New England Regional Midweek Update
9/30/2026

Dear Stewart Partners,

In this week's Midweek Update, we cover several timely issues for New England real estate practitioners. Our lead article revisits Rhode Island's new non-owner-occupied property tax and discusses the pending lawsuit challenging its constitutionality. We also summarize the Massachusetts Land Court's updated acknowledgment requirements and identify key points for practitioners presenting documents for registration.

Also included are details about the next installment of our "Probate 101" webinar series, a reminder concerning Stewart's recent Special Alert involving certain Belmont properties and individuals, and information on how to access Stewart's recent "Selling the Value of Title Insurance" webinar.

UPDATE--Rhode Island Non-Owner Occupied Property Tax By:

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Massachusetts and Rhode Island

I recently wrote an article on the new Rhode Island Non-Owner Occupied Property tax also known as the "Taylor Swift Tax" for our August 26, 2026 midweek update. In August of 2026 a lawsuit was filed by multiple plaintiffs against the State of Rhode Island challenging the new law. In this article I will briefly re-summarize the tax and discuss the recent challenge to the tax.

The Tax

The Rhode Island Legislature recently passed a new, Non-Owner occupied tax (RIGL s. 44-72) that went into effect July 1, 2026. The law applies a state tax on residential properties assessed at over $1,000,000 that are not used by the owner as a primary residence. The tax is $2.50 per $500 (or fractional part of $500) of the assessed value over $1,000,000.00 and will be paid in 4 equal installments throughout the year. The property is considered occupied by the owner if the property is the owner's primary residence and the owner lives there 183 or more days within the privilege (taxable) year. Residency is typically established through the taxpayer's Rhode Island resident 1040 income tax return, driver's license, and other official documents.

Exemptions

As always there are exceptions to every rule. Even if the tax applies because the property is assessed at over $1,000,000 and is not occupied by the owner, there are two exemptions to the tax. The first exemption is for long-term rentals. A "long-term rental" is any long-term rental subject to R.I. General Laws § 34-18 (Residential Landlord and Tenant Act) under

written lease or rental agreement where the property is rented for 183 days or more of the privilege (taxable) year. The second exemption is for short-term rentals (think Airbnb). A "short-term rental" is a property that is a rental property that is subject to sales tax under R.I. General Laws § 44-18, where the property is rented for 183 days or more during the privilege year.

Selling the property

Starting July 1, 2026, sellers of residential property assessed at over $1,000,000 will be required to furnish a Certificate of No Tax Due to the buyer. The Certificate of No Tax Due must be requested from the Division of Taxation at least 10 business days before the closing date, but no more than 30 days prior to closing. A copy of the purchase and sale agreement must be submitted with the request. The Certificate of No Tax Due will be issued if: (i) the property was owner occupied such that no tax is imposed; (ii) the tax has been paid by time of closing; or (iii) proof of an exemption has been verified. It is important to note that the seller must make the request for the Certificate; the seller's attorney or realtor cannot request the Certificate on the seller's behalf unless a properly completed power of attorney is on file with the Division of Taxation. The request form RI-6678 can be found here: Form RI-6678 . The form can be emailed to the Division of Taxation as provided at the email address on the form.

The Division of Taxation has a dedicated website that includes FAQs and links to other valuable resources and can be found here: The Division of Taxation FAQs

Pending lawsuit challenging the "Taylor Swift Tax"

In August of 2026, more than 40 property owners filed a lawsuit challenging Rhode Island's new "Taylor Swift Tax," arguing that the selective property tax violates both the U.S. and Rhode Island constitutions. The lawsuit, Adams v. Rhode Island, Case Number: NC-2026-0353, was filed August 19 in Newport County Superior Court. The plaintiffs are asking the court to declare the tax unconstitutional, block its enforcement, and refund taxpayers who have already paid it. The complaint alleges that the tax "disproportionately and deliberately" targets nonresidents who own property in Rhode Island but cannot vote there. The plaintiffs argue the tax violates several federal constitutional protections, including the Dormant Commerce Clause, Privileges and Immunities Clause, Takings Clause, and Equal Protection Clause, along with similar provisions of the Rhode Island Constitution. Please note that until there is a final resolution to the litigation the tax is still in place and conveyancers will need to obtain a Certificate of No Tax Due for any non-owner occupied property.

As always reach out to one of our underwriters if you have any questions.

Updated Massachusetts Land Court Guideline on Acknowledgements By: Tracie M. Kester, Senior Underwriting Counsel and New England Deputy Regional Underwriting Counsel

Those who regularly file documents with the Land Court in Massachusetts are likely familiar with their requirements for acknowledgements on documents, as well as the Land Court Guidelines on Registered Land. Occasional filers should be aware that effective July 1,

2026, the Land Court issued a Memorandum from the Chief Title Examiner which supersedes Guideline 1 on acknowledgments.

The Memo reiterates that an acknowledgment is not merely a notarized signature. The signer must personally appear before the notary, be identified through satisfactory evidence of identity, and state that the document was signed voluntarily, or as the signer's free act and deed, for its stated purpose. The Memorandum also contains an extensive list of documents that must be acknowledged before they can be registered. For everyday Land Court practice, the key categories include deeds and deed-like instruments such as mortgages and easements, discharges and partial releases, and powers of attorney (if the power of attorney is being used to support an instrument that requires an acknowledgement).

The Memo emphasizes that the rules regarding acknowledgements apply whether the document was signed in Massachusetts or in a different state or country. A certificate of acknowledgement that may be valid in another state will be rejected by the Land Court unless it contains all of the essential Massachusetts statutory elements. The acknowledgment must be dated, identify the signer, state that the signer executed the document voluntarily for its stated purpose, identify the notary, include the notary's commission expiration date, and describe the evidence of identity used. When someone signs in a representative capacity, such as trustee, corporate officer, or attorney-in-fact, the acknowledgment must expressly reflect that capacity using Massachusetts-compliant language.

Practitioners should also pay particular attention to powers of attorney. Any power of attorney used to convey or mortgage registered land must itself be acknowledged and registered, regardless of whether it was executed in Massachusetts or another state.

Finally, the Land Court continues to recommend that all documents contain a clear signature date, although documents without one may still be accepted if they contain both an effective date and a valid acknowledgment date. Note, however, that some registries may refuse to record a document if the acknowledgement was dated prior to the signature date.

Upcoming Webinar: Stewart Massachusetts Underwriters Talk Title – Taking Title out of an Intestate Estate – October 7, 2026

Join Jutta Deeney, Senior Underwriting Counsel and New England Regional Underwriting Counsel, and Tracie Kester, Senior Underwriting Counsel and New England Deputy Regional Underwriting Counsel, on the fourth installment of their “Probate 101” series. This webinar will address what to do when you are insuring title coming out of an estate where the decedent has died without a Will. The half-hour webinar will take place on October 7, 2026 at 11:00 A.M. To register, follow this link.

In Case you Missed It

Stewart Special Alert – 110, 114, 118, and 120 Juniper Road, Belmont, Masschusetts

In case you missed it, Stewart issued Special Alert Bulletin SA2026221 on September 23, 2026 concerning property in Belmont, Massachusetts. The bulletin reminds agents not to accept orders, issue title commitments, or close transactions involving the properties at 110, 114, 118 or 120 Juniper Road in Belmont, Massachusetts or Leon A. Palandjian or Tracy Palandjian without receiving written clearance from Stewart Legal Services. To read the bulletin on Virtual Underwriter, click this link.

"Selling the Value of Title Insurance" Webinar

If you didn't get a chance to view Stewart's recent webinar on **Selling the Value of Title Insurance**, it is available on the Stewart Academy website. This webinar was presented by Jamie Spaulding, Maine Underwriting Counsel & Agency Sales Representative, and Brian Goudas, New Hampshire Underwriting Counsel & Agency Sales Representative. CLE credit is available in Connecticut, Maine, New Hampshire, Rhode Island and Vermont. If you need credentials to log in to Stewart Academy, please reach out to your Agency Sales Representative.

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