

## REVISE NOTICE REQUIREMENTS FOR DELINQUENT PROPERTY TAXES

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<http://www.house.mi.gov/hfa>

**House Bill 4039 as introduced**  
**Sponsor: Rep. Jon Bumstead**  
**Committee: Local Government**  
**Complete to 4-14-15**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4039 would amend the General Property Tax Act to allow two notices (instead of three) concerning delinquent property taxes to be published by county treasurers in a "notice publication" (including newspapers and shopping guides), and also to be posted on a website, including one maintained by the foreclosing governmental unit. The term "notice publication" would be new to the act, replaces the term "newspaper," and is defined in the bill. A more detailed description follows.

Currently the law requires that delinquent property tax notices be mailed to the property owner and also be published in a local newspaper so the public can learn what properties are subject to forfeiture for non-payment of taxes. House Bill 4039 would retain the requirement that property owners be notified by first class mail when their property taxes are in arrears.

Further, under current law, if the officials of a governmental unit who are foreclosing a property are unable to ascertain the owner's address, then notice must be made by publication and published for three consecutive weeks. House Bill 4039 would require notice for two weeks (instead of three), and also allow a notice to be inserted, once each week, in a "notice publication" circulated in the county where the property is located.

Under the bill, if a "notice publication" was not circulated in the county in which the property was located, then the foreclosing governmental unit would be required to insert the notice in a "notice publication" in an adjoining county.

The definition of the term "notice publication" under the bill "*includes both a newspaper as that term is defined under Section 1 of Public Act 247 of 1963 (MCL 691.1051), and a print publication for the dissemination of news or other information, including, but not limited to, a print publication, to which all of the following apply:*

- (i) *The print publication is published and distributed in not less than weekly intervals;*
- (ii) *Not less than 50 percent of the words in the print publication are in the English language;*
- (iii) *The print publication has a bona fide list of subscribers in one or more counties in this state or is available to the public at newsstands or other retail locations in one or more counties in this state, or both;*

- (iv) *The print publication accepts and publishes official and other notices;*
- (v) *The print publication regularly contains information of a public character or of interest or value to residents, property owners, or the general public; and*
- (vi) *The print publication has been published or distributed for not less than one year."*

Further, in addition to providing notice in a "notice publication," the bill would allow the foreclosing governmental unit to post the notice for at least 14 days on a website, including, but not limited to, a website maintained by the foreclosing governmental unit.

MCL 211.78f & 211.78i

#### **FISCAL IMPACT:**

As written, the bill would have no impact on state revenues or expenditures. To the extent that the options available to the county treasurer under the bill are more cost effective than current options, local government expenditures could possibly decline by an unknown, but likely small, amount.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.