

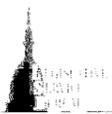
# HOUSE BILL NO. 4209

February 19, 2019, Introduced by Reps. Slagh, Brixie, Sabo, Maddock, Leutheuser, Meerman, O'Malley and Robinson and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1893 PA 206, entitled  
"The general property tax act,"  
by amending section 44 (MCL 211.44), as amended by 2012 PA 482.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 44. (1) Upon receipt of the tax roll, the township  
2 treasurer or other collector shall proceed to collect the taxes.  
3 The township treasurer or other collector shall mail to each  
4 taxpayer at the taxpayer's last known address on the tax roll or to  
5 the taxpayer's designated agent a statement showing the description  
6 of the property against which the tax is levied, the taxable value



1 of the property, the amount of the tax on the property, and, for  
2 property returned to the county treasurer for delinquent taxes, in  
3 the year in which the property is returned to the county treasurer  
4 for delinquent taxes only, notice of the fact that as of March 1  
5 there were delinquent taxes on the property, that those delinquent  
6 taxes were returned to the county treasurer for collection, and  
7 contact information for the county treasurer. However, if not later  
8 than 2 weeks before the tax bill is finalized, a local tax  
9 collecting unit receives from the county notice that previously  
10 delinquent taxes on a parcel of property are no longer delinquent,  
11 the statement for that property under this subsection is not  
12 required to include notice of the fact that as of March 1 there  
13 were delinquent taxes on the property, that those delinquent taxes  
14 were returned to the county treasurer for collection, and contact  
15 information for the county treasurer. If a tax statement is mailed  
16 to the taxpayer, a tax statement sent to a taxpayer's designated  
17 agent may be in a summary form or may be in an electronic data  
18 processing format. If the tax statement information is provided to  
19 both a taxpayer and the taxpayer's designated agent, the tax  
20 statement mailed to the taxpayer may be identified as an  
21 informational copy. A township treasurer or other collector  
22 electing to send a tax statement to a taxpayer's designated agent  
23 or electing not to include an itemization in the manner described  
24 in subsection (10) (d) in a tax statement mailed to the taxpayer  
25 shall, upon request, mail a detailed copy of the tax statement,  
26 including an itemization of the amount of tax in the manner  
27 described by subsection (10) (d), to the taxpayer without charge.

28 (2) The expense of preparing and mailing the statement shall  
29 be paid from the county, township, city, or village funds. Failure



1 to send or receive the notice does not prejudice the right to  
 2 collect or enforce the payment of the tax. The township treasurer  
 3 **or his or her designee** shall remain in the office of the township  
 4 treasurer at some convenient place in the township from 9 a.m. to 5  
 5 p.m. to receive taxes on the following days:

6 (a) At least 1 business day between December 25 and December  
 7 31 unless the township has an arrangement with a local financial  
 8 institution to receive taxes on behalf of the township treasurer  
 9 and to forward that payment to the township on the next business  
 10 day. The township shall provide timely notification of which  
 11 financial institutions will receive taxes for the township and  
 12 which days the treasurer **or his or her designee** will be in the  
 13 office to receive taxes. **As used in this subsection, "designee"**  
 14 **means a deputy treasurer or other individual who serves the**  
 15 **township as an employee or elected official.**

16 (b) The last day that taxes are due and payable before being  
 17 returned as delinquent under section 78a(2).

18 (c) For the collection of a summer tax levy, the last day  
 19 taxes are due and payable before interest is added under section  
 20 ~~44a(5)~~. **44a(6)**.

21 (3) Except as provided by subsection (7), on a sum voluntarily  
 22 paid before February 15 of the succeeding year, the local property  
 23 tax collecting unit shall add a property tax administration fee of  
 24 not more than 1% of the total tax bill per parcel. However, unless  
 25 otherwise provided for by an agreement between the assessing unit  
 26 and the collecting unit, if a local property tax collecting unit  
 27 other than a village does not also serve as the local assessing  
 28 unit, the excess of the amount of property tax administration fees  
 29 over the expense to the local property tax collecting unit in



1 collecting the taxes, but not less than 80% of the fee imposed,  
2 shall be returned to the local assessing unit. A property tax  
3 administration fee is defined as a fee to offset costs incurred by  
4 a collecting unit in assessing property values, in collecting the  
5 property tax levies, and in the review and appeal processes. The  
6 costs of any appeals, in excess of funds available from the  
7 property tax administration fee, may be shared by any taxing unit  
8 only if approved by the governing body of the taxing unit. Except  
9 as provided by subsection (7), on all taxes paid after February 14  
10 and before taxes are returned as delinquent under section 78a(2)  
11 the governing body of a city or township may authorize the  
12 treasurer to add to the tax a property tax administration fee to  
13 the extent imposed on taxes paid before February 15 and the day  
14 that taxes are returned as delinquent under section 78a(2) a late  
15 penalty charge equal to 3% of the tax. The governing body of a city  
16 or township may waive interest from February 15 to the last day of  
17 February on a summer property tax that has been deferred under  
18 section 51 or any late penalty charge for the homestead property of  
19 a senior citizen, paraplegic, quadriplegic, hemiplegic, eligible  
20 serviceperson, eligible veteran, eligible widow or widower, totally  
21 and permanently disabled person, or blind person, as those persons  
22 are defined in chapter 9 of the income tax act of 1967, 1967 PA  
23 281, MCL 206.501 to 206.532, if the person makes a claim before  
24 February 15 for a credit for that property provided by chapter 9 of  
25 the income tax act of 1967, 1967 PA 281, MCL 206.501 to 206.532, if  
26 the person presents a copy of the form filed for that credit to the  
27 local treasurer, and if the person has not received the credit  
28 before February 15. The governing body of a city or township may  
29 waive interest from February 15 to the day taxes are returned as



1 delinquent under section 78a(2) on a summer property tax deferred  
2 under section 51 or any late penalty charge for a person's property  
3 that is subject to a farmland development rights agreement recorded  
4 with the register of deeds of the county in which the property is  
5 situated as provided in section 36104 of the natural resources and  
6 environmental protection act, 1994 PA 451, MCL 324.36104, if the  
7 person presents a copy of the development rights agreement or  
8 verification that the property is subject to a development rights  
9 agreement before February 15. A 4% county property tax  
10 administration fee, a property tax administration fee to the extent  
11 imposed on and if authorized under subsection (7) for taxes paid  
12 before taxes are returned as delinquent under section 78a(2), and  
13 interest on the tax at the rate of 1% per month shall be added to  
14 taxes collected by the township or city treasurer after the last  
15 day taxes are payable before being returned as delinquent under  
16 section 78a(2) and before settlement with the county treasurer, and  
17 the payment shall be treated as though collected by the county  
18 treasurer. If the statements required to be mailed by this section  
19 are not mailed before December 31, the treasurer shall not impose a  
20 late penalty charge on taxes collected after February 14.

21 (4) The governing body of a local property tax collecting unit  
22 may waive all or part of the property tax administration fee or the  
23 late penalty charge, or both. A property tax administration fee  
24 collected by the township treasurer shall be used only for the  
25 purposes for which it may be collected as specified by subsection  
26 (3) and this subsection. If the bond of the treasurer, as provided  
27 in section 43, is furnished by a surety company, the cost of the  
28 bond may be paid by the township from the property tax  
29 administration fee.



1 (5) If apprehensive of the loss of personal tax assessed upon  
2 the roll, the township treasurer may enforce collection of the tax  
3 at any time, and if compelled to seize property or bring an action  
4 in December may add, if authorized under subsection (7), a property  
5 tax administration fee of not more than 1% of the total tax bill  
6 per parcel and 3% for a late penalty charge.

7 (6) Along with taxes returned delinquent to a county  
8 treasurer, the amount of the property tax administration fee  
9 prescribed by subsection (3) that is imposed and not paid shall be  
10 included in the return of delinquent taxes and, when delinquent  
11 taxes are distributed by the county treasurer under this act, the  
12 delinquent property tax administration fee shall be distributed to  
13 the treasurer of the local unit who transmitted the statement of  
14 taxes returned as delinquent. Interest imposed upon delinquent  
15 property taxes under this act shall also be imposed upon the  
16 property tax administration fee and, for purposes of this act other  
17 than for the purpose of determining to which local unit the county  
18 treasurer shall distribute a delinquent property tax administration  
19 fee, any reference to delinquent taxes shall be considered to  
20 include the property tax administration fee returned as delinquent  
21 for the same property.

22 (7) The local property tax collecting treasurer shall not  
23 impose a property tax administration fee, collection fee, or any  
24 type of late penalty charge authorized by law or charter unless the  
25 governing body of the local property tax collecting unit approves,  
26 by resolution or ordinance adopted after December 31, 1982, an  
27 authorization for the imposition of a property tax administration  
28 fee, collection fee, or any type of late penalty charge provided  
29 for by this section or by charter, which authorization ~~shall be is~~



1 valid for all levies that become a lien after the resolution or  
2 ordinance is adopted. However, unless otherwise provided for by an  
3 agreement between the assessing unit and the collecting unit, a  
4 local property tax collecting unit that does not also serve as the  
5 assessing unit shall impose a property tax administration fee on  
6 each parcel at a rate equal to the rate of the fee imposed for city  
7 or township taxes on that parcel.

8 (8) The annual statement required by 1966 PA 125, MCL 565.161  
9 to 565.164, or a monthly billing form or mortgagor passbook  
10 provided instead of that annual statement ~~shall~~**must** include a  
11 statement to the effect that a taxpayer who was not mailed the tax  
12 statement or a copy of the tax statement by the township treasurer  
13 or other collector ~~shall~~**will** receive, upon request and without  
14 charge, a copy of the tax statement from the township treasurer or  
15 other collector or, if the tax statement has been mailed to the  
16 taxpayer's designated agent, from either the taxpayer's designated  
17 agent or the township treasurer or other collector. A designated  
18 agent who is subject to 1966 PA 125, MCL 565.161 to 565.164, and  
19 who has been mailed the tax statement for taxes that became a lien  
20 in the calendar year immediately preceding the year in which the  
21 annual statement may be required to be furnished shall mail, upon  
22 request and without charge to a taxpayer who was not mailed that  
23 tax statement or a copy of that tax statement, a copy of that tax  
24 statement.

25 (9) For taxes levied after December 31, 2001, if taxes levied  
26 on qualified real property remain unpaid on February 15, all of the  
27 following ~~shall~~ apply:

28 (a) The unpaid taxes on that qualified real property shall be  
29 collected in the same manner as unpaid taxes levied on personal



1 property are collected under this act.

2 (b) Unpaid taxes on qualified real property shall not be  
3 returned as delinquent to the county treasurer for forfeiture,  
4 foreclosure, and sale under sections 78 to 79a.

5 (c) If a county treasurer discovers that unpaid taxes on  
6 qualified real property have been returned as delinquent for  
7 forfeiture, foreclosure, and sale under sections 78 to 79a, the  
8 county treasurer shall return those unpaid taxes to the appropriate  
9 local tax collection unit for collection as provided in subdivision  
10 (a).

11 (10) As used in this section:

12 (a) "Designated agent" means an individual, partnership,  
13 association, corporation, receiver, estate, trust, or other legal  
14 entity that has entered into an escrow account agreement or other  
15 agreement with the taxpayer that obligates that individual or legal  
16 entity to pay the property taxes for the taxpayer or, if an  
17 agreement has not been entered into, that was designated by the  
18 taxpayer on a form made available to the taxpayer by the township  
19 treasurer and filed with that treasurer. The designation by the  
20 taxpayer ~~shall remain~~ **remains** in effect until revoked by the  
21 taxpayer in a writing filed with the township treasurer. The form  
22 made available by the township treasurer ~~shall~~ **must** include a  
23 statement that submission of the form allows the treasurer to mail  
24 the tax statement to the designated agent instead of to the  
25 taxpayer and a statement notifying the taxpayer of his or her right  
26 to revoke the designation by a writing filed with the township  
27 treasurer.

28 (b) "Qualified real property" means buildings and improvements  
29 located upon leased real property that are assessed as real



1 property under section 2(1)(c), except buildings and improvements  
2 exempt under section 9f, if the value of the buildings or  
3 improvements is not otherwise included in the assessment of the  
4 real property.

5 (c) "Taxpayer" means the owner of the property on which the  
6 tax is imposed.

7 (d) When describing in subsection (1) that the amount of tax  
8 on the property must be shown in the tax statement, "amount of tax"  
9 means an itemization by dollar amount of each of the several ad  
10 valorem property taxes and special assessments that a person may  
11 pay under section 53 and an itemization by millage rate, on either  
12 the tax statement or a separate form accompanying the tax  
13 statement, of each of the several ad valorem property taxes that a  
14 person may pay under section 53. The township treasurer or other  
15 collector may replace the itemization described in this subdivision  
16 with a statement informing the taxpayer that the itemization of the  
17 dollar amount and millage rate of the taxes is available without  
18 charge from the local property tax collecting unit.

