

HOUSE BILL No. 6164

May 22, 2008, Introduced by Reps. Scott, Byrnes, Tobocman, Hopgood, Accavitti, Meisner, Melton, Ball, Johnson, Polidori, Miller, Leland, Robert Jones, Sak, Kathleen Law, Alma Smith, Condino, Bennett, Gonzales, Farrah, Dean, Bauer, Bieda, Meadows and Clemente and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 78a (MCL 211.78a), as added by 1999 PA 123.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 78a. (1) For taxes levied after December 31, 1998, all
2 property returned for delinquent taxes, and upon which taxes,
3 interest, penalties, and fees remain unpaid after the property is
4 returned as delinquent to the county treasurers of this state under
5 this act, is subject to forfeiture, foreclosure, and sale for the
6 enforcement and collection of the delinquent taxes as provided in
7 section 78, this section, and sections 78b to 79a. As used in
8 section 78, this section, and sections 78b to 79a, "taxes" includes
9 interest, penalties, and fees imposed before the taxes become
10 delinquent and unpaid special assessments or other assessments that
11 are due and payable up to and including the date of the foreclosure

House Bill No. 6164 as amended September 25, 2008

1 hearing under section 78k. AS USED IN SECTION 78, THIS SECTION, AND

2 SECTIONS 78B TO 79A, "TAXES" DOES NOT INCLUDE DELINQUENT WATER

3 BILLS OR ANY OTHER DELINQUENT UTILITY BILLS [UNLESS BOTH OF THE FOLLOWING
CONDITIONS ARE SATISFIED:

(A) THE WATER BILL COLLECTIONS OR OTHER UTILITY BILL COLLECTIONS
PROVIDE A SOURCE OF REPAYMENT OF PUBLIC BONDS OR NOTES ISSUED BEFORE THE
EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION.

(B) THE TERMS OF THE PUBLIC BONDS OR NOTES REQUIRE COLLECTION OF
THE WATER BILLS OR OTHER UTILITY BILLS UNDER THIS ACT].

4 (2) On March 1 in each year, taxes levied in the immediately
5 preceding year that remain unpaid shall be returned as delinquent
6 for collection. Except as otherwise provided in section 79 for
7 certified abandoned property, property delinquent for taxes levied
8 in the second year preceding the forfeiture under section 78g or in
9 a prior year to which this section applies shall be forfeited to
10 the county treasurer for the total of the unpaid taxes, interest,
11 penalties, and fees for those years as provided under section 78g.

12 (3) A county property tax administration fee of 4% and
13 interest computed at a noncompounded rate of 1% per month or
14 fraction of a month on the taxes that were originally returned as
15 delinquent, computed from the March 1 that the taxes originally
16 became delinquent, shall be added to property returned as
17 delinquent under this section. A county property tax administration
18 fee provided for under this subsection shall not be less than
19 \$1.00.

20 (4) Any person with an unrecorded property interest or any
21 other person who wishes at any time to receive notice of the return
22 of delinquent taxes on a parcel of property may pay an annual fee
23 not to exceed \$5.00 by February 1 to the county treasurer and
24 specify the parcel identification number, the address of the
25 property, and the address to which the notice shall be sent.

26 Holders of any undischarged mortgages wishing to receive notice of
27 the return of delinquent taxes on a parcel or parcels of property

1 may provide a list of such parcels in a form prescribed by the
2 county treasurer and pay an annual fee not to exceed \$1.00 per
3 parcel to the county treasurer and specify for each parcel the
4 parcel identification number, the address of the property, and the
5 address to which the notice should be sent. The county treasurer
6 shall notify the person or holders of undischarged mortgages if
7 delinquent taxes on the property or properties are returned within
8 that year.

9 ~~— (5) Upon the request of a holder of a tax lien purchased under~~
10 ~~the Michigan tax lien sale and collateralized securities act, 1998~~
11 ~~PA 379, MCL 211.921 to 211.941, and payment to the county treasurer~~
12 ~~of the actual costs incurred in complying with that request, the~~
13 ~~county treasurer shall provide a list identifying the parcels of~~
14 ~~property for which a notice is required under sections 78 to 78 /.~~
15 ~~The list required under this subsection may be in a computer~~
16 ~~generated form or other form.~~

17 (5) ~~(6)~~ Notwithstanding any charter provision to the contrary,
18 the governing body of a local governmental unit that collects
19 delinquent taxes may establish for any property, by ordinance,
20 procedures for the collection of delinquent taxes and the
21 enforcement of tax liens and the schedule for the forfeiture or
22 foreclosure of delinquent tax liens. The procedures and schedule
23 established by ordinance shall conform at a minimum to those
24 procedures and schedules established under **THIS SECTION AND**
25 ~~sections 78a-78B~~ to 78/, except that those taxes subject to a
26 payment plan approved by the treasurer of the local governmental
27 unit as of July 1, 1999 shall not be considered delinquent as of

- 1 the following March 1 if payments are not delinquent under that
- 2 payment plan.