

**SUBSTITUTE FOR
HOUSE BILL NO. 4812**

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 27 (MCL 211.27), as amended by 2019 PA 116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 27. (1) As used in this act, "true cash value" means the
2 usual selling price at the place where the property to which the
3 term is applied is at the time of assessment, being the price that
4 could be obtained for the property at private sale, and not at
5 auction sale except as otherwise provided in this section, or at
6 forced sale. The usual selling price may include sales at public
7 auction held by a nongovernmental agency or person if those sales
8 have become a common method of acquisition in the jurisdiction for
9 the class of property being valued. The usual selling price does

1 not include sales at public auction if the sale is part of a
2 liquidation of the seller's assets in a bankruptcy proceeding or if
3 the seller is unable to use common marketing techniques to obtain
4 the usual selling price for the property. A sale or other
5 disposition by this state or an agency or political subdivision of
6 this state of land acquired for delinquent taxes or an appraisal
7 made in connection with the sale or other disposition or the value
8 attributed to the property of regulated public utilities by a
9 governmental regulatory agency for rate-making purposes is not
10 controlling evidence of true cash value for assessment purposes. In
11 determining the true cash value, the assessor shall also consider
12 the advantages and disadvantages of location; quality of soil;
13 zoning; existing use; present economic income of structures,
14 including farm structures; present economic income of land if the
15 land is being farmed or otherwise put to income producing use;
16 quantity and value of standing timber; water power and privileges;
17 minerals, quarries, or other valuable deposits not otherwise exempt
18 under this act known to be available in the land and their value.
19 In determining the true cash value of personal property owned by an
20 electric utility cooperative, the assessor shall consider the
21 number of kilowatt hours of electricity sold per mile of
22 distribution line compared to the average number of kilowatt hours
23 of electricity sold per mile of distribution line for all electric
24 utilities.

25 (2) The assessor shall not consider the increase in true cash
26 value that is a result of expenditures for normal repairs,
27 replacement, and maintenance in determining the true cash value of
28 property for assessment purposes until the property is sold. For
29 the purpose of implementing this subsection, the assessor shall not

1 increase the construction quality classification or reduce the
2 effective age for depreciation purposes, except if the appraisal of
3 the property was erroneous before nonconsideration of the normal
4 repair, replacement, or maintenance, and shall not assign an
5 economic condition factor to the property that differs from the
6 economic condition factor assigned to similar properties as defined
7 by appraisal procedures applied in the jurisdiction. The increase
8 in value attributable to the items included in subdivisions (a) to
9 (p) that is known to the assessor and excluded from true cash value

10 ~~shall~~**must** be indicated on the assessment roll. This subsection
11 applies only to residential property. The following repairs are
12 considered normal maintenance if they are not part of a structural
13 addition or completion:

- 14 (a) Outside painting.
- 15 (b) Repairing or replacing siding, roof, porches, steps,
16 sidewalks, or drives.
- 17 (c) Repainting, repairing, or replacing existing masonry.
- 18 (d) Replacing awnings.
- 19 (e) Adding or replacing gutters and downspouts.
- 20 (f) Replacing storm windows or doors.
- 21 (g) Insulating or weatherstripping.
- 22 (h) Complete rewiring.
- 23 (i) Replacing plumbing and light fixtures.
- 24 (j) Replacing a furnace with a new furnace of the same type or
25 replacing an oil or gas burner.
- 26 (k) Repairing plaster, inside painting, or other redecorating.
- 27 (l) New ceiling, wall, or floor surfacing.
- 28 (m) Removing partitions to enlarge rooms.
- 29 (n) Replacing an automatic hot water heater.

1 (o) Replacing dated interior woodwork.

2 (p) Installing, replacing, or repairing an alternative energy
3 system, without regard to ownership of the system, with a
4 generating capacity of not more than 150 kilowatts, the annual
5 energy output of which does not exceed the annual energy
6 consumption measured by the utility-provided electrical meter on
7 the system to which it is connected. As used in this subdivision,
8 "alternative energy system" means that term as defined in section 2
9 of the Michigan next energy authority act, 2002 PA 593, MCL
10 207.822.

11 (3) A city or township assessor, a county equalization
12 department, or the state tax commission before utilizing real
13 estate sales data on real property purchases, including purchases
14 by land contract, to determine assessments or in making sales ratio
15 studies to assess property or equalize assessments shall exclude
16 from the sales data the following amounts allowed by subdivisions
17 (a), (b), and (c) to the extent that the amounts are included in
18 the real property purchase price and are so identified in the real
19 estate sales data or certified to the assessor as provided in
20 subdivision (d):

21 (a) Amounts paid for obtaining financing of the purchase price
22 of the property or the last conveyance of the property.

23 (b) Amounts attributable to personal property that were
24 included in the purchase price of the property in the last
25 conveyance of the property.

26 (c) Amounts paid for surveying the property pursuant to the
27 last conveyance of the property. The legislature may require local
28 units of government, including school districts, to submit reports
29 of revenue lost under subdivisions (a) and (b) and this subdivision

1 so that the state may reimburse those units for that lost revenue.

2 (d) The purchaser of real property, including a purchaser by
3 land contract, may file with the assessor of the city or township
4 in which the property is located 2 copies of the purchase agreement
5 or of an affidavit that identifies the amount, if any, for each
6 item listed in subdivisions (a) to (c). ~~One copy shall be forwarded~~
7 ~~by the~~ **The assessor shall forward 1 copy** to the county equalization
8 department. The affidavit ~~shall~~ **must** be **as** prescribed by the state
9 tax commission.

10 (4) In finalizing sales studies for property classified as
11 agricultural real property under section 34c, an assessor and
12 equalization director shall determine if an affidavit for the
13 property has been filed under section 27a(7)(o). If an affidavit
14 has not been filed, the property ~~shall~~ **must** be reviewed to
15 determine if classification as agricultural real property under
16 section 34c is correct or should be changed. The assessor for the
17 local tax collecting unit in which the property is located shall
18 contact the property owner to determine why the property owner did
19 not file an affidavit under section 27a(7)(o). Unless there are
20 convincing facts to the contrary, the sale of property classified
21 as agricultural real property under section 34c for which an
22 affidavit under section 27a(7)(o) has not been filed ~~shall~~ **must** not
23 be included in a sales study.

24 (5) As used in subsection (1), "present economic income" means
25 for leased or rented property the ordinary, general, and usual
26 economic return realized from the lease or rental of property
27 negotiated under current, contemporary conditions between parties
28 equally knowledgeable and familiar with real estate values. The
29 actual income generated by the lease or rental of property is not

1 the controlling indicator of its true cash value in all cases. This
2 subsection does not apply to property subject to a lease entered
3 into before January 1, 1984 for which the terms of the lease
4 governing the rental rate or tax liability have not been
5 renegotiated after December 31, 1983. This subsection does not
6 apply to a nonprofit housing cooperative subject to regulatory
7 agreements between the state or federal government entered into
8 before January 1, 1984. As used in this subsection, "nonprofit
9 cooperative housing corporation" means a nonprofit cooperative
10 housing corporation that is engaged in providing housing services
11 to its stockholders and members and that does not pay dividends or
12 interest upon stock or membership investment but that does
13 distribute all earnings to its stockholders or members.

14 (6) Except as otherwise provided in subsection (7), the
15 purchase price paid in a transfer of property is not the
16 presumptive true cash value of the property transferred. In
17 determining the true cash value of transferred property, an
18 assessing officer shall assess that property using the same
19 valuation method used to value all other property of that same
20 classification in the assessing jurisdiction. As used in this
21 subsection and subsection (7), "purchase price" means the total
22 consideration agreed to in an arms-length transaction and not at a
23 forced sale paid by the purchaser of the property, stated in
24 dollars, whether or not paid in dollars.

25 (7) ~~The purchase price paid in~~ **For** a transfer of eligible
26 nonprofit housing property from a charitable nonprofit housing
27 organization to a low-income person that occurs after December 31,
28 2010 **through December 30, 2021, the purchase price paid** is the
29 presumptive true cash value of the eligible nonprofit housing

property transferred. **For a transfer of eligible nonprofit housing property from a charitable nonprofit housing organization to a low-income person that occurs on or after December 31, 2021, the loan amount stated in the closing disclosure form for the transfer is the presumptive true cash value of the eligible nonprofit housing property transferred.** In the year immediately succeeding the year in which the transfer of eligible nonprofit housing property occurs and each year thereafter, the taxable value of the eligible nonprofit housing property ~~shall~~**must** be adjusted as provided under section 27a. As used in this subsection:

(a) "Charitable nonprofit housing organization" means a charitable nonprofit organization the primary purpose of which is the construction or renovation of residential housing for conveyance to a low-income person.

(b) "Eligible nonprofit housing property" means property owned by a charitable nonprofit housing organization, the ownership of which the charitable nonprofit housing organization intends to transfer to a low-income person after construction or renovation of the property is completed.

(c) "Family income" and "statewide median gross income" mean those terms as defined in section 11 of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1411.

(d) "Low-income person" means a person with a family income of not more than ~~60%~~**80%** of the statewide median gross income who is eligible to participate in the charitable nonprofit housing organization's program based on criteria established by the charitable nonprofit housing organization.

(8) For purposes of a statement submitted under section 19, the true cash value of a standard tool is the net book value of

1 that standard tool as of December 31 in each tax year as determined
2 using generally accepted accounting principles in a manner
3 consistent with the established depreciation method used by the
4 person submitting that statement. The net book value of a standard
5 tool for federal income tax purposes is not the presumptive true
6 cash value of that standard tool. As used in this subsection,
7 "standard tool" means that term as defined in section 9b.