

PETER FRIEDRICHS
DIRECTOR



JAMES A. DIOSSA
MAYOR

CITY OF CENTRAL FALLS
PLANNING AND ECONOMIC DEVELOPMENT

580 BROAD STREET
CENTRAL FALLS, RI 02863

OFFICE: (401) 727-7480
PFRIEDRICHS@CENTRALFALLSRI.US

Rules and Regulations

Economic Expansion Incentive Program

Purpose

These rules and regulations (“Rules”) are promulgated to set forth the principles, policies, and practices of the City of Central Falls (“City”) in implementing and administering its Economic Expansion Incentive Program (“Program”), a program created to improve the economy of Central Falls.

Authority

The City of Central Falls created the Ordinance (Section 2-232) concurrent with R.I.G.L. 44-3-9; 44-3-34; and 44-5-61.1. Per (C), the Director of Planning is authorized to publish Rules and Regulations.

Scope

These Rules shall apply to any application received by the City of Central Falls for tax stabilization under the Program. Notwithstanding anything constrained in these Rules to the contrary, the City shall have and may exercise all general powers set forth in the Program that are necessary or convenient to affect its purposes. These Rules shall be liberally construed so as to permit the City to effectuate the purposes of the Program, the public interest, and other applicable federal, state, and municipal laws and regulations.

Severability

If any provision of these Rules, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules shall not be affected thereby.

Definitions

The following words and terms, when used in these Rules, shall have the following meanings, unless the context clearly indicates otherwise.

1. “Applicant” means a Business or Property Owner who applies for tax stabilization for the Job Creation Incentive or Real Property Improvement, respectively, under the Program and these Rules.
2. “Application” means the application, promulgated by DPED, which must be completed and submitted by an Applicant pursuant to these Rules and all relevant federal, state, and municipal laws and regulations.
3. “Award” means the approval of an Application for tax stabilization in this Program, which sets forth the terms and conditions under which the Applicant shall be eligible to receive tax stabilization under the Program.
4. “Business or Property Owner” means an officer permitted to contract for a corporate entity registered with the State of Rhode Island or the individual registered with the City of Central Falls as the owner of the business or property applying for the Job Creation Incentive or Real Property Improvement, respectively.
5. “City” means The City of Central Falls, a municipality in the State of Rhode Island.
6. “Code Enforcement” means the Department of Code Enforcement within the City of Central Falls.

7. "DPED" means the Department of Planning and Economic Development within the City of Central Falls.
8. "Finance" means the Department of Finance within the City of Central Falls.
9. "Program" means the Economic Expansion Incentive Program identified in the City of Central Falls Code of Ordinances Section 2-232.
10. "Project" means an investment being made by the Business or Property Owner, respectively that will provide economic benefits to the residents of Central Falls.

Eligibility

The following conditions must be met to be eligible for an Award under the Program:

1. Applicant is current on all taxes, fees, and registrations with the City of Central Falls.
2. For the Job Creation Incentive Plan, the Applicant must be the Business Owner specified in the Application.
3. For the Real Property Improvement Plan, the Applicant must be the Property Owner of the Property specified within the Application.
4. For the Real Property Improvement Plan, the Project must be an approved Development, per the Central Falls Zoning Ordinance and Central Falls Land Development Subdivision Review Regulations.
5. For the Real Property Improvement Plan, the Property Owner has completed at least fifty thousand dollars (\$50,000) in estimated construction cost, as shown cumulatively on issued Building Permits.
6. For the Job Creation Incentive Plan, the Project must have hired at least five (5) Full-Time Equivalent (FTE) employees.
7. The following types of businesses/organizations are ineligible for the Program:
 - a. National franchises
 - b. Check cashers
 - c. Pay-day lenders
 - d. Firearm retailers
 - e. Adult entertainment establishments
 - f. Government owned and occupied buildings
 - g. Churches
 - h. Non-profits
 - i. Structures not facing the public right-of-way
 - j. Structures not in conformance with the Central Falls Zoning Ordinance or Central Falls Land Development and Subdivision Review Regulations

Application

The Application shall require submission of the following information from each Applicant:

1. For the Real Property Improvement Plan, the name of the Property Owner (and contact information for the individual(s) primarily responsible for oversight and management of the Project).
2. For the Jobs Creation Incentive Plan, the name of the Business Owner (and contact information for the individual(s) primarily responsible for oversight and management of the Project).
3. For the Real Property Improvement Plan, a detailed description of the Project, which may be similar to descriptions providing during planning and zoning approval of the Project.
4. For the Jobs Creation Incentive Plan, a detailed description of the Business and its proposed expansion plans, including increase in personnel.

5. Identification of ways in which the Project will benefit the local economy including, but not limited to, the hiring of local labor, the use of minority or women contractors/employees, the use of local suppliers, and/or minimize pollution.
6. A full financial accounting of any and all improvements that applicant wishes to submit for consideration under the program.
7. Evidence of increase in personnel in the form of payroll records including copies of quarterly federal filings (Form 941) and any other documentation as determined by DPED.
8. Any other necessary and relevant information, as determined by DPED.

Application Review

1. DPED shall conduct a review of the Applications received on a rolling basis.
2. Each application shall be reviewed to confirm compliance with these Rules and DPED may reject any incomplete or deficient Application.
3. DPED may require the submission of additional information in connection with any Application or the revision of an Application, and may permit the resubmission of an Application rejected as being incomplete or deficient.
4. The application shall be certified complete or incomplete within fifteen (15) business days after confirmed reception of an application. This timeline shall be repeated for each submitted piece of additional information.
5. All applications are subject to verification by Finance and Code Enforcement, as well as the City Clerk and Central Falls Fire.
6. After certification of a complete Application and in accordance with federal, state, and local requirements and these Rules, the Planning Director and Finance Director will determine whether to make an Award to the Applicant within fifteen (15) business days. Factors considered in formulation of the Award may include the following:
 - a. The economic benefits of the Project
 - b. Technical and financial feasibility of the Project
 - c. Capital efficiency of the Project
 - d. Project readiness
 - e. Benefits to the general public beyond visitors to the property
 - f. Energy efficiency of the Project
 - g. Operational sustainability
 - h. Historic relationship between the City and the Applicant
7. The City shall notify the Applicant in writing of its decision.

Terms of the Award

1. For the Real Property Improvement Plan, the commencement date of the Award shall be December 31 of the year in which the first Certificate of Occupancy was issued, temporary or otherwise.
2. For the Job Creation Incentive Plan, the commencement date of the Award shall be December 31 of the year in which the fifth new FTE employee is hired.
3. For the Real Property Improvement Plan, the assessed value of the building shall be frozen from December 31 of the year in which the Department of Code Enforcement issues a Building Permit for the approved Development until the first Certificate of Occupancy is issued, provided the Development continues to meet construction requirements of the Central Falls Zoning Ordinance, Central Falls Land Development and Subdivision Review Regulations, and the Building Permit.

4. Any tax rate adjustments made by the Central Falls City Council will affect the Award accordingly.
5. Any market reassessments by the City of Central Falls will affect the Award accordingly.
6. For the Real Property Improvement Plan, the Property Owner may petition the Planning and Finance Directors for their joint approval to cap the construction value of the improvement to one million dollars (\$1,000,000.00) for permitting purposes.

Discretion and Judicial Review

1. The City shall not have any obligation to make any Award under the Program or these Rules, and may decline to make Awards with respect to which DPED has received a completed Application that meets the Eligibility requirements.
2. A review of an Application shall not constitute a “contested case” under the Administrative Procedures Act, Section 42-35-9 of the Rhode Island General Laws, and no opportunity to object to an Application shall be afforded, nor shall judicial review be available from a decision rendered by DPED and Finance in connection with any Application unless the Application triggers a review by the Planning and/or Zoning Board in which case objections and judicial review shall be available pursuant to the rules and/or laws applicable to both.

Administration and Examination of Records

The City of Central Falls may examine any books, papers, records or memoranda bearing upon the approval of any Award, and may require the attendance of any person executing any application, report, or other statement, or the attendance of any other person, and may examine such person under oath respecting any matter The City of Central Falls deems pertinent or material in determining eligibility for Awards claimed in this Program.

Inspection Rights

The City of Central Falls shall have the right at reasonable times to make an inspection and to enter upon any property that is subject of an Award during the Application process or Award term of a Project to verify compliance with these Rules and Regulations and such other conditions imposed in the Award.

Reassignment

If ownership of the Property/Business is transferred during the terms of the Award, the new owner must apply to the program to continue the term. No extensions or renegotiations shall be granted.

Supplant

A new applicant for a new project meeting the requirements of an award shall replace the previous Award.

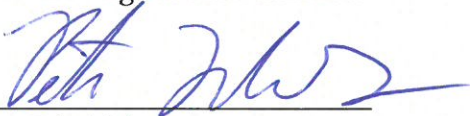
Revocation

The Planning Director and Finance Director may collectively revoke the Award with provided reasoning through written notice to the Business or Property Owner, respectively. Upon satisfactory addressing reasoning for revocation, the Applicant may apply for reinstatement into the Program.

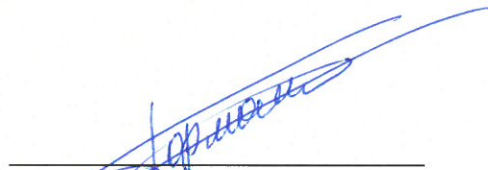
Deviation

Any deviation from these Rules shall be explained in writing by DPED and shall be incorporated into public records of the Program.

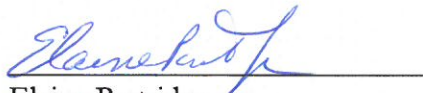
Rules and Regulations Published:



Peter Friedrichs
Director
Department of Planning and Economic Development
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Irina Gorman
Acting Finance Director
Finance Department
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Elaine Partridge
Director
Department of Code Enforcement and Public Works
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