

# HOUSE BILL No. 5314

November 6, 1991, Introduced by Reps. O'Connor, Gnodtke, Hickner, Walberg, Horton, London, Middaugh, Randall and Bender and referred to the Committee on Taxation.

A bill to amend section 27 of Act No. 206 of the Public Acts of 1893, entitled as amended

"The general property tax act,"

as amended by Act No. 283 of the Public Acts of 1989, being section 211.27 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 27 of Act No. 206 of the Public Acts of  
2 1893, as amended by Act No. 283 of the Public Acts of 1989, being  
3 section 211.27 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 27. (1) As used in this act, "cash value" means the  
6 usual selling price at the place where the property to which the  
7 term is applied is at the time of assessment, being the price  
8 that could be obtained for the property at private sale, and not  
9 at auction sale except as otherwise provided in this section, or

1 at forced sale. The usual selling price may include sales at  
2 public auction held by a nongovernmental agency or person when  
3 those sales have become a common method of acquisition in the  
4 jurisdiction for the class of property being valued. The usual  
5 selling price does not include sales at public auction ~~where~~ IF  
6 the sale is part of a liquidation of the seller's assets in a  
7 bankruptcy proceeding or ~~where~~ IF the seller is unable to use  
8 common marketing techniques to obtain the usual selling price for  
9 the property. A sale or other disposition by the state or an  
10 agency or political subdivision of the state of land acquired for  
11 delinquent taxes or an appraisal made in connection with the sale  
12 or other disposition or the value attributed to the property of  
13 regulated public utilities by a governmental regulatory agency  
14 for rate-making purposes shall not be considered controlling evi-  
15 dence of true cash value for assessment purposes. In determining  
16 the value, the assessor shall also consider the advantages and  
17 disadvantages of location; quality of soil; zoning; existing use;  
18 present economic income of structures, including farm structures;  
19 present economic income of land if the land is being farmed or  
20 otherwise put to income producing use; quantity and value of  
21 standing timber; water power and privileges; and mines, minerals,  
22 quarries, or other valuable deposits known to be available in the  
23 land and their value.

24 (2) The assessor ~~, beginning December 31, 1976,~~ shall not  
25 consider the increase in true cash value that is a result of  
26 expenditures for normal repairs, replacement, and maintenance  
27 ~~made or completed after December 30, 1976~~ in determining the

1 true cash value of property for assessment purposes until the  
2 property is sold. For the purpose of implementing this subsec-  
3 tion, the assessor shall not increase the construction quality  
4 classification or reduce the effective age for depreciation pur-  
5 poses, except if the appraisal of the property was erroneous  
6 before nonconsideration of the normal repair, replacement, or  
7 maintenance, and shall not assign an economic condition factor to  
8 the property that differs from the economic condition factor  
9 assigned to similar properties as defined by appraisal procedures  
10 applied in the jurisdiction. The increase in value attributable  
11 to the items included in subdivisions (a) to (o) that is known to  
12 the assessor and excluded from true cash value shall be indicated  
13 on the assessment roll. This subsection ~~shall apply~~ APPLIES  
14 only to residential property. The following repairs ~~shall be~~  
15 ARE considered normal maintenance if they are not part of a  
16 structural addition or completion:

17 (a) Outside painting.

18 (b) Repairing or replacing siding, roof, porches, steps,  
19 sidewalks, and drives.

20 (c) Repainting, repairing, or replacing existing masonry.

21 (d) Replacement of awnings.

22 (e) Adding or replacing gutters and downspouts.

23 (f) Replacing storm windows or doors.

24 (g) Insulation or weatherstripping.

25 (h) Complete rewiring.

26 (i) Replacing plumbing and light fixtures.

1 (j) New furnace replacing a furnace of the same type or  
2 replacing oil or gas burner.

3 (k) Plaster repairs, inside painting, or other  
4 redecorating.

5 (l) New ceiling, wall, or floor surfacing.

6 (m) Removing partitions to enlarge rooms.

7 (n) Replacing automatic hot water heater.

8 (o) Replacing dated interior woodwork.

9 (3) ~~Beginning December 31, 1978, a~~ A city or township  
10 assessor, a county equalization department, or the state tax com-  
11 mission before utilizing real estate sales data on real property  
12 purchases, including purchases by land contract, for the purpose  
13 of determining assessments or in making sales ratio studies for  
14 the purpose of assessing or equalizing assessments shall exclude  
15 from the sales data the following amounts allowed by subdivisions  
16 (a), (b), and (c) to the extent that the amounts are included in  
17 the real property purchase price and are so identified in the  
18 real estate sales data or certified to the assessor as provided  
19 in subdivision (d):

20 (a) Amounts paid for obtaining financing of the purchase  
21 price of the property or the last conveyance of the property.

22 (b) Amounts attributable to personal property ~~which~~ THAT  
23 were included in the purchase price of the property in the last  
24 conveyance of the property.

25 (c) Amounts paid for surveying the property pursuant to the  
26 last conveyance of the property. The legislature may require  
27 local units of government, including school districts, to submit

1 reports of revenue lost under subdivisions (a) and (b) and this  
2 subdivision so that the state may reimburse those units for that  
3 lost revenue.

4 (d) The purchaser of real property, including a purchaser by  
5 land contract, may file with the assessor of the city or township  
6 in which the property is located 2 copies of the purchase agree-  
7 ment or of an affidavit ~~which~~ THAT shall identify the amount,  
8 if any, for each item listed in subdivisions (a) to (c). One  
9 copy shall be forwarded by the assessor to the county equaliza-  
10 tion department. The affidavit shall be prescribed by the state  
11 tax commission.

12 (4) As used in subsection (1), "present economic income"  
13 means ~~in the case of~~ FOR leased or rented property the ordi-  
14 nary, general, and usual economic return realized from the lease  
15 or rental of property negotiated under current, contemporary con-  
16 ditions between parties equally knowledgeable and familiar with  
17 real estate values. The actual income generated by the lease or  
18 rental of property shall not be the controlling indicator of its  
19 cash value in all cases. This subsection ~~shall~~ DOES not apply  
20 to property ~~when~~ subject to a lease entered into ~~prior to~~  
21 BEFORE January 1, 1984 for which the terms of the lease governing  
22 the rental rate or tax liability have not been renegotiated after  
23 December 31, 1983. This subsection ~~shall~~ DOES not apply to a  
24 nonprofit housing cooperative ~~when~~ subject to regulatory agree-  
25 ments between the state or federal government entered into ~~prior~~  
26 ~~to~~ BEFORE January 1, 1984. As used in this subsection,  
27 "nonprofit cooperative housing corporation" means a nonprofit

1 cooperative housing corporation ~~which~~ THAT is engaged in  
2 providing housing services to its stockholders and members and  
3 ~~which~~ THAT does not pay dividends or interest upon stock or  
4 membership investment but ~~which~~ THAT does distribute all earn-  
5 ings to its stockholders or members.

6 (5) THE ASSESSOR SHALL DETERMINE THE TRUE CASH VALUE OF  
7 PROPERTY SUBJECT TO A FARMLAND DEVELOPMENT RIGHTS AGREEMENT UNDER  
8 THE FARMLAND AND OPEN SPACE PRESERVATION ACT, ACT NO. 116 OF THE  
9 PUBLIC ACTS OF 1974, BEING SECTIONS 554.701 TO 554.719 OF THE  
10 MICHIGAN COMPILED LAWS, IN THE SAME MANNER AND USING THE SAME  
11 FACTORS AS FOR PROPERTY CLASSIFIED AS AGRICULTURAL UNDER  
12 SECTION 34C REGARDLESS OF WHETHER THE SUBJECT PROPERTY IS CLASSI-  
13 FIED AS AGRICULTURAL OR DEVELOPMENTAL UNDER SECTION 34C.