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Bill No. 2025-H 5696

Viewpoint: Against

I strongly oppose this legislation for the following reasons:

The intent of a revaluation is to equalize the tax burden based on changes in the real estate market that occur over time. Capping any increase would not be fair nor equitable to the other taxpayers that will have to pick up the difference.

The very foundation of our system of real estate taxation is that according to 44-5-12 (a) All assessments are to be based on "Fair Market Value" or a Uniform percentage thereof.

It is important to note that revaluations do not raise a single penny for any municipality, it equalizes the burden amongst the individual property owners. This legislation would add insult to injury. A property owner whose market value did not increase as much as others, or went down, would be paying more than their fair share. If you cap increases at any percent, that means there is market value that is not being taxed. The result of not capturing all market value is that the tax rate for the municipality would be higher than it would be if all market value was taxed.

Under this new tax scheme:

- If you get good growth in the market (over 20%), your net worth increases as a result, but we will only tax you on a portion of that growth. The people whose property did not gain as much value (or maybe even declined) will pay the rest of your tax burden for you!
- But if you happen to own a property that experiences a decline in market value, not only does your net worth go down, but you will also have to pay to help those whose value went up too fast.

Doesn't that sound insane to you? Guess what, that is the real impact of this legislation!

Please also consider that a higher percentage increase in assessment does not in any way speak to ability to pay or affordability. In the example above, the owner of a property that goes down in value may very well have a more difficult time paying their taxes (than the ones that go up). In addition to their property going down in value, they may be under water with their mortgage and unable to refinance as a result. Many people in that situation end up losing their home in the long run.

As a Certified Tax Assessor with over 30 years of experience in this field, I have seen many market fluctuations. The market may favor waterfront properties in one revaluation and then high-end residential condominiums the next. Change is constant, the impact is never the same from year to year. If the market goes up more than 20% on waterfront homes, do you want to explain that to your other non-waterfront constituents that they will be picking up part of the tab for people that live on the water?

Additionally, municipalities would likely incur a considerable cost to upgrade Tax Billing software and appraisal systems in order to be able to adhere to such a unique requirement. This cost, like all others would need to be paid for by your constituents.

Lastly, this would likely result in countless tax appeals based on disproportionate taxation. It seems to meet the classic definition of disproportionate taxation "Property is valued at a higher percentage of fair market value than

other properties due to an intentional, discriminatory assessment policy". The litigation costs would again, become the burden of your other constituents.

Please vote "No" on H5696, this legislation would have severe unintended consequences if it were to pass. I am not an attorney, but I find it hard to believe that this would not violate Article I, Section 2 of the RI Constitution, which states in part: "All the laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens."

I also believe that it is your sworn duty to reject this legislation based on the "Declaration of Certain Constitutional Rights and Principles" which states in part "we do declare that the essential and unquestionable rights and principles hereinafter mentioned shall be established, maintained, and preserved, and shall be of paramount obligation in all legislative, judicial and executive proceedings."

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