

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5810

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
(MCL 211.1 to 211.155) by adding section 44f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 44f. (1) There is created in the department of treasury a
2 summer 2020 property tax advance payment program, to be
3 administered by the department, under which each county in this
4 state shall provide eligible taxing authorities that have levied
5 summer 2020 property taxes on property located in the county with
6 advance payment of those summer 2020 property taxes that are due
7 and payable on property for which the collection of those taxes has
8 been deferred under section 44e. All of the following apply to this
9 program:



1 (a) To be eligible for receipt of an advance payment, a taxing
2 authority must levy a summer 2020 property tax on property located
3 in a local tax collecting unit that submits an application for that
4 payment to the county's treasurer in a form and manner prescribed
5 by the department of treasury by not later than September 11, 2020.
6 The application must be accompanied by copies of all deferment-
7 application statements and affidavits properly submitted to the
8 local tax collecting unit pursuant to section 44e(2)(b) and the
9 associated summer 2020 property tax bills for those applications.

10 (b) Based on applications properly submitted to the county
11 treasurer under subdivision (a), the county shall do 1 of the
12 following:

13 (i) Arrange for the financing of the payment described in
14 subdivision (d) from any source available to the county, including,
15 but not limited to, a delinquent tax revolving fund established by
16 the county under this act for payment of summer 2020 property taxes
17 returned as delinquent under section 78a.

18 (ii) By not later than September 18, 2020, submit to the
19 department of treasury an application for short-term state
20 financing described in subdivision (c) for the payment described in
21 subdivision (d). The application must be submitted in a form and
22 manner prescribed by the department of treasury and must include,
23 in addition to any other information the department considers
24 necessary, information sufficient to determine, by parcel
25 identification number, each parcel of property in the county for
26 which advance payment of deferred summer 2020 property taxes is
27 sought, the total amount of the payments sought for each parcel, an
28 itemization of that total amount into individual amounts to be paid
29 to each eligible taxing authority, and the total amount sought for



1 all parcels in the county.

2 (c) For those counties proceeding under subdivision (b) (ii), by
3 not later than November 13, 2020, the department of treasury shall
4 provide short-term state financing for advance payments to be made
5 by each county to eligible taxing authorities that levied summer
6 2020 property taxes on property in the county, to the extent those
7 payments are supported by documentation required under subdivisions
8 (a) and (b). Funds necessary to support the short-term state
9 financing under this subdivision may be obtained from any
10 appropriate source, including, but not limited to, notes or bonds
11 issued by the Michigan finance authority created by Executive
12 Reorganization Order No. 2010-2, MCL 12.194.

13 (d) Whether a county proceeds under subdivision (b) (i) or (ii),
14 the county shall, by not later than December 1, 2020, make advance
15 payments to eligible taxing authorities that levied summer 2020
16 property taxes on property located in the county for the full
17 amount of those summer 2020 property taxes that were properly
18 deferred under section 44e.

19 (e) The short-term state financing described in subdivision
20 (c) is an interest-free loan provided to a county that proceeds
21 under subdivision (b) (ii). The county shall repay this state the
22 full amount of the loan from any source available to the county,
23 including, but not limited to, a delinquent tax revolving fund
24 established by the county under this act for payment of summer 2020
25 property taxes returned as delinquent under section 78a, by not
26 later than the earlier of the following dates:

27 (i) The date that section 87b(3) would have required payment of
28 delinquent summer 2020 property taxes from the county's delinquent
29 tax revolving fund to the various taxing authorities had there been



1 no advance payment of those taxes to those taxing authorities
2 pursuant to the advance payment program under this section.

3 (ii) June 1, 2021.

4 (2) If a local tax collecting unit subsequently receives
5 payment of summer 2020 property taxes for which an advance payment
6 was provided under subsection (1) (d), the local tax collecting unit
7 shall transmit that payment to the county.

8 (3) A county's advance payment of deferred summer 2020
9 property taxes under subsection (1) (d) is not made on behalf of the
10 property's owner and those taxes remain due and payable from the
11 property's owner, and unless those taxes have been paid by or on
12 behalf of the property's owner by not later than the last day that
13 summer 2020 property taxes are due and payable before being
14 returned as delinquent to the county treasurer under section 78a,
15 the local tax collecting unit in which the property is located
16 shall return those taxes as delinquent to the county treasurer
17 under section 78a and the property will be subject to forfeiture,
18 foreclosure, and sale for the enforcement and collection of those
19 delinquent taxes as provided in sections 78 to 79a. Upon the return
20 of those delinquent taxes, the primary obligation to pay to the
21 county the amount of those delinquent taxes and any interest due on
22 those delinquent taxes rests with the local taxing authorities and
23 this state for the state education tax under the state education
24 tax act, 1993 PA 331, MCL 211.901 to 211.906, as provided in
25 section 87b, and if those delinquent taxes are not received by the
26 county on behalf of the local taxing authorities and this state for
27 any reason, the county has full right of recourse against the local
28 taxing authorities or this state for the state education tax under
29 the state education tax act, 1993 PA 331, MCL 211.901 to 211.906,



1 to recover the amount of the delinquent taxes and any interest due
2 on those delinquent taxes, as also provided in section 87b.

3 (4) As used in this section:

4 (a) "Eligible taxing authority" means any state or local
5 governmental entity that is authorized to levy a summer 2020
6 property tax collected under this act by a local tax collecting
7 unit that meets both of the following:

8 (i) Has deferred the collection of those summer 2020 property
9 taxes based on deferment-application statements and affidavits
10 properly filed under section 44e(2)(b).

11 (ii) Has properly submitted the application described in
12 subsection (1)(a).

13 (b) "Summer 2020 property tax" means that term as defined in
14 section 44e.

15 Enacting section 1. This amendatory act does not take effect
16 unless House Bill No. 5761 of the 100th Legislature is enacted into
17 law.