

Bond Case Briefs

Municipal Finance Law Since 1971

ASSESSMENTS - RHODE ISLAND

Commerce Park Associates 1, LLC v. Houle

Supreme Court of Rhode Island - March 31, 2014 - A.3d - 2014 WL 1281862

Property owners brought declaratory judgment action challenging the legality of sewer assessments, naming as defendants town tax collector, finance director, town, and sewer authority. The Superior Court granted town's motion to dismiss, but denied its request for sanctions. Property owners appealed, and town cross appealed.

The Supreme Court of Rhode Island held that:

- The appeals process set forth in statute governing petitions for relief from any assessment of taxes did not apply to any sewer assessments or charges levied by the town pursuant to its authority under its enabling act, and
- Superior Court did not abuse its discretion in denying property owners' request for sanctions.

Sewer assessments and charges did not constitute "taxes" for appeal purposes, and thus, the appeals process set forth in statute governing petitions for relief from any assessment of taxes did not apply to any sewer assessments or charges levied by the town pursuant to its authority under town's enabling act. Town enabling act referred to the means of raising funds in order to cover the cost and maintenance of sewer system as assessments and annual charges, and specifically distinguished between that portion of the cost and construction of the sewer works that would be paid for by the town through its general taxation and the portion to be paid for by assessments and annual charges against individual parcels of property.