

State of Rhode Island and Providence Plantations



Department of Elderly Affairs

Description of Bill: S 2459 Sponsor: Sen. Charles Levesque

This bill, relating to tax sales, would require forty (40) days prior notice as the appropriate time for notification of DEA regarding tax sales of property owned by individuals aged sixty-five (65) years and older. This amendment was recommended due to a lack of clarity in the current law (RIGL 44-9-10. Notice of sale to taxpayer); this lack of clarity has resulted in notification of DEA by municipal tax officials, out of an abundance of caution, at the *initial* notification of the tax sale date not less than *ninety (90)* days before the scheduled sale, as well as at the *forty (40)* day notification.

It is the experience of DEA staff that, between the ninety (90) day notification and the forty (40) day notification, a significant majority of the tax sale issues are resolved; the tax bills are paid by the elders, their families, or another entity or a payment plan is negotiated between the elder and the municipality.

The effect of the ninety (90) day notification of DEA includes:

- unnecessary utilization of DEA staff and resources;
- unnecessary utilization of municipal staff and resources;
- aggravation on the part of elders who contact Department staff to articulate their annoyance at a perceived personal insult and unnecessary state intervention.

It is the opinion of the Department that the forty (40) day notice would be a more appropriate time for DEA intervention; it would allow for the resolution of most of the tax sale issues and it would relieve both state and municipal officials of an unnecessary step, requiring staff and resource utilization, in the notification process.

Currently, there are several resources available to assist seniors in the resolution of tax sale issues.

After notification by the municipalities, DEA:

- 1) sends a letter (attached) to the elder outlining several options;
- 2) reviews the notification list against the DEA Protective Services database to determine if the elder is a client of DEA and in need of case management intervention to address the tax sale issue.

In addition, RI Housing receives notification of the pending tax sale and they have the option of first refusal to purchase the house and work with the elder to redeem the property.

Finally, many municipalities work directly with the elders to assist them in taking the necessary steps to maintain ownership of the property.

CITY/TOWN: Warren

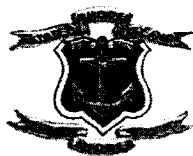
TAX SALE DATE: May 17, 2007; 40 days prior is: 4/7/07

| PROPERTY ADDRESS | NOTICE SENT CERTIFIED MAIL OR BY HAND TO DEA? | NOTICE RECEIVED BY DEA ≥ 90 DAYS PRIOR TO SALE? | NOTICE RECEIVED BY DEA ≥ 40 DAYS PRIOR TO SALE? | DOES NOTICE STATE TIME & PLACE OF SALE? | DEA ACTION | OUTCOME |
|---------------------|---|---|---|---|--|------------------------|
| 328 Main Street | Yes | Yes | | Yes | ON | |
| 3 Paul Court | Yes | Yes | Yes | Yes | ON; DEA sent a 2 nd notice to taxpayer re: 40 day notice from Town by letter dated 4/6/07 | Off, per tax collector |
| 149 Franklin Street | Yes | Yes | Yes | Yes | ON; DEA sent a 2 nd notice to taxpayer re: 40 day notice from Town by letter dated 4/6/07 | Off, per tax collector |
| 44 Barton Ave. | Yes | Yes | | Yes | ON | |
| 9 Fenwood Court | Yes | Yes | | Yes | ON | |

Abbreviations:

ON: DEA sent notice to property owner by letter dated 2/19/07 of tax sale notice

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Department of Elderly Affairs

Office of the Director

March 18, 2010

Dear Taxpayer(s):

Please be advised that your name(s) have been provided to the Department of Elderly Affairs by the Town of Smithfield due to unpaid taxes, sewer assessments, water or other charges. **Please note that a tax sale is scheduled for June 3, 2010.** Rhode Island General Law (44-9-10(d)) states that local officials shall notify the Department of Elderly Affairs about a potential sale of a person's property where that person has filed for an abatement based on age. As the Director of the RI Department of Elderly Affairs, I want to be sure that you have pursued all options.

You could ask the tax collector for help in preventing any tax sale. They may be able to set up a budget plan to stop the sale. However, you must take immediate action. Please call the tax collector at (401) 233-1005 to explain your situation.

If you need legal help, you may call the Rhode Island Bar Association (RIBA) at (401) 521-5040. If you are sixty (60) years of age or older, you may be able to receive help from a local attorney, free of charge, through RIBA's Referral Service for the Elderly; and anyone can get a free one half (½) hour consultation with a local attorney through its Lawyer Referral Service. In addition, you may be eligible for free legal services at Rhode Island Legal Services through its Consumer Law or Elder Law units; they can be reached at (401) 274-2652.

You may also be eligible for free foreclosure counseling. Attached you will find a listing of agencies offering this service.

Please note that this letter is being sent to you as a courtesy and does not constitute legal advice.

Sincerely,

Corinne Calise Russo
Director

PLEASE DISREGARD THIS NOTICE IF YOU HAVE PAID YOUR PAST DUE CHARGES

*John O. Pastore Center, Hazard Building / 2nd Floor
74 West Road, Cranston, RI 02920 Telephone 401-462-0501, Fax 401-462-0503
TTY 401-462-0740, Web Site: www.dea.ri.gov*