

2021 -- S 0364 SUBSTITUTE A

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LC001024/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO TAXATION

Introduced By: Senators Archambault, Euer, Lombardo, and Coyne

Date Introduced: February 25, 2021

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-3-32.2 of the General Laws in Chapter 44-3 entitled "Property
2 Subject to Taxation" is hereby amended to read as follows:

3 **44-3-32.2. Cities and towns -- Tax exemption for farmland, forestland or open space**
4 **land.**

5 (a) Cities and towns in the state of Rhode Island may, by ordinance, exempt from taxation
6 any real property situated in the town classified and utilized as farmland, forestland or open space
7 land pursuant to the provisions of chapter 27 of this title. The amount of the exemption shall be
8 provided for by ordinance. Cities and towns may, from time to time, by amendment to the
9 ordinance, make those changes in the amount of exemption granted.

10 (b) Cities and towns in the state of Rhode Island shall exempt in full from taxation real
11 property utilized in the production of dairy products by a licensed dairy in Rhode Island, current
12 and future, pursuant to the department of health rules and regulations, including cow, sheep and
13 goat dairies. Said real property shall include, grazing land, cropland, outbuildings and any other
14 facility used in the direct production and processing of dairy products.

15 ~~(b)~~(c) Cities and towns of Rhode Island are authorized by ordinance to provide that any
16 person who obtains an exemption pursuant to the ordinance to which the person is not entitled, by
17 the filing or making of any false statement, or the proffering of any document or other writing
18 known by the person to have been altered, forged, or to contain any false or untrue information, is
19 liable for an amount equal to double the amount of reductions in taxes resulting from the exemption,

1 which amount is recoverable by the city or town in a civil action.

2 ~~(e)~~(d) Cities and towns in the state of Rhode Island are authorized by ordinance to exempt
3 from taxation any real property situated in the town classified and utilized as farmland on which
4 the development rights have been sold or donated and will remain farmland in perpetuity. The
5 amount of the exemption shall be provided for by ordinance. Cities and towns may, from time to
6 time, by amendment to the ordinance, make those changes in the amount of exemption granted.

7 SECTION 2. Section 44-5-39 of the General Laws in Chapter 44-5 entitled "Levy and
8 Assessment of Local Taxes" is hereby amended to read as follows:

9 **44-5-39. Land use change tax.**

10 (a) After May 15, 1980, when land classified as farm, dairy farm, forest, or open space land
11 and assessed and taxed under the provisions of § 44-5-12 is applied to a use other than as farm,
12 dairy farm, forest, or open space, or when the land owner voluntarily withdraws that classification,
13 it shall be subject to additional taxes, subsequently referred to as a land use change tax. The tax is
14 at the following rate:

15 (1) Ten percent (10%) of the then fair market value of the land if the use is changed or
16 classification is withdrawn during the first six (6) years of classification.

17 (2) Nine percent (9%) of the then fair market value of the land if the use is changed or
18 classification is withdrawn during the seventh (7th) year of classification.

19 (3) Eight percent (8%) of the then fair market value of the land if the use is changed or
20 classification is withdrawn during the eighth (8th) year of classification.

21 (4) Seven percent (7%) of the then fair market value of the land if the use is changed or
22 classification is withdrawn during the ninth (9th) year of classification.

23 (5) Six percent (6%) of the then fair market value of the land if the use is changed or
24 classification is withdrawn during the tenth (10th) year of classification.

25 (6) Five percent (5%) of the then fair market value of the land if the use is changed or
26 classification is withdrawn during the eleventh (11th) year of classification.

27 (7) Four percent (4%) of the then fair market value of the land if the use is changed or
28 classification is withdrawn during the twelfth (12th) year of classification.

29 (8) Three percent (3%) of the then fair market value of the land if the use is changed or
30 classification is withdrawn during the thirteenth (13th) year of classification.

31 (9) Two percent (2%) of the then fair market value of the land if the use is changed or
32 classification is withdrawn during the fourteenth (14th) year of classification.

33 (10) One percent (1%) of the then fair market value of the land if the use is changed or
34 classification is withdrawn during the fifteenth (15th) year of classification. No tax shall be imposed

1 by the provisions of this section following the end of the fifteenth (15th) year of classification.

2 (b) Owners of land classified as farmland [or dairy farmland](#) who have held title to the land,
3 and where the land has been farmed [or used as a dairy farm](#) for five (5) years previous to
4 classification, are liable for a land use change tax of:

5 (1) Ten percent (10%) of the then fair market value of the land if the use is changed or
6 classification is withdrawn during the first (1st) year of classification.

7 (2) Nine percent (9%) of the then fair market value of the land if the use is changed or
8 classification is withdrawn during the second (2nd) year of classification.

9 (3) Eight percent (8%) of the then fair market value of the land if the use is changed or
10 classification is withdrawn during the third (3rd) year of classification.

11 (4) Seven percent (7%) of the then fair market value of the land if the use is changed or
12 classification is withdrawn during the fourth (4th) year of classification.

13 (5) Six percent (6%) of the then fair market value of the land if the use is changed or
14 classification is withdrawn during the fifth (5th) year of classification.

15 (6) Five percent (5%) of the then fair market value of the land if the use is changed or
16 classification is withdrawn during the sixth (6th) year of classification.

17 (7) Four percent (4%) of the then fair market value of the land if the use is changed or
18 classification is withdrawn during the seventh (7th) year of classification.

19 (8) Three percent (3%) of the then fair market value of the land if the use is changed or
20 classification is withdrawn during the eighth (8th) year of classification.

21 (9) Two percent (2%) of the then fair market value of the land if the use is changed or
22 classification is withdrawn during the ninth (9th) year of classification.

23 (10) One percent (1%) of the then fair market value of the land if the use is changed or
24 classification is withdrawn during the tenth (10th) year of classification. No tax shall be imposed
25 by the provisions of this section following the end of the tenth year of classification.

26 SECTION 3. Section 44-27-3 of the General Laws in Chapter 44-27 entitled "Taxation of
27 Farm, Forest, and Open Space Land" is hereby amended to read as follows:

28 **~~44-27-3. Classification of farmland.~~ Classification of farmland or dairy farmland.**

29 (a) An owner of land may file a written application with the director of environmental
30 management, for its designation by the director as farmland [or as dairy farmland](#). When the
31 application is made and after a filing fee of ten dollars (\$10.00) is paid, the director shall examine
32 the land and, if the director determines that it is farmland [or as dairy farmland](#), the director shall
33 issue a certificate in his or her office, furnish a copy to the owner of the land, and file one copy in
34 the office of the assessor of the city or town in which the land is located.

1 (b) When requested to do so by the assessor or whenever the director deems it necessary,
2 the director of environmental management shall re-examine land designated by the director as
3 farmland or as dairy farmland. If the director finds that this land is no longer farmland or dairy
4 farmland, the director shall send a notice to the landowner that the landowner has thirty (30) days
5 either to bring the land into compliance or to request a formal hearing before the director. If after
6 the thirty (30) days or after the hearing, the director confirms that the land is no longer farmland or
7 dairy farmland, the director shall issue a certificate canceling his or her designation of the land as
8 farmland or dairy farmland, and shall furnish one copy to the owner and file one in the office of the
9 assessor. Loss of designation by action of the director of environmental management makes the
10 land subject to the land use change tax provided for in § 44-5-39.

11 (c)(1) An owner of land designated as farmland or dairy farmland by the director of
12 environmental management may apply for its classification as farmland or dairy farmland on any
13 assessment list of the city or town where it is located by filing a written application for that
14 classification with the assessor of the city or town not earlier than thirty (30) days before nor later
15 than thirty (30) days after the date of assessment, except that in years of revaluation not later than
16 thirty (30) days after written notice of revaluation or in its absence after receipt of the tax bill, and
17 if the director has not cancelled his or her designation of that land as farmland or dairy farmland as
18 of a date at or prior to the date of the assessment, the assessor shall classify the land as farmland or
19 dairy farmland and include it as farmland or dairy farmland on the assessment list.

20 (2) In order to maintain this classification, each year thereafter, the property owner shall
21 submit to the assessor a certificate on a form prescribed by the assessor confirming that the land is
22 still used in farming or dairy farming. The assessor shall in the first notification mail the forms by
23 first class mail not later than the thirtieth of November and if a second notification is needed, it
24 shall be mailed certified. Failure to submit the certificate by thirty (30) days after the date of
25 assessment is construed as voluntary withdrawal of the classification, except that the assessor may
26 waive this requirement for good cause.

27 (3) Notwithstanding the preceding subsections, whenever the owner of land designated and
28 classified as farmland or dairy farmland is a municipal land trust, municipal conservation
29 commission, or private nonprofit land trust, annual certification is not required, and the
30 classification continues until the voluntary withdrawal of the classification by the owner, or the
31 transfer of the land by the owner in fee simple.

32 (d) Application to the director of environmental management for designation as farmland
33 or dairy farmland shall be made upon a form prescribed by the director and shall present a
34 description of the land and any other information that he or she may require to aid the director in

1 determining whether the land qualifies for that designation. An application to an assessor for
2 classification of land as farmland [or dairy farmland](#) shall be made upon a form prescribed by the
3 assessor and shall present a description of the land and the date of issuance by the director of
4 environmental management of his or her certificate designating it as farmland [or dairy farmland](#).

5 (e) Failure to file an application for classification of farmland [or dairy farmland](#) within the
6 time limit prescribed in subsection (c) of this section and in the manner and form prescribed in
7 subsection (d) of this section shall be construed as a waiver of the right to that classification on the
8 assessment list.

9 (f) Any landowner aggrieved by: (1) the cancellation of a designation under subsection (b)
10 of this section or the denial of an application, filed in accordance with the provisions of subsections
11 (c) and (d) of this section, by the assessor of a city or town for a classification of land as farmland
12 [or dairy farmland](#); or (2) the use value assessment placed on land classified as farmland [or dairy](#)
13 [farmland](#) by the assessor; has the right to file an appeal within ninety (90) days of receiving notice,
14 in writing, of the denial or the use value assessment with the board of assessment review of the city
15 or town. Should the city or town not have a board of assessment review, the city or town council
16 reviews the appeal. The assessor shall be given the opportunity to explain either his or her refusal
17 to classify the land or the assessment placed on the classified land. The board of review, or city or
18 town council, shall also consider the testimony of the landowner and the city or town's planning
19 board and conservation commission, if they exist. They shall also seek and consider the advice of
20 the office of state planning, the department of environmental management, the dean of the college
21 of resource development, and the conservation district in which the city or town is located.

22 (g)(1) The board of assessment review, or city or town council, shall not disturb the
23 designation of the director issued pursuant to subsection (a) of this section, unless the tax assessor
24 has shown by a preponderance of the evidence that that designation was erroneous.

25 (2) The board of assessment review, or city or town council, shall render a decision within
26 forty-five (45) days of the date of filing the appeal. Decisions of the board of assessment review,
27 or city or town council, may be appealed to the superior court pursuant to § 44-27-6.

28 SECTION 4. 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

- 1 This act would entitle dairy farms to the exemptions from taxation granted to farmland,
- 2 forestland, or open space.
- 3 This act would take effect upon passage.

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