

HOUSE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5364

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 53b (MCL 211.53b), as amended by 2003 PA 105.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 53b. (1) If there has been a ~~clerical~~ **QUALIFIED** error
2 ~~or a mutual mistake of fact relative to the correct assessment~~
3 ~~figures, the rate of taxation, or the mathematical computation~~
4 ~~relating to the assessing of taxes,~~ the ~~clerical~~ **QUALIFIED** error
5 ~~or mutual mistake of fact~~ shall be verified by the local assessing
6 officer and approved by the board of review at a meeting held for
7 the purposes of this section on Tuesday following the second Monday
8 in December and, for summer property taxes, on Tuesday following

1 the third Monday in July. If there is not a levy of summer property
2 taxes, the board of review may meet for the purposes of this
3 section on Tuesday following the third Monday in July. If approved,
4 the board of review shall file an affidavit within 30 days relative
5 to the ~~clerical~~ **QUALIFIED** error ~~or mutual mistake of fact~~ with
6 the proper officials ~~who are involved with the assessment figures,~~
7 ~~rate of taxation, or mathematical computation~~ and all affected
8 official records shall be corrected. If the ~~clerical~~ **QUALIFIED**
9 error ~~or mutual mistake of fact~~ results in an overpayment or
10 underpayment, the rebate, including any interest paid, shall be
11 made to the taxpayer or the taxpayer shall be notified and payment
12 made within 30 days of the notice. A rebate shall be without
13 interest. The ~~county~~ treasurer **IN POSSESSION OF THE APPROPRIATE**
14 **TAX ROLL** may deduct the rebate from the appropriate tax collecting
15 unit's subsequent distribution of taxes. The ~~county~~ treasurer **IN**
16 **POSSESSION OF THE APPROPRIATE TAX ROLL** shall bill to the
17 appropriate tax collecting unit the tax collecting unit's share of
18 taxes rebated. Except as otherwise provided in subsection (6) **AND**
19 **SECTION 27A(4)**, a correction under this subsection may be made in
20 the year in which the **QUALIFIED** error was made or in the following
21 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. If an exemption
27 under section 7u is approved, the board of review shall file an

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

14 (4) If an exemption under section 7cc is granted by the board
15 of review under this section, the provisions of section ~~7ee(6)~~
16 ~~through (11)~~ **7CC** apply. If an exemption under section 7cc is not
17 granted by the board of review under this section, the owner may
18 appeal that decision in writing to the department of treasury
19 within 35 days of the board of review's denial and the appeal shall
20 be conducted as provided in section ~~7ee(7)~~ **7CC(8)**.

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

1 computed based on interest and penalties that would have accrued
2 from the date the taxes were originally levied as if there had not
3 been an exemption.

4 (6) A correction under this section that grants a ~~homestead~~
5 **PRINCIPAL RESIDENCE** exemption pursuant to section ~~7ee(21)~~ **7CC** may
6 be made for the year in which the appeal was filed and the 3
7 immediately preceding tax years.

8 (7) AS USED IN THIS SECTION, "QUALIFIED ERROR" MEANS 1 OR MORE
9 OF THE FOLLOWING:

10 (A) A CLERICAL ERROR RELATIVE TO THE CORRECT ASSESSMENT
11 FIGURES, THE RATE OF TAXATION, OR THE MATHEMATICAL COMPUTATION
12 RELATING TO THE ASSESSING OF TAXES.

13 (B) A MUTUAL MISTAKE OF FACT.

14 (C) AN ADJUSTMENT UNDER SECTION 27A(4) OR AN EXEMPTION UNDER
15 SECTION 7HH(3)(B).

16 (D) FOR BOARD OF REVIEW DETERMINATIONS IN 2006 THROUGH 2009, 1
17 OR MORE OF THE FOLLOWING:

18 (i) AN ERROR OF MEASUREMENT OR CALCULATION OF THE PHYSICAL
19 DIMENSIONS OR COMPONENTS OF THE REAL PROPERTY BEING ASSESSED.

20 (ii) AN ERROR OF OMISSION OR INCLUSION OF A PART OF THE REAL
21 PROPERTY BEING ASSESSED.

22 (iii) AN ERROR REGARDING THE CORRECT TAXABLE STATUS OF THE REAL
23 PROPERTY BEING ASSESSED.

24 (iv) AN ERROR MADE BY THE TAXPAYER IN PREPARING THE STATEMENT
25 OF ASSESSABLE PERSONAL PROPERTY UNDER SECTION 19.