

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2020**

Introduced by Senator MacGregor

## **ENROLLED SENATE BILL No. 943**

AN ACT to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 51 (MCL 211.51), as amended by 2012 PA 57.

*The People of the State of Michigan enact:*

Sec. 51. (1) If a township treasurer does not file his or her bond with the county treasurer as prescribed by law and the township board fails to appoint a treasurer to give the bond and deliver a receipt for the bond to the supervisor by December 10, the supervisor shall deliver the tax roll with the necessary warrant directed to the county treasurer, who shall make the collection and return of taxes. The county treasurer, pursuant to the adoption of a resolution by the county board of commissioners, has the same powers and duties to add a property tax administration fee, a late penalty charge, and interest to all taxes collected as conferred upon a township treasurer under section 44. The excess of the amount of property tax administration fees over the expense to the county in collecting the taxes must be returned to the township, and the remainder of the property tax administration fees and any late penalty charges imposed must be credited to the county general fund. For the purpose of collecting the taxes, the county treasurer is vested with all the powers conferred upon the township treasurer and an action may be brought on the county treasurer's bond under the same circumstances as on those of a township treasurer.

(2) A local tax collecting unit that collects a summer property tax shall defer the collection of summer property taxes against the following property for which a deferment is claimed until the following February 15:

(a) The principal residence of a taxpayer who meets both of the following conditions:

(i) Meets 1 or more of the following conditions:

(A) Is a totally and permanently disabled person, blind person, paraplegic, quadriplegic, eligible serviceperson, eligible veteran, or eligible widow or widower, as these persons are defined in chapter 9 of the income tax act of 1967, 1967 PA 281, MCL 206.501 to 206.532.

(B) Is 62 years of age or older, including the unremarried surviving spouse of a person who was 62 years of age or older at the time of death.

(ii) For the prior tax year had a total household income of the following:

(A) For taxes levied before January 1, 2005, \$25,000.00, or less.

(B) For taxes levied after December 31, 2004 and before January 1, 2006, \$35,000.00, or less.

(C) For taxes levied after December 31, 2005 and before January 1, 2007, \$37,500.00, or less.

(D) For taxes levied after December 31, 2006, \$40,000.00, or less.

(b) Property classified or used as agricultural real property if the gross receipts of the agricultural or horticultural operations in the previous year or the average gross receipts of the operations in the previous 3 years are not less than the household income of the owner in the previous year or the combined household incomes in the previous year of the individual members of a limited liability company or partners of a partnership that owns the agricultural real property. A limited liability company or partnership may claim the deferment under this section only if the individual members of the limited liability company or partners of the partnership qualified for the deferment under this section before the individual members or partners formed the limited liability company or partnership.

(c) For summer property taxes levied in calendar year 2020 only, real property used primarily for the operation of an eligible business that experienced economic hardship as a result of the COVID-19 pandemic or the government's response to the pandemic, or both. All of the following apply to deferments under this subdivision:

(i) The department of treasury shall do all of the following:

(A) Develop criteria, including required taxpayer documentation, for use in determining whether a taxpayer's real property qualifies for the deferment under this subdivision. The department's criteria must be narrowly tailored to determining only the following:

(I) Whether the real property was and continues to be used primarily for the operation of an eligible business that experienced economic hardship as a result of the COVID-19 pandemic or the government's response to the pandemic, or both.

(II) Whether there remains any unpaid summer property taxes levied in calendar year 2020 on the real property and, if so, the amount of those unpaid taxes.

(B) Develop an application form and process by which taxpayers may apply for the deferment under this subdivision by filing the intent statement required by subsection (3) directly with the department.

(C) Approve qualifying applications until the appropriation described in subparagraph (ii) is exhausted.

(ii) Subject to appropriation, it is the intent of the legislature that the department of treasury provides for payment to local tax collecting units of amounts equal to the penalty and interest charges waived under subsection (3) on unpaid summer property taxes the collection of which was deferred under this subdivision.

(iii) Deferments under this subdivision are available only to qualifying property for which, as of the effective date of the amendatory act that added this subdivision, there remains unpaid summer property taxes levied in calendar year 2020 and only to the extent of those unpaid summer property taxes.

(iv) This subdivision does not prohibit the appeal of an assessment to the board of review on property for which an application for a deferment under this subdivision is made if that appeal is made in calendar year 2020.

(3) A taxpayer may claim a deferment under subsection (2)(a) or (b) by filing with the treasurer of the local tax collecting unit an intent to defer the summer property taxes that are due and payable in that year without penalty or interest. A taxpayer may claim a deferment under subsection (2)(c) by filing with the department of treasury an intent to defer summer property taxes levied in calendar year 2020 that are due and payable in that year without penalty or interest. Taxes deferred under subsection (2) that are not paid by the following February 15 are not subject to penalties or interest for the period of deferment, and a local tax collecting unit shall not collect any unpaid penalties or interest that has accrued before the effective date of the amendatory act that added subsection (2)(c) on summer property taxes subject to deferred collection under subsection (2)(c).

(4) The intent statement required by subsection (3) must be on a form prescribed and provided by the department of treasury to the treasurer of the local tax collecting unit.

(5) The treasurer of the local tax collecting unit that collects a summer property tax shall do the following:

(a) Cause a notice of the availability of the deferment to be published in a newspaper of general circulation within the local tax collecting unit or to be included as an insertion with the tax bill.

(b) Assist persons in completing the deferment form.

(6) If a local tax collecting unit that collects a summer property tax also collects a winter property tax in the same year, a statement of the amount of taxes deferred under subsection (2) must be in the December tax statement mailed by the local tax collecting unit for each summer property tax payment that was deferred from collection. If a local tax collecting unit that collects a summer property tax does not collect a winter property tax

in the same year, it shall mail a statement of the amount of taxes deferred under subsection (2) at the same time December tax statements are required to be mailed under section 44. This subsection does not apply to deferments under subsection (2)(c).

(7) Persons eligible for deferment of summer property taxes under subsection (2)(a) and (b) may file their intent to defer until September 15 or the time the tax would otherwise become subject to interest or a late penalty charge for late payment, whichever is later. An owner of property eligible for deferment of summer property taxes under subsection (2)(c) may file an intent to defer until January 31, 2021.

(8) To the extent permitted by the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or the charter of a local tax collecting unit, a local tax collecting unit may provide for the levy and collection of summer property taxes. The terms and conditions of collection established by or under an agreement executed pursuant to the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or the charter of a local tax collecting unit govern a summer property tax levy.

(9) As used in this section:

(a) "Eligible business" means any of the following:

(i) An entertainment venue.

(ii) An exercise facility.

(iii) A food service establishment.

(iv) A recreation facility or place of public amusement.

(b) "Entertainment venue" includes an auditorium, arena, banquet hall, cinema, concert hall, conference center, performance venue, sporting venue, stadium, or theater.

(c) "Exercise facility" means a facility in which individuals participate in individual or group physical activity, including a gymnasium, fitness center, or exercise studio.

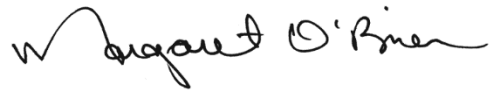
(d) "Food service establishment" means that term as defined in section 1107 of the food law, 2000 PA 92, MCL 289.1107.

(e) "Principal residence" means property exempt under section 7cc.

(f) "Recreation facility or place of public amusement" includes an amusement park, arcade, bingo hall, bowling alley, casino, nightclub, skating rink, strip club, water park, or trampoline park.

(g) "Summer property tax" means a levy of ad valorem property taxes that first becomes a lien before December 1 of any calendar year.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor