

HOUSE BILL No. 5296

February 3, 2000, Introduced by Reps. Birkholz, Vear, Bovin, Caul, Bradstreet, Brewer, Gosselin, Julian, Howell, Middaugh, Lockwood, Rick Johnson, Callahan, Kukuk, Scott, Minore, Pappageorge, Ehardt and Toy and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 188, entitled

"An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds,"

by amending section 4a (MCL 41.724a), as amended by 1986 PA 180.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4a. (1) If special assessments are made against prop-
2 erty, notice of hearings in the special assessment proceedings
3 shall be given as provided in this section.

4 (2) Notice of hearings in special assessment proceedings
5 shall be given to each record owner of, or party in interest in,
6 property to be assessed whose name appears upon the last township
7 tax assessment records by first class mail addressed to the
8 record owner or party in interest at the address shown on the tax

HB5296, As Passed House, June 6, 2000

H.B. 5296 as amended June 6, 2000

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1 records, at least 10 days before the date of the hearing. The
2 last township tax assessment records means the last assessment
3 roll for ad valorem tax purposes ~~which~~ THAT was reviewed by the
4 township board of review, as supplemented by any subsequent
5 changes in the names or the addresses of the owners or parties
6 listed on that roll. If a record owner's name does not appear on
7 the township tax assessment records, then notice shall be given
8 by first class mail addressed to the record owner at the address
9 shown by the records of the county register of deeds at least 10
10 days before the date of THE hearing. Notice shall also be pub-
11 lished twice before the hearing in a newspaper circulating in the
12 township. The first publication shall be at least 10 days before
13 the date of the hearing. [IF A PUBLISHED NOTICE INCLUDES A LIST OF
THE PROPERTY IDENTIFICATION NUMBERS FOR EACH PARCEL OF PROPERTY TO
BE ASSESSED, THAT PUBLISHED NOTICE SHALL ALSO] INCLUDE THE
14 STREET ADDRESS OF EACH PARCEL OF PROPERTY TO BE ASSESSED, IF
15 AVAILABLE.

16 (3) If a person ~~claims an interest in real property~~ whose
17 name and correct address do not appear upon the last township tax
18 assessment records CLAIMS AN INTEREST IN REAL PROPERTY, that
19 person shall ~~file~~ immediately FILE his or her name and address
20 with the township supervisor. This filing is effective only for
21 the purpose of establishing a record of the names and addresses
22 of those persons entitled to notice of hearings in special
23 assessment proceedings. The supervisor shall immediately enter
24 on the tax assessment records any changes in the names and
25 addresses of record owners or parties in interest filed with the
26 supervisor and at all times shall keep the tax assessment records
27 current, complete, and available for public inspection.

1 (4) A township officer ~~whose duty is~~ REQUIRED to give
2 notice of ~~hearings~~ A HEARING in special assessment proceedings
3 may rely upon the last township tax assessment records in giving
4 notice of the hearing by mail. The method of giving notice by
5 mail as provided in this section is declared to be the method
6 that is reasonably certain to inform those to be assessed of the
7 special assessment proceedings.

8 (5) Failure to give notice as required in this section shall
9 not invalidate an entire assessment roll, but only the assessment
10 on property affected by the lack of notice. A special assessment
11 shall not be declared invalid as to any property if the owner or
12 the party in interest of that property actually received notice,
13 waived notice, or paid any part of the assessment. If an assess-
14 ment is declared void by court decree or judgment, a reassessment
15 against the property may be made.

16 (6) ~~Notwithstanding the lack of a statute providing for the~~
17 ~~mailing of notice of hearings, a~~ A special assessment hearing
18 ~~heretofore~~ held BEFORE JUNE 5, 1974 is validated, insofar as
19 any notice of hearing is concerned, if notice was given by mail
20 to the owners or parties in interest whose names appeared at the
21 time of mailing on the last township tax assessment records. Any
22 such special assessment hearing is validated as to any owner or
23 party in interest who actually received notice of hearing, waived
24 the notice, or paid any part of the special assessment.