

HOUSE BILL No. 4962

June 20, 2007, Introduced by Rep. Calley and referred to the Committee on Tax Policy.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 7dd (MCL 211.7dd), as amended by 2006 PA 114.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7dd. As used in sections 7cc and 7ee:

2 (a) "Owner" means any of the following:

3 (i) A person who owns property or who is purchasing property
4 under a land contract.

5 (ii) A person who is a partial owner of property.

6 (iii) A person who owns property as a result of being a
7 beneficiary of a will or trust or as a result of intestate
8 succession.

9 (iv) A person who owns or is purchasing a dwelling on leased
10 land.

1 (v) A person holding a life lease in property previously sold
2 or transferred to another.

3 (vi) A grantor who has placed the property in a revocable trust
4 or a qualified personal residence trust.

5 (vii) The sole present beneficiary of a trust if the trust
6 purchased or acquired the property as a principal residence for the
7 sole present beneficiary of the trust, and the sole present
8 beneficiary of the trust is totally and permanently disabled. As
9 used in this subparagraph, "totally and permanently disabled" means
10 disability as defined in section 216 of title II of the social
11 security act, 42 USC 416, without regard as to whether the sole
12 present beneficiary of the trust has reached the age of retirement.

13 (viii) A cooperative housing corporation.

14 (ix) A facility registered under the living care disclosure
15 act, 1976 PA 440, MCL 554.801 to 554.844.

16 (b) "Person", for purposes of defining owner as used in
17 section 7cc, means an individual and for purposes of defining owner
18 as used in section 7ee means an individual, partnership,
19 corporation, limited liability company, association, or other legal
20 entity.

21 (c) "Principal residence" means the 1 place where an owner of
22 the property has his or her true, fixed, and permanent home to
23 which, whenever absent, he or she intends to return and that shall
24 continue as a principal residence until another principal residence
25 is established. Principal residence includes only that portion of a
26 dwelling or unit in a multiple-unit dwelling that is subject to ad
27 valorem taxes and that is owned and occupied by an owner of the

1 dwelling or unit. Principal residence also includes all of an
2 owner's unoccupied property classified as residential that is
3 adjoining or contiguous to the dwelling subject to ad valorem taxes
4 and that is owned and occupied by the owner. Contiguity is not
5 broken by a road, a right-of-way, or property purchased or taken
6 under condemnation proceedings by a public utility for power
7 transmission lines if the 2 parcels separated by the purchased or
8 condemned property were a single parcel prior to the sale or
9 condemnation. Principal residence also includes any portion of a
10 dwelling or unit of an owner that is rented or leased to another
11 person as a residence as long as that portion of the dwelling or
12 unit that is rented or leased is less than 50% of the total square
13 footage of living space in that dwelling or unit. Principal
14 residence also includes a life care facility registered under the
15 living care disclosure act, 1976 PA 440, MCL 554.801 to 554.844.
16 Principal residence also includes property owned by a cooperative
17 housing corporation and occupied by tenant stockholders.

18 (d) "Qualified agricultural property" means unoccupied
19 property and related buildings classified as agricultural, or other
20 unoccupied property and related buildings located on that property
21 devoted primarily to agricultural use. ~~as defined in section 36101~~
22 ~~of the natural resources and environmental protection act, 1994 PA~~
23 ~~451, MCL 324.36101.~~ Related buildings include a residence occupied
24 by a person employed in or actively involved in the agricultural
25 use and who has not claimed a principal residence exemption on
26 other property. Property used for commercial storage, commercial
27 processing, commercial distribution, commercial marketing, or

1 commercial shipping operations or other commercial or industrial
2 purposes is not qualified agricultural property. A parcel of
3 property is devoted primarily to agricultural use only if more than
4 50% of the parcel's acreage is devoted to agricultural use. An
5 owner shall not receive an exemption for that portion of the total
6 state equalized valuation of the property that is used for a
7 commercial or industrial purpose or that is a residence that is not
8 a related building. **AS USED IN THIS SUBDIVISION, "AGRICULTURAL USE"**
9 **MEANS THE PRODUCTION OF PLANTS AND ANIMALS USEFUL TO HUMANS,**
10 **INCLUDING FORAGES AND SOD CROPS; GRAINS, FEED CROPS, AND FIELD**
11 **CROPS; DAIRY AND DAIRY PRODUCTS; POULTRY AND POULTRY PRODUCTS;**
12 **LIVESTOCK, INCLUDING BREEDING AND GRAZING OF CATTLE, SWINE, CAPTIVE**
13 **CERVIDAE, AND SIMILAR ANIMALS; BERRIES; HERBS; FLOWERS; SEEDS;**
14 **GRASSES; NURSERY STOCK; FRUITS; VEGETABLES; CHRISTMAS TREES; AND**
15 **OTHER SIMILAR USES AND ACTIVITIES. AGRICULTURAL USE INCLUDES USE IN**
16 **A FEDERAL ACREAGE SET-ASIDE PROGRAM OR A FEDERAL CONSERVATION**
17 **RESERVE PROGRAM. AGRICULTURAL USE ALSO INCLUDES THE MANAGEMENT AND**
18 **HARVESTING OF A WOODLOT.**