SUBSTITUTE FOR SENATE BILL NO. 676

A bill to amend 1893 PA 206, entitled "The general property tax act,"

by amending section 78m (MCL 211.78m), as amended by 2014 PA 501.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 78m. (1) Not later than the first Tuesday in July τ 2 immediately succeeding the entry of judgment under section 78k 3 vesting absolute title to tax delinquent property in the foreclosing governmental unit, this state is granted may exercise 4 the right of first refusal to purchase **foreclosed** property at the 5 greater of the minimum bid or its fair market value by paying that 6 7 amount to the foreclosing governmental unit if the foreclosing governmental unit is not this state. If this state elects not to 8 purchase the property under its right of first refusal, a city, 9





S05055'19 (S-1)

village, or township, or city authority may purchase for a public 1 purpose any foreclosed property located within that city, village, 2 3 or township, set forth or area of the city authority included in the judgment and subject to sale under this section by payment to 4 paying the foreclosing governmental unit of the greater of the 5 6 minimum bid or the fair market value of the property. If a city, 7 village, or township, or city authority does not purchase that 8 property, the county in which that property is located may purchase 9 that property under this section by payment to paying the 10 foreclosing governmental unit of the greater of the minimum bid or 11 the fair market value of the property. If a city, village, township, city authority, or county does not purchase that property 12 13 and the property is within the area of a county authority, the 14 county authority may purchase the property under this section by 15 paying the foreclosing governmental unit the greater of the minimum 16 bid or the fair market value of the property. If property is purchased by a city, village, township, or city authority, county, 17 18 or county authority under this subsection, the foreclosing 19 governmental unit shall convey the property to the purchasing city, 20 village, township, or city authority, county, or county authority 21 within 30 days. If property purchased by a city, village, township, 22 or county under this subsection is subsequently sold for an amount 23 in excess of the minimum bid and all costs incurred relating to 24 demolition, renovation, improvements, or infrastructure 25 development, the excess amount shall be returned to the delinquent 26 tax property sales proceeds account for the year in which the 27 property was purchased by the city, village, township, or county 28 or, if this state is the foreclosing governmental unit within a 29 county, to the land reutilization fund created under section 78n.



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Upon the request of the foreclosing governmental unit, a city,
village, township, or county that purchased property under this
subsection shall provide to the foreclosing governmental unit
without cost information regarding any subsequent sale or transfer
of the property. This subsection applies to the purchase of
property by this state, a city, village, or township, or a county
prior to a sale held under subsection (2).

8 (2) Subject to subsection (1), beginning on the third Tuesday 9 in July immediately succeeding the entry of the judgment under 10 section 78k vesting absolute title to tax delinquent property in 11 the foreclosing governmental unit and ending on the immediately succeeding first Tuesday in November, the foreclosing governmental 12 unit, or its authorized agent, at the option of the foreclosing 13 14 governmental unit, shall hold 1 or more property sales at 1 or more 15 convenient locations at which property foreclosed by the a judgment 16 entered under section 78k shall will be sold by auction sale, which 17 may include an auction sale conducted via an internet website. Notice of the time and location of a sale shall must be published 18 not less than 30 days before a sale in a newspaper published and 19 20 notice publication circulated in the county in which the property is located, if there is one. If no newspaper is published notice 21 22 publication is circulated in that county, publication shall must be 23 made in a newspaper published and notice publication circulated in 24 an adjoining county. Each sale shall must be completed before the 25 first Tuesday in November immediately succeeding the entry of judgment under section 78k vesting absolute title to the tax 26 27 delinquent property in the foreclosing governmental unit. Except as provided in this subsection and subsection (5), property shall must 28 29 be sold to the person bidding the minimum bid, or if a bid is



s 06064 09292020

greater than the minimum bid, the highest amount above the minimum 1 bid. The foreclosing governmental unit may sell parcels properties 2 individually or may offer 2 or more parcels properties for sale as 3 a group. The minimum bid for a group of parcels shall properties 4 5 must equal the sum of the minimum bid for each parcel property 6 included in the group. The foreclosing governmental unit may adopt 7 procedures governing the conduct of the sale and the payment for 8 conveyance of parcels properties under this section and may cancel 9 the sale prior to before the issuance of a deed under this 10 subsection if authorized under the procedures. The foreclosing 11 governmental unit shall require full payment at the close of each day's bidding or by a date not more than 21 days after the sale. 12 Before the foreclosing governmental unit conveys a parcel property 13 14 sold at a sale, the purchaser shall provide the foreclosing 15 governmental unit with proof of payment to the local tax collecting unit in which the property is located of any property taxes owed on 16 the parcel property at the time of the sale. A foreclosing 17 governmental unit shall cancel a sale if unpaid property taxes owed 18 19 on a parcel or parcels property or properties at the time of a sale 20 are not paid within 21 days of the sale. If a sale is canceled under this subsection, the foreclosing governmental unit may offer 21 the property to the next highest bidder and convey the property to 22 23 that bidder under this subsection, subject to the requirements of 24 this subsection for the highest bidder. Not more than 14 days after 25 payment to the foreclosing governmental unit of all amounts required by the highest bidder or the next highest bidder under 26 27 this subsection, the foreclosing governmental unit shall convey the property by deed to the person bidding the minimum bid, or if a bid 28 29 is greater than the minimum bid, the highest amount above the



s 06064 09292020

minimum bid, or the next highest bidder if the sale to the highest 1 bidder is canceled and the next highest bidder pays the amount 2 required under this section to purchase the property. The deed 3 shall must vest fee simple title to the property in the person 4 5 bidding the highest amount above the minimum bid, unless the 6 foreclosing governmental unit discovers a defect in the foreclosure of the property under sections 78 to 78l or the sale is canceled 7 8 under this subsection or subsection (5). If this state is the 9 foreclosing governmental unit within a county, the department of 10 treasury shall be is responsible for conducting the sale of property under this subsection and subsections (4) and (5) on 11 12 behalf of this state. Before issuing a deed to a person purchasing 13 property under this subsection or subsection (5), the foreclosing 14 governmental unit shall require the person to execute and file with 15 the foreclosing governmental unit an affidavit under penalty of perjury. If the person fails to execute and file the affidavit 16 17 required by this subsection by the date payment for the property is required under this section, the foreclosing governmental unit 18 19 shall cancel the sale. An affidavit under this section shall must 20 indicate that the person meets all of the following conditions: 21 (a) The person does not directly or indirectly hold more than

a de minimis minimal legal interest in any property with delinquent
property taxes located in the same county as the property.

(b) The person is not directly or indirectly responsible for
any unpaid civil fines for a violation of an ordinance authorized
by section 4l of the home rule city act, 1909 PA 279, MCL 117.4l, in
the local tax collection unit in which the property is located.

28 (3) For sales held under subsection (2), after the conclusion
29 of that sale, and prior to before any additional sale held under



s 06064 09292020

subsection (2), a city, village, or township, or city authority may 1 2 purchase any property not previously sold under subsection (1) or 3 (2) by paying the minimum bid to the foreclosing governmental unit the minimum bid. If a city, village, or township, or city authority 4 5 does not purchase that property, the county in which that property 6 is located may purchase that property under this section by payment 7 to paying the foreclosing governmental unit of the minimum bid. If 8 a city, village, township, city authority, or county does not 9 purchase that property and the property is within the area of a 10 county authority, the county authority may purchase the property 11 under this section by paying the foreclosing governmental unit the minimum bid. 12

(4) If property is purchased by a city, village, township, or
city authority, county, or county authority under subsection (3),
the foreclosing governmental unit shall convey the property to the
purchasing city, village, township, or city authority, county, or
county authority within 30 days.

18 (5) All property subject to sale under subsection (2) shall must be offered for sale at 1 or more sales conducted as required 19 20 by subsection (2). If the foreclosing governmental unit elects to hold more than 1 sale under subsection (2), the final sale held 21 under subsection (2) shall must be held not less than 28 days after 22 23 the immediately preceding sale under subsection (2). At the final sale held under subsection (2), the sale is subject to the 24 25 requirements of subsection (2), except that the minimum bid shall 26 is not be-required. However, the foreclosing governmental unit may 27 establish a reasonable opening bid at the sale to recover the cost 28 of the sale of the parcel or parcels, property or properties, and 29 the foreclosing governmental unit shall require a person who held



s 06064 09292020

1 an interest in property sold under this subsection at the time a judgment of foreclosure was entered against the property under section 78k to pay the minimum bid for the property before issuing a deed to the person under subsection (2). If the person fails to pay the minimum bid for the property and other amounts by the date required under this section, the foreclosing governmental unit shall cancel the sale of the property.

8 (6) On or before December 1 immediately succeeding the entry 9 of judgment under section 78k, a list of all property not 10 previously sold by the foreclosing governmental unit under this 11 section shall must be transferred to the clerk of the city, village, or township in which the property is located. The city, 12 village, or township may object in writing to the transfer of 1 or 13 14 more parcels of property set forth on that list. properties. On or 15 before December 30 immediately succeeding the entry of judgment 16 under section 78k, all property not previously sold by the foreclosing governmental unit under this section shall must be 17 transferred to the city, village, or township in which the property 18 is located, except those parcels of property properties to which 19 20 the city, village, or township has objected. Property located in 21 both a village and a township may be transferred under this subsection only to a village. The city, village, or township may 22 23 make the property available under the urban homestead act, 1999 PA 127, MCL 125.2701 to 125.2709, or for any other lawful purpose. 24

(7) If property not previously sold is not transferred to the city, village, or township in which the property is located under subsection (6), the foreclosing governmental unit shall retain possession of that property. If the foreclosing governmental unit retains possession of the property and the foreclosing governmental



s 06064 09292020

unit is this state, title to the property shall must vest in the land bank fast track authority created under section 15 of the land bank fast track act, 2003 PA 258, MCL 124.765. If the foreclosing governmental unit retains possession of the property and the foreclosing governmental unit is not this state, the foreclosing governmental unit may do any of the following:

7 (a) Transfer the property to a land bank fast track authority
8 created under the land bank fast track act, 2003 PA 258, MCL
9 124.751 to 124.774, with the consent of the land bank fast track
10 authority.

11 (b) Convey the property pursuant to section 78r.

12 (c) Offer the property for sale, including, but not limited13 to, a subsequent sale under this section.

14 (8) A foreclosing governmental unit shall deposit the proceeds 15 from the sale of property under this section into a restricted account designated as the "delinquent tax property sales proceeds 16 for the year ". The foreclosing governmental unit shall 17 18 direct the investment of the account. The foreclosing governmental 19 unit shall credit to the account interest and earnings from account 20 investments. Proceeds The foreclosing governmental unit shall use 21 proceeds in that account shall only be used by the foreclosing governmental unit for the following purposes in the following order 22 of priority: 23

(a) The For each property that was sold or transferred for an amount equal to or greater than the minimum bid, the delinquent tax revolving fund shall created pursuant to section 87b or 87f by the county in which the property is located must be reimbursed for all taxes, interest, penalties, and fees on all of the each property τ whether or not all of the property was sold.that was transferred or



s 06064 09292020

1 sold that year.

2 (b) All costs of the sale of property for the year shall be 3 paid. For each property that was sold or transferred for an amount 4 equal to or greater than the minimum bid, fees incurred by the 5 foreclosing governmental unit in connection with the forfeiture, 6 foreclosure, sale, maintenance, repair, and remediation of 7 foreclosed property and the administration of this act, including 8 costs for the defense of title actions and other legal expenses, 9 must be paid up to the amount for which the property was sold on a 10 property-by-property basis.

11 (c) Any costs of the foreclosure proceedings for the year, 12 including, but not limited to, costs of mailing, publication, 13 personal service, and outside contractors shall be paid.Payments to 14 claimants of remaining proceeds for the year ordered under section 15 78t and any other payments ordered under section 78t must be paid 16 on a property-by-property basis.

17 (d) For each property that was sold or transferred for an 18 amount less than the minimum bid or that was not sold or 19 transferred, the delinquent tax revolving fund created pursuant to 20 section 87b or 87f by the county in which the property is located 21 must be reimbursed for all taxes, interest, penalties, and fees.

(e) For each property that was sold or transferred for an
amount greater than the minimum bid, fees incurred by the
foreclosing governmental unit in connection with the forfeiture,
foreclosure, sale, maintenance, repair, or remediation of
foreclosed property or the administration of this act for the year
but not paid under subdivision (b) must be paid.

(f) For each property that was sold or transferred for anamount less than the minimum bid or that was not sold or



S05055'19 (S-1)

s 06064 09292020

1 transferred, fees incurred by the foreclosing governmental unit in 2 connection with the forfeiture, foreclosure, sale, maintenance, 3 repair, or remediation of foreclosed property or the administration 4 of this act, including costs for the defense of title actions and 5 other legal expenses, for the year must be paid.

6 (g) (d) Any costs for the sale of property or foreclosure 7 proceedings fees incurred by the foreclosing governmental unit in 8 connection with the forfeiture, foreclosure, sale, maintenance, 9 repair, or remediation of foreclosed property or the administration 10 of this act, including costs for the defense of title actions and other legal expenses, for any prior year that have not been paid or 11 reimbursed from that **a** prior year's delinquent tax property sales 12 proceeds shall must be paid. 13

14 (e) Any costs incurred by the foreclosing governmental unit in 15 maintaining property foreclosed under section 78k before the sale 16 under this section shall be paid, including costs of any 17 environmental remediation.

18 (f) If the foreclosing governmental unit is not this state,

19 any of the following:

20 (i) Any costs for the sale of property or foreclosure
21 proceedings for any subsequent year that are not paid or reimbursed
22 from that subsequent year's delinquent tax property sales proceeds
23 shall be paid from any remaining balance in any prior year's
24 delinquent tax property sales proceeds account.
25 (ii) Any costs for the defense of title actions.

26 (iii) Any costs incurred in administering the foreclosure and 27 disposition of property forfeited for delinquent taxes under this 28 act.

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(h) (g) If the foreclosing governmental unit is this state,



S05055'19 (S-1)

s 06064 09292020

any remaining balance shall must be transferred to the land
 reutilization fund created under section 78n.

(i) (h) In 2008 and each year after 2008, if If the 3 foreclosing governmental unit is not this state, not later than 4 5 June September 30 of the second calendar year after foreclosure, 6 the foreclosing governmental unit shall submit a written report to 7 its board of commissioners identifying any remaining balance and 8 any contingent costs of title, environmental remediation, or other 9 legal claims described in subdivisions (a) through (f). All or a 10 portion of any remaining balance, less any contingent costs of 11 title or other legal claims described in subdivisions (a) through (f), may subsequently be transferred into the general fund of the 12 county by the board of commissioners.relating to foreclosed 13 14 property as determined by the foreclosing governmental unit. Any 15 remaining balance must be used for costs incurred by the 16 foreclosing governmental unit in connection with the forfeiture, foreclosure, sale, maintenance, repair, or remediation of 17 18 foreclosed property, the defense of title actions and other legal 19 expenses, or the administration of this act, or for the payment of 20 claims for remaining proceeds or other amounts ordered under 21 section 78t.

22 (9) Two or more county treasurers of adjacent counties may 23 elect to hold a joint sale of property as provided in this section. 24 If 2 or more county treasurers elect to hold a joint sale, property 25 may be sold under this section at a location outside of the county in which the property is located. The sale may be conducted by any 26 27 county treasurer participating in the joint sale or by an 28 authorized agent of each county treasurer participating in the 29 sale. A joint sale held under this subsection may include or be an



s 06064 09292020

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auction sale conducted via an internet website.

2 (10) The foreclosing governmental unit shall record a deed for
3 any property transferred under this section with the county
4 register of deeds. The foreclosing governmental unit may charge a
5 fee in excess of the minimum bid and any sale proceeds for the cost
6 of recording a deed under this subsection.

7 (11) For property transferred to this state, a city, a 8 village, a township, a city authority, a county, or a county 9 authority under subsection (1), a city, village, or township under 10 subsection (6), or retained by a foreclosing governmental unit 11 under subsection (7), all taxes due on the property as of the 12 December 31 following the transfer or retention of the property are canceled effective on that December 31 and the property is exempt 13 14 from the collection of taxes under this act while held by the city, 15 village, township, city authority, county, county authority, or 16 foreclosing governmental unit.

17 (12) For property sold, transferred, or retained under this 18 section, transferred to this state under subsection (1), a city, village, or township under subsection (6), or retained by a 19 20 foreclosing governmental unit under subsection (7), all liens for 21 costs of demolition, safety repairs, debris removal, or sewer or 22 water charges due on the property as of the December 31 immediately 23 succeeding the sale, transfer, or retention of the property are canceled effective on that December 31. This subsection does not 24 25 apply to liens recorded by the department of environmental quality 26 environment, Great Lakes, and energy under this act or the land 27 bank fast track act, 2003 PA 258, MCL 124.751 to 124.774.

28 (13) If property foreclosed under section 78k and held by or29 under the control of a foreclosing governmental unit is a facility



s 06064 09292020

as defined under section 20101 of the natural resources and
 environmental protection act, 1994 PA 451, MCL 324.20101, prior to
 before the sale or transfer of the property under this section, the
 property is subject to all of the following:

5 (a) Upon reasonable written notice from the department of 6 environmental quality, environment, Great Lakes, and energy, the 7 foreclosing governmental unit shall provide access to the 8 department of environmental quality, environment, Great Lakes, and 9 **energy**, its employees, contractors, and any other person expressly 10 authorized by the department of environmental quality environment, 11 Great Lakes, and energy to conduct response activities at the foreclosed property. Reasonable written notice under this 12 subdivision may include, but is not limited to, notice by 13 14 electronic mail, or facsimile, if the foreclosing governmental unit 15 consents to notice by electronic mail or facsimile prior to before the provision of notice by the department of environmental 16

17 quality.environment, Great Lakes, and energy.

(b) If requested by the department of environmental quality
environment, Great Lakes, and energy to protect public health,
safety, and welfare or the environment, the foreclosing
governmental unit shall grant an easement for access to conduct
response activities on the foreclosed property as authorized under
chapter 7 of article II of the natural resources and environmental
protection act, 1994 PA 451, MCL 324.20101 to 324.20302.

(c) If requested by the department of environmental quality
environment, Great Lakes, and energy to protect public health,
safety, and welfare or the environment, the foreclosing
governmental unit shall place and record deed restrictions on the
foreclosed property as authorized under chapter 7 of article II of



s 06064 09292020

the natural resources and environmental protection act, 1994 PA
 451, MCL 324.20101 to 324.20302.

3 (d) The department of environmental quality environment, Great
4 Lakes, and energy may place an environmental lien on the foreclosed
5 property as authorized under section 20138 of the natural resources
6 and environmental protection act, 1994 PA 451, MCL 324.20138.

7 (14) If property foreclosed under section 78k and held by or 8 under the control of a foreclosing governmental unit is a facility 9 as defined under section 20101 of the natural resources and 10 environmental protection act, 1994 PA 451, MCL 324.20101, prior to 11 before the sale or transfer of the property under this section, the 12 department of environmental quality environment, Great Lakes, and **energy** shall request and the foreclosing governmental unit shall 13 14 transfer the property to the state land bank fast track authority 15 created under section 15 of the land bank fast track act, 2003 PA 16 258, MCL 124.765, if all of the following apply:

17 (a) The department of environmental quality environment, Great
18 Lakes, and energy determines that conditions at a foreclosed
19 property are an acute threat to the public health, safety, and
20 welfare, to the environment, or to other property.

(b) The department of environmental quality environment, Great
Lakes, and energy proposes to undertake or is undertaking statefunded response activities at the property.

(c) The department of environmental quality environment, Great
Lakes, and energy determines that the sale, retention, or transfer
of the property other than under this subsection would interfere
with response activities by the department of environmental

28 quality.environment, Great Lakes, and energy.

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(15) A person convicted for executing a false affidavit under



subsection (5) shall be is prohibited from bidding for a property
 or purchasing a property at any sale under this section.

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(16) As used in this section:

4 (a) "City authority" means a land bank fast track authority
5 created under section 23(5) of the land bank fast track act, 2003
6 PA 258, MCL 124.773.

7 (b) "County authority" means a land bank fast track authority
8 created under section 23(4) of the land bank fast track act, 2003
9 PA 258, MCL 124.773.

10 (c) (a) "Minimum bid" is the minimum amount established by the 11 foreclosing governmental unit for which property may be sold or 12 transferred under this section. subsections (1) to (3). The minimum 13 bid shall must include all of the following:

14 (i) All delinquent taxes, interest, penalties, and fees due on 15 the property, and may include any additional expenses incurred by 16 the foreclosing governmental unit in connection with the 17 forfeiture, foreclosure, maintenance, repair, or remediation of the 18 property or the administration of this act for the property, including, but not limited to, foreclosure avoidance, mailing, 19 20 publication, personal service, legal, personnel, outside 21 contractor, and auction expenses. If a city, village, or township purchases the property, the minimum bid shall not include any taxes 22 23 levied by that city, village, or township and any interest, 24 penalties, or fees due on those taxes. 25 (ii) The expenses of administering the sale, including all 26 preparations for the sale. The foreclosing governmental unit shall

27 estimate the cost of preparing for and administering the annual

28 sale for purposes of prorating the cost for each property included

29 in the sale.



s 06064 09292020

(b) "Person" means an individual, partnership, corporation,
association, or other legal entity.
Enacting section 1. Section 78m of the general property tax
act, 1893 PA 206, MCL 211.78m, as amended by this amendatory act,
takes effect January 1, 2021.
Enacting section 2. This amendatory act does not take effect

7 unless Senate Bill No. 1137 of the 100th Legislature is enacted 8 into law.



Final Page S05055'19 (S-1)

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