

# HOUSE BILL No. 5810

May 24, 1990, Introduced by Reps. Jaye, Dunaskiss, Gnodtke, Trim, Sparks, Kulchitsky and Middaugh and referred to the Committee on Taxation.

A bill to amend section 37 of Act No. 186 of the Public Acts of 1973, entitled  
"Tax tribunal act,"  
as amended by Act No. 23 of the Public Acts of 1987, being section 205.737 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 37 of Act No. 186 of the Public Acts of  
2 1973, as amended by Act No. 23 of the Public Acts of 1987, being  
3 section 205.737 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 37. (1) In arriving at its determination of a lawful  
6 property assessment, the tribunal shall multiply its finding of  
7 true cash value by a percentage equal to the ratio of the average  
8 level of assessment in relation to true cash values in the  
9 assessment district.

1       (2) The lawful assessment as determined by the tribunal is  
2 subject to equalization and shall be equalized by application of  
3 the equalization factor ~~which~~ THAT is uniformly applicable in  
4 the assessment district for the year in question, which, after  
5 equalization, shall not exceed 50% of the true cash value of the  
6 property on the assessment date.

7       (3) The petitioner has the burden of proof in establishing  
8 the true cash value of the property, and the assessing agency has  
9 the burden of proof in establishing the ratio of the average  
10 level of assessments in relation to true cash values in the  
11 assessment district and the equalization factor ~~which~~ THAT was  
12 uniformly applied in the assessment district for the year in  
13 question. IN ESTABLISHING THE TRUE CASH VALUE, THE PETITIONER  
14 MAY USE APPRAISALS PREPARED BY A LOCAL REAL ESTATE SALESPERSON AS  
15 DEFINED IN SECTION 2501 OF THE OCCUPATIONAL CODE, ACT NO. 299 OF  
16 THE PUBLIC ACTS OF 1980, BEING SECTION 339.2501 OF THE MICHIGAN  
17 COMPILED LAWS, OR PREPARED FOR THE VETERANS ADMINISTRATION FOR  
18 MORTGAGE PURPOSES.

19       (4) If subsequent to the filing of the petition the taxpayer  
20 paid additional taxes as a result of the unlawful assessments on  
21 the same property, or if in subsequent years unlawful assessments  
22 were made against the same property, the taxpayer, after protest  
23 before the board of review and not later than the filing deadline  
24 as prescribed by section 35(2), except as provided by subsections  
25 (5) and (7), may amend his or her petition to join all of his or  
26 her claims for lawful assessment determination and for refund by  
27 reason of payments based on the unlawful assessments. Any sum

1 determined by the tribunal to have been unlawfully paid shall  
2 bear interest from the date of payment to the date of judgment  
3 and the judgment shall bear interest to THE date of its payment.  
4 Interest required by this subsection shall accrue for periods  
5 before April 1, 1982 at a rate of 6% per year, shall accrue for  
6 periods after March 31, 1982 but before April 1, 1985 at a rate  
7 of 12% per year, and shall accrue for periods after March 31,  
8 1985 at a rate of 9% per year.

9 (5) If the residential property and small claims division of  
10 the tribunal has jurisdiction over a petition that the taxpayer  
11 seeks to amend to include an assessment dispute for 1 or more  
12 subsequent years, the following shall apply:

13 (a) The taxpayer need not have protested those assessments  
14 he or she seeks to include before the board of review.

15 (b) Instead of the deadline provided by subsection (4), the  
16 taxpayer may amend his or her petition by a motion filed within 7  
17 days after mailing of the notice of the hearing on the petition  
18 being amended, or not later than 20 days before the date set for  
19 the hearing on the petition being amended, whichever date is the  
20 later.

21 (6) The notice of the hearing on a petition shall include a  
22 statement advising the petitioner of the right to amend his or  
23 her petition to include assessment disputes for subsequent years  
24 as provided by subsections (4) and (5).

25 (7) If the final equalization multiplier for the tax year  
26 exceeds the tentative multiplier used in preparing the assessment  
27 notice and as a result of action of the state board of

1 equalization or county board of commissioners a taxpayer's  
2 assessment as equalized is in excess of 50% of true cash value,  
3 that person may appeal directly to the tax tribunal without a  
4 prior protest before the local board of review. The appeal shall  
5 be filed under this subsection on or before the third Monday in  
6 August and shall be heard in the same manner as other appeals of  
7 the tribunal. A taxpayer making an appeal pursuant to this sub-  
8 section may amend his or her petition to include subsequent  
9 years' assessments based on the alleged unlawful determination in  
10 the manner provided by subsection (5)(b). An appeal pursuant to  
11 this subsection shall not result in an equalized value less than  
12 the assessed value multiplied by the tentative equalization  
13 multiplier used in preparing the assessment notice. This subsec-  
14 tion does not apply to appeals filed after December 31, 1990.