

# HOUSE BILL No. 5790

February 9, 2010, Introduced by Rep. Slezak and referred to the Committee on Tax Policy.

A bill to amend 2005 PA 210, entitled  
"Commercial rehabilitation act,"  
by amending section 3 (MCL 207.843).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) A qualified local governmental unit, by resolution  
2 of its legislative body, may establish 1 or more qualified  
3 rehabilitation districts that may consist of 1 or more parcels or  
4 tracts of land or a portion of a parcel or tract of land, if at the  
5 time the resolution is adopted, the parcel or tract of land or  
6 portion of a parcel or tract of land within the district is a  
7 qualified facility.

8       (2) The legislative body of a qualified local governmental  
9 unit may establish a commercial rehabilitation district on its own  
10 initiative or upon a written request filed by the owner or owners

1 of property comprising at least 50% of all taxable value of the  
2 property located within a proposed commercial rehabilitation  
3 district. The written request must be filed with the clerk of the  
4 qualified local governmental unit.

5 (3) Before adopting a resolution establishing a commercial  
6 rehabilitation district, the legislative body shall give written  
7 notice by certified mail to the county in which the proposed  
8 district is to be located and the owners of all real property  
9 within the proposed commercial rehabilitation district and shall  
10 afford an opportunity for a hearing on the establishment of the  
11 commercial rehabilitation district at which any of those owners and  
12 any other resident or taxpayer of the qualified local governmental  
13 unit may appear and be heard. The legislative body shall give  
14 public notice of the hearing not less than 10 days or more than 30  
15 days before the date of the hearing.

16 (4) The legislative body of the qualified local governmental  
17 unit, in its resolution establishing a commercial rehabilitation  
18 district, shall set forth a finding and determination that the  
19 district meets the requirements set forth in subsection (1) and  
20 shall provide a copy of the resolution by certified mail to the  
21 county in which the district is located.

22 (5) Within 28 days after receiving a copy of the resolution  
23 establishing a commercial rehabilitation district, the county may  
24 reject the establishment of the district by 1 of the following  
25 methods:

26 (a) If the county has an elected county executive, by written  
27 notification to the qualified local governmental unit.

1 (b) If the county does not have an elected county executive,  
2 by a resolution of the county board of commissioners provided to  
3 the qualified local governmental unit.

4 (6) COMMERCIAL REHABILITATION EXEMPTION CERTIFICATES THAT TAKE  
5 EFFECT ON OR AFTER OCTOBER 1, 2010 SHALL INCLUDE WRITTEN PROVISIONS  
6 THAT PROVIDE THAT IF THE OWNER OR LESSEE OF A QUALIFIED FACILITY TO  
7 WHOM THE CERTIFICATE IS ISSUED RELOCATES THE QUALIFIED FACILITY  
8 OUTSIDE OF THIS STATE DURING THE PERIOD IN WHICH THE CERTIFICATE IS  
9 IN EFFECT, THEN BOTH OF THE FOLLOWING APPLY:

10 (A) THAT OWNER OR LESSEE IS RESPONSIBLE FOR THE PAYMENT OF A  
11 PENALTY DESCRIBED IN THIS SUBSECTION. THE PENALTY IS EQUAL TO THE  
12 DIFFERENCE BETWEEN THE COMMERCIAL REHABILITATION TAX PAID UNDER  
13 THIS ACT AND THE GENERAL AD VALOREM TAX THAT WOULD HAVE BEEN LEVIED  
14 IF THE CERTIFICATE HAD NOT BEEN GRANTED FOR EACH YEAR THE  
15 CERTIFICATE WAS IN EFFECT.

16 (B) THAT THE OWNER OR LESSEE CONSENTS TO THE JURISDICTION OF  
17 THE COURTS OF THIS STATE FOR THE COLLECTION AND ENFORCEMENT OF A  
18 PENALTY DESCRIBED IN THIS SUBSECTION.