

**SUBSTITUTE FOR
SENATE BILL NO. 488**

A bill to provide for the identification, inspection, and certification of abandoned property; to prescribe certain duties for certain local units of government and county treasurers; to provide for certain administration and collection fees; and to facilitate the return of abandoned tax delinquent property to productive use.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "certification of abandoned property for accelerated forfeiture
3 act".

4 Sec. 2. As used in this act:

5 (a) "Abandoned property" means tax delinquent property con-
6 taining a structure that is vacant or dilapidated, is open to
7 entrance or trespass, and has been determined to be abandoned
8 under section 4.

1 (b) "Certified abandoned property" means abandoned property
2 certified by a local unit of government as abandoned under sec-
3 tion 6.

4 (c) "Declaration of accelerated forfeiture of abandoned
5 property" means the resolution adopted by a local unit of govern-
6 ment under section 3.

7 (d) "General property tax act" means the general property
8 tax act, 1893 PA 206, MCL 211.1 to 211.157.

9 (e) "Legal interest" means a person holding a title interest
10 in the property or a mortgage holder as it appears on the records
11 of the treasurer of the county in which the abandoned property is
12 located or the records of the assessor of the local unit of gov-
13 ernment in which the abandoned property is located.

14 (f) "Local unit of government" means a city, village, or
15 township.

16 (g) "Tax delinquent property" means property the taxes for
17 which have been returned as delinquent under the general property
18 tax act.

19 Sec. 3. A local unit of government may make a declaration
20 of accelerated forfeiture of abandoned property by adopting a
21 resolution at a meeting held pursuant to the open meetings act,
22 1976 PA 267, MCL 15.261 to 15.275, containing substantially the
23 following language:

24 "Whereas, the governing body of the local unit of government
25 determines that parcels of abandoned tax delinquent property
26 exist;

1 Whereas, abandoned tax delinquent property contributes to
2 crime, blight, and decay within the local unit of government;

3 Whereas, the certification of tax delinquent abandoned prop-
4 erty as certified abandoned property will result in the acceler-
5 ated forfeiture and foreclosure of certified abandoned property
6 under the general property tax act and return abandoned property
7 to productive use more rapidly, thereby reducing crime, blight,
8 and decay within the local unit of government;

9 Therefore, the local unit of government hereby notifies res-
10 idents and owners of property within the local unit of government
11 that abandoned tax delinquent property will be identified and
12 inspected and may be certified as certified abandoned property
13 under the certification of abandoned property for accelerated
14 forfeiture act and subject to accelerated forfeiture and foreclo-
15 sure under the general property tax act.".

16 Sec. 4. (1) If a local unit of government makes a declara-
17 tion of accelerated forfeiture of abandoned property pursuant to
18 section 3 before October 1 of any tax year, the local unit of
19 government may identify property within the local unit of govern-
20 ment as abandoned property if all of the following procedures are
21 complied with:

22 (a) Before February 1, the local unit of government inspects
23 the property and determines that the property is abandoned
24 property.

25 (b) At the time of inspection under subdivision (a), the
26 local unit of government posts a notice on the property that if
27 taxes levied on the property are returned as delinquent, the

1 property will be subject to accelerated forfeiture and
2 foreclosure, unless an affidavit claiming the property is not
3 abandoned is filed as provided under section 5.

4 (c) The local unit of government shall send a copy of the
5 notice provided under subdivision (b) to the owner of the prop-
6 erty or to the taxpayer of record by first-class mail.

7 (d) Taxes levied on the property are returned as delinquent
8 on March 1 to the treasurer of the county in which the property
9 is located pursuant to the general property tax act.

10 (2) If the local unit of government determines that the
11 property is occupied by an owner or a person with a legal inter-
12 est in the property, the local unit of government shall not cer-
13 tify the property as certified abandoned property.

14 Sec. 5. (1) An owner or a person with a legal interest in
15 the property may file an affidavit claiming the property is not
16 abandoned with the local unit of government before taxes are
17 returned as delinquent or with the county treasurer after taxes
18 are returned as delinquent.

19 (2) If an affidavit is filed under subsection (1) before the
20 hearing under section 78j of the general property tax act, MCL
21 211.78j, the property is not forfeited on the immediately preced-
22 ing March 1 and shall be forfeited on the immediately succeeding
23 March 1 if all delinquent taxes, interest, penalties, and fees
24 have not been paid.

25 Sec. 6. If a local unit of government complies with the
26 procedures set forth in sections 3 and 4 and an owner or a person
27 with a legal interest in the property has not responded to the

SB 488, As Passed Senate, May 18, 1999

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1 notice provided under section 4, the local unit of government may
2 certify the property as certified abandoned property.

3 Enacting section 1. This act does not take effect unless
4 all of the following bills of the 90th Legislature are enacted
5 into law:

6 (a) Senate Bill No. 343.

7 (b) Senate Bill No. 487.

8 (c) Senate Bill No. 489.