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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO TOWNS AND CITIES - RHODE ISLAND COMMUNITY PRESERVATION  
ACT

Introduced By: Senators DiPalma, Sosnowski, and Ottiano

Date Introduced: March 06, 2013

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 45 of the General Laws entitled "TOWNS AND CITIES" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 24.6

4 RHODE ISLAND COMMUNITY PRESERVATION ACT

5 **45-24.6-1. Short title.** – This chapter shall be known and may be cited as the "Rhode  
6 Island Community Preservation Act."

7 **45-24.6-2. Findings and purposes.** – The general assembly finds and declares that:

8 (1) Capital investments in our communities are essential to protecting their character,  
9 environment, heritage, affordability, quality of life, and economic vitality;

10 (2) Cities and towns need capital funding to protect special open spaces, working farms,  
11 natural areas, and historic landmarks, as well as, to create parks, outdoor recreation facilities and  
12 housing that support all residents' health and wellbeing; and

13 (3) Cities and towns need a reliable "pay as you go" source of funding for these capital  
14 investments to reduce dependence on bond funding.

15 Therefore, the general assembly is providing cities and towns with the authority to  
16 propose, for consideration and decision by their voters, a reliable source of capital funding for  
17 investing in their community. The general assembly is also creating a dedicated state funding  
18 source to provide matching funds for communities that choose to adopt the community

1 preservation act.

2 **45-24.6-3. Definitions.** – As used in this chapter, the following words shall, unless the  
3 context clearly indicates a different meaning, have the following meanings:

4 (1) "Acquire" means obtain by gift, purchase, devise, grant, rental, rental purchase, lease  
5 or otherwise.

6 (2) "Capital improvement" means reconstruction or alteration of real property that: (i)  
7 Materially adds to the value of the real property, or appreciably prolongs the useful life of the real  
8 property; (ii) Becomes part of the real property or is permanently affixed to the real property so  
9 that removal would cause material damage to the property or article itself; and (iii) Is intended to  
10 become a permanent installation or is intended to remain there for an indefinite period of time.

11 (3) "Community housing" means low or moderate income housing for individuals and  
12 families, including low or moderate income senior housing.

13 (4) "Community preservation" means the acquisition, creation and preservation of open  
14 space, the acquisition, creation and preservation of historic resources and the creation and  
15 preservation of community housing.

16 (5) "Community preservation committee" means the committee established by the city or  
17 town council of a city or town to make recommendations for community preservation, as  
18 provided in section 45-24.6-6.

19 (6) "Community preservation fund" means the municipal fund established under section  
20 45-24.6-8.

21 (7) "CP" means community preservation.

22 (8) "Historic resources" means any real property, structure, natural object, place,  
23 landmark, landscape, archaeological site or configuration or any portion or group of the preceding  
24 which has been listed on the federal or state register of historic places or that is considered by the  
25 Rhode Island historical preservation and heritage commission to meet the eligibility criteria for  
26 listing on the state register of historic places pursuant to section 42-45-5 or is located in a historic  
27 district established by a municipality in accordance with chapter 45-24.1, "Historic Area Zoning."

28 (9) "Maintenance" means incidental repairs which neither materially add to the value of  
29 the property or appreciably prolong the property's life, but keep the property in a condition of  
30 fitness, efficiency or readiness.

31 (10) "Low or moderate income housing" means any housing, whether built or operated  
32 by any public agency or any nonprofit organization, or by any limited equity housing cooperative  
33 or any private developer, that is subsidized by a federal, state, or municipal government subsidy  
34 under any program to assist the construction or rehabilitation of housing affordable to low or

1 moderate income households, as defined in the applicable federal or state statute, or local  
2 ordinance and that will remain affordable through a land lease and/or deed restriction for ninety-  
3 nine (99) years or such other period that is either agreed to by the applicant and town or  
4 prescribed by the federal, state, or municipal government subsidy program but that is not less than  
5 thirty (30) years from initial occupancy.

6 (11) "Open space" means, but is not limited to, land to protect existing and future well  
7 fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest  
8 land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond  
9 frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or  
10 nature preserve, and land for recreational use.

11 (12) "Preservation" means protection of personal or real property from injury, harm, or  
12 destruction.

13 (13) "Real property" means land, buildings, appurtenant structures and fixtures attached  
14 to buildings or land, including, where applicable, real property interests.

15 (14) "Real property interest" means a present or future legal or equitable interest in or to  
16 real property, including easements and restrictions, and any beneficial interest therein, including  
17 the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but  
18 shall not include an interest which is limited to the following: an estate at will or at sufferance and  
19 any estate for years having a term of less than thirty (30) years; the reversionary right, condition  
20 or right of entry for condition broken; the interest of a mortgagee or other secured party in a  
21 mortgage or security agreement.

22 (15) "Recreational use" means active or passive recreational use including, but not  
23 limited to, the use of land for community gardens, trails, and noncommercial youth and adult  
24 sports, and the use of land as a park, playground or athletic field. "Recreational use" shall not  
25 include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

26 (16) "Rehabilitation" means capital improvements, or the making of extraordinary  
27 repairs to historic resources, open spaces, lands for recreational use and community housing for  
28 the purpose of making such historic resources, open spaces, lands for recreational use and  
29 community housing functional for their intended uses, including, but not limited to,  
30 improvements to comply with the Americans with disabilities act and other federal, state or local  
31 building or access codes; provided, that with respect to historic resources, "rehabilitation" shall  
32 comply with the standards for rehabilitation stated in the United States secretary of the interior's  
33 standards for the treatment of historic properties codified in 36 C.F.R. part 68; and provided  
34 further, that with respect to land for recreational use, "rehabilitation" shall include the

1 replacement of playground equipment and other capital improvements to the land or the facilities  
2 thereon which make the land or the related facilities more functional for the intended recreational  
3 use.

4 (17) "Support of community housing" means, but is not limited to, programs that provide  
5 grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of  
6 assistance directly to individuals and families who are eligible for community housing, or to an  
7 entity that owns, operates or manages such housing, for the purpose of making housing  
8 affordable.

9 **45-24.6-4. Voter approval required.** – (a) Any ordinance providing for the  
10 implementation of sections 45-24.6-4 through 45-24.6-8, which has been duly adopted by a city  
11 or town, shall only be effective upon its approval by the voters of the city or town through a ballot  
12 question as set forth in this section.

13 (b) The city or town council may vote to accept sections 45-24.6-4 through 45-24.6-8,  
14 inclusive, by approving a surcharge on real property of not more than three percent (3%) of the  
15 real estate tax levy against real property, as determined annually by the assessor. The amount of  
16 the surcharge shall not be included in a calculation of total maximum levy for purposes of section  
17 44-5-2.

18 (c) All exemptions and abatements of real property authorized by chapter 44-3 ("Property  
19 Subject to Taxation"), section 44-3-3, or any other law for which a taxpayer qualifies as eligible  
20 shall not be affected by this section. A taxpayer receiving an exemption of real property  
21 authorized by chapter 44-3, section 44-3-3, or any other law shall be exempt from any surcharge  
22 on real property established under this section. The surcharge to be paid by a taxpayer receiving  
23 an abatement of real property authorized by chapter 44-3, section 44-3-3, or any other law shall  
24 be reduced in proportion to the amount of such abatement.

25 (d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per  
26 annum provided in section 44-5-9.

27 (e) The city or town council may also vote to accept one or more of the following  
28 exemptions:

29 (1) For property owned and occupied as a domicile by a person who would qualify for  
30 low or moderate income housing in the city or town;

31 (2) For commercial and industrial properties in cities or towns with classified tax rates; or

32 (3) For one hundred thousand dollars (\$100,000) of the value of each taxable parcel of  
33 residential real property; or

34 (4) For one hundred thousand dollars (\$100,000) of the value of each taxable parcel of

1 commercial property and industrial property.

2 (f) Upon approval by the city or town council, the actions of the body shall be submitted  
3 for acceptance to the voters of a city or town at the next regular or special municipal or state  
4 election. The city or town clerk or the secretary of state shall place the proposition on the ballot  
5 in the form of the following question:

6 "Shall this (city or town) accept sections 45-24.6-4 through 45-24.6-8, inclusive of  
7 chapter 45 of the general laws, as approved by its city or town council, a summary of which  
8 appears below?"

9 (Set forth here a fair, concise summary and purpose of the law to be acted upon, as  
10 determined by the city or town solicitor, including in said summary the percentage of the  
11 surcharge to be imposed.)

12 If a majority of the voters voting on said question vote in the affirmative, then its  
13 provisions shall take effect in the city or town, but not otherwise.

14 **45-24.6-5. Imposition of surcharge.** – (a) Upon acceptance of sections 45-24.6-4  
15 through 45-24.6-8, inclusive, and upon the assessor's warrant to the tax collector, the accepted  
16 surcharge shall be imposed.

17 (b) After receipt of the warrant, the tax collector shall collect the surcharge in the amount  
18 and according to the computation specified in the warrant and shall pay the amounts so collected,  
19 quarterly, according to the schedule for collection of property taxes for the tax on real property, to  
20 the city's or town's treasurer. The tax collector shall cause appropriate books and accounts to be  
21 kept with respect to such surcharge, which shall be subject to public examination upon reasonable  
22 request from time to time.

23 (c) The remedies provided by section 44-7 for the collection of taxes upon real estate  
24 shall apply to the surcharge on real property pursuant to this section.

25 **45-24.6-6. Community preservation committee.** – (a) A city or town that accepts  
26 sections 45-24.6-4 through 45-24.6-8, inclusive, shall establish by ordinance a community  
27 preservation committee. The committee shall consist of not less than five (5) nor more than nine  
28 (9) members. The ordinance shall determine the composition of the committee, the length of its  
29 term and the method of selecting its members, whether by election or appointment or by a  
30 combination thereof. The committee shall include, but not be limited to: one member of the  
31 planning board established under section 45-22-1 as designated by the board; one member of the  
32 municipal land trust or non-profit land trust established per paragraph 42-17.1-2(28)(ii)  
33 designated by the land trust; if no land trust exists, one member of the conservation commission  
34 established pursuant to chapter 45-35 ("Conservation Commissions") as designated by the

1 commission; one member representing historical preservation interests; one member representing  
2 park and outdoor recreation interests and one member representing affordable housing interests,  
3 or persons, as determined by the ordinance or bylaw, acting in the capacity of or performing like  
4 duties of the commissions, board, or authority if they have not been established in the city or  
5 town. If there are no persons acting in the capacity of or performing like duties of any such  
6 commission, board, or authority, the ordinance or bylaw shall outline an appointment process that  
7 assures that membership of the community preservation committee shall include individuals  
8 appointed with knowledge and interest in each subject matter: land conservation, parks, historic  
9 preservation, and community housing.

10 (b)(1) The community preservation committee shall study the needs, possibilities, and  
11 resources of the city or town regarding community preservation, including the consideration of  
12 regional projects for community preservation. The committee shall consult with existing  
13 municipal boards, including the conservation commission, the historical commission, the  
14 planning board, the board of park commissioners, and the housing authority, or persons acting in  
15 those capacities or performing like duties, in conducting such studies. As part of its study, the  
16 committee shall hold one or more public informational hearings on the needs, possibilities, and  
17 resources of the city or town regarding community preservation possibilities and resources, notice  
18 of which shall be posted publicly and published for each of two (2) weeks preceding a hearing in  
19 a newspaper of general circulation in the city or town.

20 (2) The community preservation committee shall make recommendations to the city or  
21 town council for the acquisition, creation, and preservation of open space; for the acquisition,  
22 preservation, rehabilitation, and restoration of historic resources; for the acquisition, creation,  
23 preservation, rehabilitation, and restoration of land for recreational use; for the acquisition,  
24 creation, preservation, and support of community housing; and for rehabilitation or restoration of  
25 open space and community housing that is acquired or created as provided in this section;  
26 provided, however, that funds expended pursuant to this section shall not be used for  
27 maintenance. With respect to community housing, the community preservation committee shall  
28 recommend, wherever possible, the reuse of existing buildings or construction of new buildings  
29 on previously developed sites. With respect to recreational use, the acquisition of artificial turf for  
30 athletic fields shall be prohibited.

31 (3) The community preservation committee may include in its recommendation to the  
32 city or town council a recommendation to set aside for later spending funds for specific purposes  
33 that are consistent with community preservation but for which sufficient revenues are not then  
34 available in the community preservation fund to accomplish that specific purpose.

1           (c) The community preservation committee shall not meet or conduct business without  
2 the presence of a quorum. A majority of the members of the community preservation committee  
3 shall constitute a quorum. The community preservation committee shall approve its actions by  
4 majority vote. Recommendations to the city or town council shall include their anticipated costs.

5           (d) After receiving recommendations from the community preservation committee, the  
6 city or town council shall take such action and approve such appropriations from the community  
7 preservation fund as set forth in section 45-24.6-8 and such additional non-community  
8 preservation fund appropriations as it deems appropriate to carry out the recommendations of the  
9 community preservation committee.

10           (f) No real property, or interest therein, shall be acquired by any city or town for a price  
11 exceeding the value of the property as determined by such city or town through procedures  
12 customarily accepted by the appraising profession as valid.

13           A city or town may appropriate money in any year from the community preservation fund  
14 to an affordable housing trust fund.

15           **45-24.6-7. Minimum spending requirements for community preservation fund.** – (a)  
16 In each fiscal year and upon the recommendation of the community preservation committee, the  
17 city or town council shall spend, or set aside for later spending, not less than ten percent (10%) of  
18 the annual revenues in the community preservation fund for open space, not less than ten percent  
19 (10%) of the annual revenues for historic resources, and not less than ten percent (10%) of the  
20 annual revenues for community housing. In each fiscal year, the city or town council shall make  
21 appropriations from the community preservation fund as it deems necessary for the administrative  
22 and operating expenses of the community preservation committee and such appropriations shall  
23 not exceed five percent (5%) of the annual revenues in the community preservation fund.

24           (b) Funds that are set aside shall be held in the community preservation fund and spent in  
25 that year or later years; provided, however, that funds set aside for a specific purpose shall be  
26 spent only for the specific purpose. Any funds set aside may be expended in any city or town.  
27 The community preservation funds shall not replace existing operating funds, only augment them.

28           **45-24.6-8. Establishment of community preservation fund.** – A city or town that  
29 accepts sections 45-24.6-4 through 45-24.6-8, inclusive, shall establish a separate account to be  
30 known as the community preservation fund of which the municipal treasurer shall be the  
31 custodian. The authority to approve expenditures from the fund shall be limited to the city or  
32 town council upon recommendation from the community preservation committee, and the  
33 municipal treasurer shall pay such expenses.

34           The following monies shall be deposited in the fund: (1) All funds collected from the real

1 property surcharge or bond proceeds in anticipation of revenue pursuant to sections 45-24.6-5 and  
2 45-24.6-9; (2) All funds received from the state or any other source for such purposes; and (3)  
3 Proceeds from the disposal of real property acquired with funds from the community preservation  
4 fund. The treasurer may deposit or invest the proceeds of the fund in a savings bank incorporated  
5 under the laws of the state, banking companies incorporated under the laws of the state which are  
6 members of the federal deposit insurance corporation, or national banks, or savings and loan  
7 associations doing business in the state, and any income therefrom shall be credited to the fund.  
8 The expenditure of revenues from the fund shall be limited to implementing the recommendations  
9 of the community preservation committee and providing administrative and operating expenses to  
10 the committee.

11 **45-24.6-9. Authority to issue bonds.** – A city or town that accepts sections 45-24.6-4  
12 through 45-24.6-8, inclusive, may issue, from time to time, general obligation bonds or notes in  
13 anticipation of revenues to be raised pursuant to section 45-24.6-4, the proceeds of which shall be  
14 deposited in the community preservation fund. Bonds or notes so issued may be at such rates of  
15 interest as shall be necessary and shall be repaid as soon after such revenues are collected as is  
16 expedient. Cities or towns that choose to issue bonds pursuant to this section shall make every  
17 effort to limit the administrative costs of issuing such bonds by cooperating among each other  
18 using methods including, but not limited to, common issuance of bonds or common retention of  
19 bond counsel.

20 **45-24.6-10. Permanent conservation or preservation restrictions.** – (a) A real property  
21 interest that is acquired with monies from the community preservation fund shall be bound by a  
22 permanent conservation or preservation restriction pursuant to the provisions of chapter 34-39  
23 ("Conservation and Preservation Restrictions on Real Property"), recorded as a separate  
24 instrument and limiting the use of the interest to the purpose for which it was acquired. The  
25 permanent restriction shall run with the land and shall be enforceable by the city or town or the  
26 state. The permanent restriction may also run to the benefit of a nonprofit organization,  
27 charitable corporation or foundation selected by the city or town with the right to enforce the  
28 restriction. The city or town council may appropriate monies from the community preservation  
29 fund to pay a nonprofit organization created pursuant to paragraph 42-17.1-2(28)(ii) to hold,  
30 monitor, and enforce the deed restriction on said property.

31 (b) Real property interests acquired under this section shall be owned and managed by the  
32 city or town, but the city or town council may delegate management of such property to a land  
33 trust, conservation commission, historical commission, park commission, or housing authority as  
34 appropriate for the property interests acquired, or, in the case of interests to acquire sites for



1 future wellhead development for drinking water, a water board, a water supply district, or a fire  
2 district. The city or town council may also delegate management of such property to a nonprofit  
3 organization created under paragraph 42-17.1-2(28)(ii).

4 **45-24.6-11. Accounting to be kept.** – The community preservation committee shall keep  
5 a full and accurate account of all of its actions, including its recommendations, and the action  
6 taken on them, and records of all appropriations or expenditures made from the community  
7 preservation fund. The committee shall also keep records of any real property interests acquired,  
8 disposed of or improved by the city or town upon its recommendation, including the names and  
9 addresses of the grantors or grantees and the nature of the consideration. The records and  
10 accounts shall be public records.

11 **45-24.6-12. Acceptance of state grants.** – Notwithstanding the provisions of any general  
12 or special law to the contrary, every city and town may accept sections 45-24.6-4 through 45-  
13 24.6-8, inclusive, and may thereupon receive state grants under subsection 42-142-4 (d). A city  
14 or town that accepts sections 45-24.6-4 through 45-24.6-8, inclusive, shall not be precluded from  
15 participating in state grant programs.

16 State grant programs may include local adoption of this section among the criteria for  
17 selection of grant recipients. Funds in the community preservation fund may be made available  
18 and used by the city or town as the local share for state or federal grants upon recommendation of  
19 the community preservation committee and the city or town council, as provided for in section  
20 45-24.6-6, if such grants and such local share are used in a manner consistent with the  
21 recommendations of the community preservation committee.

22 **45-24.6-13. Amendment and revocation.** – (a) At any time after imposition of the  
23 surcharge, the city or town council may approve and the voters may accept an amendment to the  
24 amount and computation of the surcharge, or to the amount of exemption or exemptions, in the  
25 same manner and within the limitations set forth in this section.

26 (b) At any time after the expiration of five (5) years after the date on which sections 45-  
27 24.6-4 through 45-24.6-8, inclusive, have been accepted in a city or town, said sections may be  
28 revoked in the same manner as they were accepted by such city or town, but the surcharge  
29 imposed under section 45-24.6-4 shall remain in effect in any such city or town, with respect to  
30 unpaid taxes on past transactions and with respect to taxes due on future transactions, until all  
31 contractual obligations incurred by the city or town prior to such termination shall have been fully  
32 discharged.

33 SECTION 2. Section 42-142-4 of the General Laws in Chapter 42-142 entitled  
34 "Department of Revenue" is hereby amended to read as follows:

1           **42-142-4. Division of property valuation and municipal finance.** -- (a) There is hereby  
2 established within the department of revenue a division of property valuation and municipal  
3 finance. The head of the office shall be the chief of property valuation and municipal finance.

4           (b) The division of property valuation and municipal finance shall have the following  
5 duties:

6           (i) Provide assistance and guidance to municipalities in complying with state law;

7           (ii) To encourage cooperation between municipalities and the state in calculating,  
8 evaluating and distributing state aid;

9           (iii) To maintain a data center of information of use to municipalities;

10           (iv) To maintain and compute financial and equalized property value information for the  
11 benefit of municipalities and public policy decision makers;

12           (v) To encourage and assure compliance with state laws and policies relating to  
13 municipalities especially in the areas of public disclosure, tax levies, financial reporting, and  
14 property tax issues;

15           (vi) To encourage cooperation between municipalities and the state by distributing  
16 information and by providing technical assistance to municipalities;

17           (vii) To give guidance to public decision makers on the equitable distribution of state aid  
18 to municipalities;

19           (viii) To provide technical assistance for property tax administration;

20           (ix) To administer the community preservation act as set forth in subsection (c) herein.

21           (c)(1) There shall be established and set up on the books of the state a separate fund, to be  
22 known as the Rhode Island community preservation trust fund, for the benefit of cities and towns  
23 that have accepted sections 45-24.6-4 through 45-24.6-8, inclusive, and pursuant to sections 45-  
24 24.6-4 through 45-24.6-8, inclusive, have imposed a surcharge on their real property tax levy,  
25 subject to any exemptions adopted by a municipality. The fund shall consist of all revenues  
26 received by the state: (i) Under the provisions of section 34-13-7 from public and private sources  
27 as gifts, grants and donations to further community preservation programs; or (ii) All other  
28 monies credited to or transferred to from any other fund or source pursuant to law.

29           (2) The state treasurer shall deposit the fund in accordance with the provisions of  
30 subsection 42-142-4(d) in such manner as will secure the highest interest rate available consistent  
31 with the safety of the fund and with the requirement that all amounts on deposit be available for  
32 withdrawal without penalty for such withdrawal at any time. All interest accrued and earnings  
33 shall be deposited into the fund. The fund shall be expended solely for the administration and  
34 implementation of this section. Any unexpended balances shall be redeposited for future use

1 consistent with the provisions of this chapter.

2 (3) The state treasurer shall make all disbursements and expenditures from the Rhode  
3 Island community preservation trust fund without further appropriation, as directed by the  
4 director of revenue in accordance with subsection 42-142-4 (d). The department of revenue shall  
5 report by source all amounts credited to said fund and all expenditures from said fund. The  
6 director of revenue shall assign personnel of the department as it may need to administer and  
7 manage the fund disbursements and any expense incurred by the department shall be deemed an  
8 operating and administrative expense of the program. The operating and administrative expenses  
9 shall not exceed five percent (5%) of the annual total revenue received under the provisions of  
10 subsection 42-142-4 (d).

11 (d)(1) The director of revenue shall annually on or before November 15 disburse monies  
12 from the Rhode Island community preservation trust fund established pursuant to this section to  
13 cities and towns that have accepted sections 45-24.6-4 through 45-24.6-8, inclusive, and notified  
14 the director of its acceptance. The community shall notify the director of the date and terms on  
15 which the voters accepted said sections 45-24.6-4 through 45-24.6-8, inclusive. The municipal  
16 tax collecting authority shall certify to the director the amount the city or town has raised through  
17 June 30 by imposing a surcharge on its real property levy and shall certify the percentage of the  
18 surcharge applied.

19 (2) The commissioner shall distribute to each city or town accepting said sections 45-  
20 24.6-4 through 45-24.6-8, inclusive, in an amount not less than five percent (5%), but not greater  
21 than one hundred percent (100%) of the total amount raised by the additional surcharge on real  
22 property by each city or town. This shall be known as the match distribution. The percentage  
23 shall be the same for each city and town and shall be determined by the director annually in a  
24 manner that distributes the maximum amount available to each participating city or town.

25 (3) After distributing the Rhode Island community preservation trust fund in accordance  
26 with this section, the commissioner shall keep any remaining funds in the trust for distribution in  
27 the following year.

28 (e) The director of revenue shall have the authority to promulgate rules and regulations to  
29 effect the purposes of the Rhode Island community preservation act.

30 SECTION 3. Chapter 44-5 of the General Laws entitled "Levy and Assessment of Local  
31 Taxes" is hereby amended by adding thereto the following section:

32 **44-5-84. Community preservation special purpose levy. -- (a) Authority for levy.**  
33 Cities and towns that adopt and accept the provisions of sections 45-24.6-4 through 45-24.6-8,  
34 inclusive, according to the procedures specified therein, may levy a surcharge on real property of

1 not more than three percent (3%) of the real estate tax levy against real property, as determined  
2 annually by the assessor.

3 (b) Notwithstanding any provision of law or ordinance to the contrary, a special levy  
4 adopted in accordance with the provision of chapter 45-24.6 shall not be included in the  
5 calculation or approval of the maximum levy as set forth in section 45-24.6-4 of this chapter.

6 (c) Use of levy. The proceeds of said levy shall be used solely for the purposes set forth  
7 in chapter 45-24.6.

8 SECTION 4. Section 34-13-7 of the General Laws in Chapter 34-13 entitled "Recording  
9 of Instruments" is hereby amended to read as follows:

10 **34-13-7. General recording fees.** -- (a) The fees to the recording officers for recording  
11 the following described instruments relating to real estate shall be as follows:

12	Warranty deed	\$80.00
13	Quitclaim deed	80.00
14	Deed of executor, administrator, trustee,	
15	conservator, receiver, or commissioner	80.00
16	Mortgage	60.00
17	Partial release of mortgage	45.00
18	Assignment of mortgage	45.00
19	Foreclosure deed under power of sale with affidavit	80.00
20	Lease	60.00
21	General assignment	45.00
22	Discharge of mortgage	45.00
23	Discharge of attachment or execution	45.00
24	Any other instrument not otherwise expressly	
25	provided for by statute	45.00
26	Lien - Federal tax	7.25
27	Lien - Federal tax, discharge of	7.25
28	Maps, plats, surveys, drawings (not attached	
29	to or a part of another recordable instrument)	45.00
30	Bill of sale	45.00
31	Power of attorney	45.00
32	Lis pendens	80.00
33	Writ of attachment or execution affecting title	
34	to real estate	10.00

1	Writ of attachment or lien affecting title to	
2	mobile and manufactured homes	2.00
3	Notice of intention under the mechanics' lien law	8.00
4	Account under mechanics' lien law	10.00

5 (b) The recording officers shall be allowed to charge a rate of one dollar (\$1.00) for each  
6 additional page or fraction over.

7 (c) Ten percent (10%) of the recording fees provided for in this section shall be utilized  
8 by each city or town for the purposes of document preservation and technological upgrades.

9 (d) Notwithstanding the foregoing, the recording fee for lis pendens and/or bail property  
10 liens recorded by bailbondsmen and the recording fee to discharge lis pendens and/or bail  
11 property liens recorded by bailbondsmen shall be ten dollars (\$10.00).

12 (e) In addition to the fees set forth above, there shall be a twenty dollar (\$20) surcharge  
13 for recording these instruments. All surcharges on fees collected pursuant to this section shall be  
14 remitted by the recording officer to the Rhode Island community preservation trust fund,  
15 established in section 42-142-4, administered by the department of revenue, division of property  
16 valuation and municipal finance. The surcharges imposed shall be used for community  
17 preservation purposes. No surcharge shall apply to the fees charged for additional pages, photo  
18 copies, abstract cards, or additional square feet for the recording of plans.

19 SECTION 7. Sections 1, 2, 3, and 5 of this act shall take effect on July 1, 2013, and  
20 section 4 of this act shall take effect on January 1, 2014.

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LC01462  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO TOWNS AND CITIES - RHODE ISLAND COMMUNITY PRESERVATION  
ACT

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1           This act would establish the Rhode Island Community Preservation Act to promote  
2 capital investment and development within Rhode Island communities. The act provides a source  
3 of funding for such investment and development.

4           Sections 1, 2, 3, and 5 of this act would take effect on July 1, 2013, and section 4 of this  
5 act would take effect on January 1, 2014.

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