

HOUSE BILL No. 5743

February 26, 2002, Introduced by Reps. Cassis, Raczkowski, Vander Roest, Hummel, Pappageorge, Stamas, Lipsey, Middaugh and Drolet and referred to the Committee on Tax Policy.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 53b (MCL 211.53b), as amended by 2000 PA 284,
and by adding section 7gg.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7GG. (1) AN OWNER WHO OWNS AND OCCUPIES A HOMESTEAD
2 FOR WHICH AN EXEMPTION UNDER SECTION 7CC IS ON THE TAX ROLL FOR
3 THE CURRENT TAX YEAR AND WHO OWNED AND OCCUPIED THAT HOMESTEAD ON
4 MAY 1 IN ANY OF THE 3 IMMEDIATELY PRECEDING TAX YEARS FOR WHICH
5 AN EXEMPTION UNDER SECTION 7CC WAS NOT ON THE TAX ROLL MAY FILE
6 AN APPEAL FOR ANY OF THE 3 IMMEDIATELY PRECEDING TAX YEARS WITH
7 THE ASSESSOR.

8 (2) IF THE ASSESSOR GRANTS THE APPEAL AND THE EXEMPTION
9 RESULTS IN AN OVERPAYMENT, THE REBATE, INCLUDING ANY INTEREST
10 PAID, SHALL BE MADE TO THE TAXPAYER BY THE LOCAL TAX COLLECTING

1 UNIT IF THE LOCAL TAX COLLECTING UNIT HAS POSSESSION OF THE TAX
2 ROLL OR BY THE COUNTY TREASURER IF THE COUNTY HAS POSSESSION OF
3 THE TAX ROLL. THE REBATE SHALL BE MADE WITHIN 30 DAYS OF THE
4 DATE THE EXEMPTION IS GRANTED. A REBATE SHALL BE WITHOUT
5 INTEREST. THE COUNTY TREASURER MAY DEDUCT THE REBATE FROM THE
6 LOCAL TAXING UNIT'S SUBSEQUENT DISTRIBUTION OF TAXES OR THE
7 COUNTY TREASURER MAY BILL TO THE LOCAL TAXING UNIT THE LOCAL
8 TAXING UNIT'S SHARE OF THE TAXES REBATED.

9 (3) IF THE ASSESSOR GRANTS AN EXEMPTION UNDER THIS SECTION,
10 THE ASSESSOR SHALL REQUIRE THE OWNER TO EXECUTE THE AFFIDAVIT
11 PROVIDED FOR IN SECTION 7CC(2) FOR THE TAX YEARS APPEALED.

12 (4) IF THE ASSESSOR DENIES THE APPEAL, THE OWNER CLAIMING
13 THE EXEMPTION MAY FILE AN APPEAL WITH THE JULY BOARD OF REVIEW IN
14 THE YEAR IN WHICH THE EXEMPTION IS CLAIMED OR THE IMMEDIATELY
15 SUCCEEDING YEAR OR WITH THE DECEMBER BOARD OF REVIEW IN THE YEAR
16 IN WHICH THE EXEMPTION IS CLAIMED OR THE IMMEDIATELY SUCCEEDING
17 YEAR.

18 (5) IF AN APPEAL OF A CLAIM FOR EXEMPTION THAT WAS NOT ON
19 THE TAX ROLL IS RECEIVED NOT LATER THAN 5 DAYS PRIOR TO THE DATE
20 OF THE JULY OR DECEMBER BOARD OF REVIEW, THE LOCAL TAX COLLECTING
21 UNIT SHALL CONVENE A JULY OR DECEMBER BOARD OF REVIEW AND CON-
22 sider the APPEAL PURSUANT TO THIS SECTION AND SECTION 53B.

23 Sec. 53b. (1) If there has been a clerical error or a
24 mutual mistake of fact relative to the correct assessment fig-
25 ures, the rate of taxation, or the mathematical computation
26 relating to the assessing of taxes, the clerical error or mutual
27 mistake of fact shall be verified by the local assessing officer

1 and approved by the board of review at a meeting held for the
2 purposes of this section on Tuesday following the second Monday
3 in December and, for summer property taxes, on Tuesday following
4 the third Monday in July. If there is not a levy of summer prop-
5 erty taxes, the board of review may meet for the purposes of this
6 section on Tuesday following the third Monday in July. If
7 approved, the board of review shall file an affidavit within 30
8 days relative to the clerical error or mutual mistake of fact
9 with the proper officials who are involved with the assessment
10 figures, rate of taxation, or mathematical computation and all
11 affected official records shall be corrected. If the clerical
12 error or mutual mistake of fact results in an overpayment or
13 underpayment, the rebate, including any interest paid, shall be
14 made to the taxpayer or the taxpayer shall be notified and pay-
15 ment made within 30 days of the notice. A rebate shall be with-
16 out interest. The county treasurer may deduct the rebate from
17 the appropriate tax collecting unit's subsequent distribution of
18 taxes. The county treasurer shall bill to the appropriate tax
19 collecting unit the tax collecting unit's share of taxes
20 rebated. A correction under this subsection may be made in the
21 year in which the error was made or in the following year only.

22 (2) Action pursuant to this section may be initiated by the
23 taxpayer or the assessing officer.

24 (3) The board of review meeting in July and December shall
25 meet only for the purpose described in subsection (1) and to hear
26 appeals provided for in sections 7u, ~~7cc, and 7ee~~, AND 7GG. If
27 an exemption under section 7u is approved, the board of review

1 shall file an affidavit with the proper officials involved in the
2 assessment and collection of taxes and all affected official
3 records shall be corrected. If an appeal under section ~~7cc or~~
4 7ee OR 7GG results in a determination that an overpayment has
5 been made, the board of review shall file an affidavit and a
6 rebate shall be made at the times and in the manner provided in
7 subsection (1). Except as otherwise provided in sections ~~7cc~~
8 ~~and~~ 7ee AND 7GG, a correction under this subsection shall be
9 made for the year in which the appeal is made only. If the board
10 of review grants an exemption or provides a rebate for property
11 under section 7cc or 7ee as provided in this subsection, the
12 board of review shall require the owner to execute the affidavit
13 provided for in section 7cc or 7ee and shall forward a copy of
14 any section 7cc affidavits to the department of treasury.

15 (4) If an exemption under section 7cc is granted by the
16 board of review under this section, the provisions of
17 section 7cc(6) through (8) apply. If an exemption under
18 section 7cc is not granted by the board of review under this sec-
19 tion, the owner may appeal that decision in writing to the
20 department of treasury within 35 days of the board of review's
21 denial and the appeal shall be conducted as provided in
22 section 7cc(7).

23 (5) An owner or assessor may appeal a decision of the board
24 of review under this section regarding an exemption under
25 section 7ee to the residential and small claims division of the
26 Michigan tax tribunal. An owner is not required to pay the
27 amount of tax in dispute in order to receive a final

1 determination of the residential and small claims division of the
2 Michigan tax tribunal. However, interest and penalties, if any,
3 shall accrue and be computed based on interest and penalties that
4 would have accrued from the date the taxes were originally levied
5 as if there had not been an exemption.

6 Enacting section 1. This amendatory act does not take
7 effect unless House Bill No. 4660 of the 91st Legislature is
8 enacted into law.