

SOLAR ENERGY FACILITIES TAXATION ACT (EXCERPT)

Act 108 of 2023

211.1154 Solar energy exemption certificate; application; form, manner, and fees; transfer of application.

Sec. 4. (1) After a district is established under section 3, including any district considered to exist pursuant to section 3(1)(b) or (c) or simultaneously with a request to establish a district, the owner or lessee of a qualified facility not yet placed in service may file an application for a solar energy exemption certificate with the clerk of the qualified local governmental unit. The application must be filed in the manner and form prescribed by the commission. The application must contain or be accompanied by all of the following:

(a) A general description of the qualified facility, including the proposed nameplate capacity and itemized list of facility components, including any on-site battery storage.

(b) A general description of the proposed use of the qualified facility.

(c) A description of the general nature and extent of the new construction.

(d) A time schedule for undertaking and completing the qualified facility.

(e) Information relating to the requirements in subsection (4). All cost information regarding the claim for the exemption must be considered taxpayer confidential information whether in possession of the department or the local assessing unit and is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(f) The proposed location of the qualified facility.

(g) For a leased qualified facility, a copy of the lease agreement or other writing confirming that the lessee is liable for payment of the specific tax for the length of the certificate as defined in section 7, and proof of that liability.

(h) For a qualified facility located on leased real property or an easement, a copy of the memorandum of lease or memorandum of easement, which must confirm that the duration of any lease of the real property where the qualified facility is located, including all options to extend the duration of the lease, is equal to or exceeds the duration of the certificate as described in section 7.

(2) Upon receipt of an application for a certificate, the clerk of the qualified local governmental unit shall provide written notice of the application, in a form and manner as prescribed by the commission, to the assessor of the local tax collecting unit in which the qualified facility is located and the legislative body of each taxing unit that levies ad valorem property taxes in the qualified local governmental unit in which the qualified facility is located. Before acting on the application, unless a public hearing has been held under section 3, the legislative body of the qualified local governmental unit shall hold a public hearing on the application and give public notice to the applicant, the assessor, a representative of each affected taxing unit, and the general public. Public notice under this subsection must be provided by online posting on the qualified local governmental unit's website if online posting is available and by physical posting in a location open to the public in the office of the qualified local governmental unit.

(3) The qualified local governmental unit may charge the applicant an application fee to process an application for the certificate. Except as provided in section 14, the application fee must not exceed the actual cost incurred by the qualified local governmental unit in processing the application or \$30,000.00, whichever is less.

(4) Upon receipt of notice of the filing of an application as provided in subsection (2), the assessor shall estimate and furnish to the local legislative body of the qualified local governmental unit an estimate of the assessed value and the taxable value of the qualified facility not yet placed in service to which the application pertains.

(5) Using a form prescribed by the commission, an applicant may transfer an application filed under this section to another party if the legislative body of the qualified local governmental unit has not yet taken any action under section 5. If an applicant transfers an application within 30 days before the end of the 120-day period required under section 5(1), the 120-day period is extended by 30 days.

History: 2023, Act 108, Imd. Eff. July 27, 2023.