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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES-MAXIMUM  
LEVY

Introduced By: Representative Alex S. Finkelman

Date Introduced: April 09, 2025

Referred To: House Municipal Government & Housing

(Jamestown Town Council)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 44-5-2 of the General Laws in Chapter 44-5 entitled "Levy and  
2 Assessment of Local Taxes" is hereby amended to read as follows:

3 **44-5-2. Maximum levy.**

4 (a) Through and including its fiscal year 2007, a city or town may levy a tax in an amount  
5 not more than five and one-half percent (5.5%) in excess of the amount levied and certified by that  
6 city or town for the prior year. Through and including its fiscal year 2007, but in no fiscal year  
7 thereafter, the amount levied by a city or town is deemed to be consistent with the five and one-  
8 half percent (5.5%) levy growth cap if the tax rate is not more than one hundred and five and one-  
9 half percent (105.5%) of the prior year's tax rate and the budget resolution or ordinance, as  
10 applicable, specifies that the tax rate is not increasing by more than five and one-half percent (5.5%)  
11 except as specified in subsection (c) of this section. In all years when a revaluation or update is not  
12 being implemented, a tax rate is deemed to be one hundred five and one-half percent (105.5%) or  
13 less of the prior year's tax rate if the tax on a parcel of real property, the value of which is unchanged  
14 for purpose of taxation, is no more than one hundred five and one-half percent (105.5%) of the  
15 prior year's tax on the same parcel of real property. In any year through and including fiscal year  
16 2007 when a revaluation or update is being implemented, the tax rate is deemed to be one hundred  
17 five and one-half percent (105.5%) of the prior year's tax rate as certified by the division of property  
18 valuation and municipal finance in the department of revenue.

1 (b) In its fiscal year 2008, a city or town may levy a tax in an amount not more than five  
2 and one-quarter percent (5.25%) in excess of the total amount levied and certified by that city or  
3 town for its fiscal year 2007. In its fiscal year 2009, a city or town may levy a tax in an amount not  
4 more than five percent (5%) in excess of the total amount levied and certified by that city or town  
5 for its fiscal year 2008. In its fiscal year 2010, a city or town may levy a tax in an amount not more  
6 than four and three-quarters percent (4.75%) in excess of the total amount levied and certified by  
7 that city or town in its fiscal year 2009. In its fiscal year 2011, a city or town may levy a tax in an  
8 amount not more than four and one-half percent (4.5%) in excess of the total amount levied and  
9 certified by that city or town in its fiscal year 2010. In its fiscal year 2012, a city or town may levy  
10 a tax in an amount not more than four and one-quarter percent (4.25%) in excess of the total amount  
11 levied and certified by that city or town in its fiscal year 2011. In its fiscal year 2013 and in each  
12 fiscal year thereafter, a city or town may levy a tax in an amount not more than four percent (4%)  
13 in excess of the total amount levied and certified by that city or town for its previous fiscal year.  
14 For purposes of this levy calculation, taxes levied pursuant to chapters 34 and 34.1 of this title shall  
15 not be included. For FY 2018, in the event that a city or town, solely as a result of the exclusion of  
16 the motor vehicle tax in the new levy calculation, exceeds the property tax cap when compared to  
17 FY 2017 after taking into account that there was a motor vehicle tax in FY 2017, said city or town  
18 shall be permitted to exceed the property tax cap for the FY 2018 transition year, but in no event  
19 shall it exceed the four percent (4%) levy cap growth with the car tax portion included; provided,  
20 however, nothing herein shall prohibit a city or town from exceeding the property tax cap if  
21 otherwise permitted pursuant to subsection (d) of this section.

22 (c) The division of property valuation in the department of revenue shall monitor city and  
23 town compliance with this levy cap, issue periodic reports to the general assembly on compliance,  
24 and make recommendations on the continuation or modification of the levy cap on or before  
25 December 31, 1987, December 31, 1990, and December 31, every third year thereafter. The chief  
26 elected official in each city and town shall provide to the division of property and municipal finance  
27 within thirty (30) days of final action, in the form required, the adopted tax levy and rate and other  
28 pertinent information.

29 (d) The amount levied by a city or town may exceed the percentage increase as specified  
30 in subsection (a) or (b) of this section if the city or town qualifies under one or more of the following  
31 provisions:

32 (1) The city or town forecasts or experiences a loss in total non-property tax revenues and  
33 the loss is certified by the department of revenue.

34 (2) The city or town experiences or anticipates an emergency situation, which causes or

1 will cause the levy to exceed the percentage increase as specified in subsection (a) or (b) of this  
2 section. In the event of an emergency or an anticipated emergency, the city or town shall notify the  
3 auditor general who shall certify the existence or anticipated existence of the emergency. Without  
4 limiting the generality of the foregoing, an emergency shall be deemed to exist when the city or  
5 town experiences or anticipates health insurance costs, retirement contributions, or utility  
6 expenditures that exceed the prior fiscal year's health insurance costs, retirement contributions, or  
7 utility expenditures by a percentage greater than three (3) times the percentage increase as specified  
8 in subsection (a) or (b) of this section.

9 (3) A city or town forecasts or experiences debt services expenditures that exceed the prior  
10 year's debt service expenditures by an amount greater than the percentage increase as specified in  
11 subsection (a) or (b) of this section and that are the result of bonded debt issued in a manner  
12 consistent with general law or a special act. In the event of the debt service increase, the city or  
13 town shall notify the department of revenue which shall certify the debt service increase above the  
14 percentage increase as specified in subsection (a) or (b) of this section the prior year's debt service.  
15 No action approving or disapproving exceeding a levy cap under the provisions of this section  
16 affects the requirement to pay obligations as described in subsection (d) of this section.

17 (4) The city or town experiences substantial growth in its tax base as the result of major  
18 new construction that necessitates either significant infrastructure or school housing expenditures  
19 by the city or town or a significant increase in the need for essential municipal services and such  
20 increase in expenditures or demand for services is certified by the department of revenue.

21 (5) The town of Jamestown, for as long as it uses a financial town meeting, may approve  
22 an annual budget, that provides for a proposed levy increase in excess of the percentage increase,  
23 as specified in subsection (a) or (b) of this section, and said proposed levy is clearly and  
24 unambiguously listed in the proposed budget submitted to, and approved by, the voters of said town  
25 of Jamestown, at a duly called and properly conducted financial town meeting.

26 (e) Any levy pursuant to subsection (d) of this section in excess of the percentage increase  
27 specified in subsection (a) or (b) of this section shall be approved by the affirmative vote of at least  
28 four-fifths ( $\frac{4}{5}$ ) of the full membership of the governing body of the city or town, or in the case of a  
29 city or town having a financial town meeting, the majority of the electors present and voting at the  
30 town financial meeting shall also approve the excess levy.

31 (f) Nothing contained in this section constrains the payment of present or future obligations  
32 as prescribed by § 45-12-1, and all taxable property in each city or town is subject to taxation  
33 without limitation as to rate or amount to pay general obligation bonds or notes of the city or town  
34 except as otherwise specifically provided by law or charter.

1 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 -- LEVY AND ASSESSMENT OF LOCAL TAXES-MAXIMUM  
LEVY

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- 1           This act would grant an exemption from the four percent (4%) property tax levy cap to the
- 2 town of Jamestown.
- 3           This act would take effect upon passage.

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