollars (\$6,000);

5 (iv) Middletown may exempt the real property of each of the totally disabled persons in
6 the amount of five thousand dollars (\$5,000);

7 (v) New Shoreham town council may, by ordinance, provide for an exemption of a
8 maximum of thirty-six thousand four hundred fifty dollars (\$36,450);

9 (vi) North Providence town council may, by ordinance, provide for an exemption of a
10 maximum of five thousand dollars (\$5,000);

11 (vii) Tiverton town council may, by ordinance, exempt real property of each of the
12 totally disabled persons in the amount of five thousand dollars (\$5,000), subject to voters'
13 approval at the financial town meeting;

14 (viii) West Warwick town council may exempt the real property of each of the totally
15 disabled persons in an amount of two hundred dollars (\$200); and

16 (ix) Westerly town council may, by ordinance, provide for an exemption on the total
17 value of real and personal property to a maximum of forty-six thousand five hundred dollars
18 (\$46,500).

19 (4) There is an additional exemption from taxation in the town of:

20 Warren , where its town council may, by ordinance, provide for an exemption not
21 exceeding eight thousand two hundred fifty dollars (\$8,250), of the property of every honorably
22 discharged veteran of World War I or World War II, or Vietnam, Grenada or Lebanon conflicts,
23 the Persian Gulf conflict, the Haitian conflict, the Somalian conflict and the Bosnian conflict, at
24 any time during the period beginning August 2, 1990 and ending May 1, 1994, or in any conflict
25 or undeclared war for which a campaign ribbon or expeditionary medal was earned, who is
26 determined by the Veterans' Administration of the United States of America to be partially
27 disabled through a service connected disability and who presents to the assessors a certificate that
28 he is partially disabled, which certificate remains effectual so long as the partial disability
29 continues. Provided, however, that the Barrington town council may exempt real property of each
30 of the above named persons in the amount of three thousand dollars (\$3,000); Warwick city
31 council may, by ordinance, exempt real property of each of the above named persons and to any
32 person who served in any capacity in the military or naval service during the period of time of the
33 Persian Gulf conflict, whether or not the person served in the geographical location of the
34 conflict, in the amount of two thousand dollars (\$2,000).

1 (5) Lincoln . There is an additional exemption from taxation in the town of Lincoln for
2 the property of each person who actually served in the military or naval service of the United
3 States in the Persian Gulf conflict and who was honorably discharged from the service, or who
4 was discharged under conditions other than dishonorable, or who, if not discharged, served
5 honorably, or of the unmarried widow or widower of that person. The exemption shall be
6 determined by the town council in an amount not to exceed ten thousand dollars (\$10,000).

7 (b) In addition to the exemption provided in subsection (a) of this section, there is a ten-
8 thousand dollar (\$10,000) exemption from local taxation on real property for any veteran and the
9 unmarried widow or widower of a deceased veteran of the military or naval service of the United
10 States who is determined, under applicable federal law by the Veterans Administration of the
11 United States, to be totally disabled through service connected disability and who by reason of the
12 disability has received assistance in acquiring "specially adopted housing" under laws
13 administered by the veterans' administration; provided, that the real estate is occupied as his or
14 her domicile, by the person; and, provided, that if the property is designed for occupancy by more
15 than one family then only that value of so much of the house as is occupied by the person as his
16 or her domicile is exempted; and, provided, that satisfactory evidence of receipt of the assistance
17 is furnished to the assessors except in:

18 (1) Cranston , where the exemption shall not exceed thirty thousand dollars (\$30,000);

19 (2) Cumberland , where the town council may provide for an exemption not to exceed
20 seven thousand five hundred dollars (\$7,500);

21 (3) Newport , where the exemption is ten thousand dollars (\$10,000) or ten percent
22 (10%) of assessed valuation, whichever is greater;

23 (4) New Shoreham , where the town council may, by ordinance, provide for an
24 exemption of a maximum of thirty-six thousand four hundred fifty dollars (\$36,450);

25 (5) North Providence , where the town council may, by ordinance, provide for an
26 exemption not to exceed twelve thousand five hundred dollars (\$12,500);

27 (6) Westerly , where the town council may, by ordinance, provide for an exemption of a
28 maximum of forty thousand five hundred dollars (\$40,500); and

29 (7) Lincoln , where the town council may, by ordinance, provide for an exemption of a
30 maximum of fifteen thousand dollars (\$15,000).

31 (c) In addition to the previously provided exemptions, any veteran of the military or
32 naval service of the United States who is determined, under applicable federal law by the
33 Veterans' Administration of the United States to be totally disabled through service connected
34 disability may, by ordinance, passed in the city or town where the veteran's property is assessed

1 receive a ten thousand dollar (\$10,000) exemption from local taxation on his or her property
2 whether real or personal and if the veteran owns real property may be exempt from taxation by
3 any fire and/or lighting district; provided, that in the town of: North Kingstown , where the
4 amount of the exemption shall be eleven thousand dollars (\$11,000) commencing with the
5 December 31, 2002 assessment, and for the town of Westerly where the amount of the exemption
6 shall be thirty-nine thousand dollars (\$39,000) commencing with the December 31, 2005
7 assessment, and in the town of Cumberland, where the amount of the exemption shall not exceed
8 forty-seven thousand five hundred forty-four dollars (\$47,544).

9 (d) In determining whether or not a person is the widow or widower of a veteran for the
10 purposes of this section, the remarriage of the widow or widower shall not bar the furnishing of
11 the benefits of the section if the remarriage is void, has been terminated by death, or has been
12 annulled or dissolved by a court of competent jurisdiction.

13 (e) In addition to the previously provided exemptions, there may by ordinance passed in
14 the city or town where the person's property is assessed be an additional fifteen thousand dollars
15 (\$15,000) exemption from local taxation on real and personal property for any veteran of military
16 or naval service of the United States or the unmarried widow or widower of person who has been
17 or shall be classified as, or determined to be, a prisoner of war by the Veterans' Administration of
18 the United States, except in:

19 Westerly , where the town council may, by ordinance, provide for an exemption of a
20 maximum of sixty-eight thousand dollars (\$68,000).

21 Cumberland , where the town council may by ordinance provide for an exemption of a
22 maximum of forty-seven thousand five hundred forty-four dollars (\$47,544).

23 (f) Cities and towns granting exemptions under this section shall use the eligibility dates
24 specified in this section.

25 (g) The several cities and towns not previously authorized to provide an exemption for
26 those veterans who actually served in the Persian Gulf conflict may provide that exemption in the
27 amount authorized in this section for veterans of other recognized conflicts.

28 (h) Bristol . The town council of Bristol may, by ordinance, provide for an exemption for
29 any veteran and the unmarried widow or widower of a deceased veteran of military or naval
30 service of the United States who is determined, under applicable federal law by the Veterans'
31 Administration of the United States to be partially disabled through service connected disability.

32 (i) In addition to the previously provided exemption, any veteran who is discharged from
33 the military or naval service of the United States under conditions other than dishonorable, or an
34 officer who is honorably separated from military or naval service, who is determined, under

1 applicable federal law by the Veterans Administration of the United States to be totally and
2 permanently disabled through a service connected disability, who owns a specially adapted
3 homestead, which has been acquired or modified with the assistance of a special adaptive housing
4 grant from the Veteran's Administration and that meets Veteran's Administration and Americans
5 with disability act guidelines from adaptive housing or which has been acquired or modified,
6 using proceeds from the sale of any previous homestead, which was acquired with the assistance
7 of a special adaptive housing grant from the veteran's administration, the person or the person's
8 surviving spouse is exempt from all taxation on the homestead. Provided, that in the town of
9 Westerly where the amount of the above referenced exemption shall be forty-six thousand five
10 hundred dollars (\$46,500).

11 (j) The town of Coventry may provide by ordinance a one thousand dollars (\$1,000)
12 exemption for any person who is an active member of the armed forces of the United States.

13 (k) In addition to the exemptions previously provided, the several cities and towns are
14 hereby authorized to provide by ordinance for the total exemption from local taxation of the
15 homestead of a veteran, or his or her surviving spouse, who was honorably discharged or
16 separated from the military or naval service of the United States and who is totally disabled by a
17 service connected disability as determined by the United States Department of Veterans Affairs.

18 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION

- 1 This act would give cities and towns the option of entirely exempting the homestead of a
- 2 disabled veteran or his or her surviving spouse from taxation.
- 3 This act would take effect upon passage.

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