

# HOUSE BILL No. 4810

June 6, 2013, Introduced by Reps. Pagel, Dianda, Jacobsen, Howrylak and Cavanagh and referred to the Committee on Tax Policy.

A bill to amend 1893 PA 206, entitled  
"The general property tax act,"  
by amending section 7cc (MCL 211.7cc), as amended by 2012 PA 524.

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

1           Sec. 7cc. (1) A principal residence is exempt from the tax  
2 levied by a local school district for school operating purposes to  
3 the extent provided under section 1211 of the revised school code,  
4 1976 PA 451, MCL 380.1211, if an owner of that principal residence  
5 claims an exemption as provided in this section. Notwithstanding  
6 the tax day provided in section 2, the status of property as a  
7 principal residence shall be determined on the date an affidavit  
8 claiming an exemption is filed under subsection (2).

9           (2) Except as otherwise provided in subsection (5), an owner

1 of property may claim 1 exemption under this section by filing an  
2 affidavit on or before May 1 for taxes levied before January 1,  
3 2012 or, for taxes levied after December 31, 2011, on or before  
4 June 1 for the immediately succeeding summer tax levy and all  
5 subsequent tax levies or on or before November 1 for the  
6 immediately succeeding winter tax levy and all subsequent tax  
7 levies with the local tax collecting unit in which the property is  
8 located. The affidavit shall state that the property is owned and  
9 occupied as a principal residence by that owner of the property on  
10 the date that the affidavit is signed. The affidavit shall be on a  
11 form prescribed by the department of treasury. One copy of the  
12 affidavit shall be retained by the owner, 1 copy shall be retained  
13 by the local tax collecting unit until any appeal or audit period  
14 under this act has expired, and 1 copy shall be forwarded to the  
15 department of treasury pursuant to subsection (4), together with  
16 all information submitted under subsection (26) for a cooperative  
17 housing corporation. The affidavit shall require the owner claiming  
18 the exemption to indicate if that owner or that owner's spouse has  
19 claimed another exemption on property in this state that is not  
20 rescinded or a substantially similar exemption, deduction, or  
21 credit on property in another state that is not rescinded. If the  
22 affidavit requires an owner to include a social security number,  
23 that owner's number is subject to the disclosure restrictions in  
24 1941 PA 122, MCL 205.1 to 205.31. If an owner of property filed an  
25 affidavit for an exemption under this section before January 1,  
26 2004, that affidavit shall be considered the affidavit required  
27 under this subsection for a principal residence exemption and that

1 exemption shall remain in effect until rescinded as provided in  
2 this section.

3 (3) Except as otherwise provided in subsection (5), a husband  
4 and wife who are required to file or who do file a joint Michigan  
5 income tax return are entitled to not more than 1 exemption under  
6 this section. For taxes levied after December 31, 2002, a person is  
7 not entitled to an exemption under this section if any of the  
8 following conditions occur:

9 (a) That person has claimed a substantially similar exemption,  
10 deduction, or credit on property in another state that is not  
11 rescinded.

12 (b) Subject to subdivision (a), that person or his or her  
13 spouse owns property in a state other than this state for which  
14 that person or his or her spouse claims an exemption, deduction, or  
15 credit substantially similar to the exemption provided under this  
16 section, unless that person and his or her spouse file separate  
17 income tax returns.

18 (c) That person has filed a nonresident Michigan income tax  
19 return, except active duty military personnel stationed in this  
20 state with his or her principal residence in this state.

21 (d) That person has filed an income tax return in a state  
22 other than this state as a resident, except active duty military  
23 personnel stationed in this state with his or her principal  
24 residence in this state.

25 (e) That person has previously rescinded an exemption under  
26 this section for the same property for which an exemption is now  
27 claimed and there has not been a transfer of ownership of that

1 property after the previous exemption was rescinded, if either of  
2 the following conditions is satisfied:

3 (i) That person has claimed an exemption under this section for  
4 any other property for that tax year.

5 (ii) That person has rescinded an exemption under this section  
6 on other property, which exemption remains in effect for that tax  
7 year, and there has not been a transfer of ownership of that  
8 property.

9 (4) Upon receipt of an affidavit filed under subsection (2)  
10 and unless the claim is denied under this section, the assessor  
11 shall exempt the property from the collection of the tax levied by  
12 a local school district for school operating purposes to the extent  
13 provided under section 1211 of the revised school code, 1976 PA  
14 451, MCL 380.1211, as provided in subsection (1) until December 31  
15 of the year in which the property is transferred or, except as  
16 otherwise provided in subsection (5), is no longer a principal  
17 residence as defined in section 7dd. The local tax collecting unit  
18 shall forward copies of affidavits to the department of treasury  
19 according to a schedule prescribed by the department of treasury.

20 (5) Except as otherwise provided in this subsection, not more  
21 than 90 days after exempted property is no longer used as a  
22 principal residence by the owner claiming an exemption, that owner  
23 shall rescind the claim of exemption by filing with the local tax  
24 collecting unit a rescission form prescribed by the department of  
25 treasury. If an owner is eligible for and claims an exemption for  
26 that owner's current principal residence, that owner may retain an  
27 exemption for not more than 3 tax years on property previously

1 exempt as his or her principal residence if that property is not  
2 occupied, is for sale, is not leased, and is not used for any  
3 business or commercial purpose by filing a conditional rescission  
4 form prescribed by the department of treasury with the local tax  
5 collecting unit within the time period prescribed in subsection  
6 (2). Beginning in the 2012 tax year, subject to the payment  
7 requirement set forth in this subsection, if a land contract  
8 vendor, bank, credit union, or other lending institution owns  
9 property as a result of a foreclosure or forfeiture of a recorded  
10 instrument under chapter 31, 32, or 57 of the revised judicature  
11 act of 1961, 1961 PA 236, MCL 600.3101 to 600.3285 and MCL 600.5701  
12 to 600.5759, or through deed or conveyance in lieu of a foreclosure  
13 or forfeiture on that property and that property had been exempt  
14 under this section immediately preceding the foreclosure, that land  
15 contract vendor, bank, credit union, or other lending institution  
16 may retain an exemption on that property at the same percentage of  
17 exemption that the property previously had under this section if  
18 that property is not occupied other than by the person who claimed  
19 the exemption under this section immediately preceding the  
20 foreclosure or forfeiture, is for sale, is not leased to any person  
21 other than the person who claimed the exemption under this section  
22 immediately preceding the foreclosure, and is not used for any  
23 business or commercial purpose. A land contract vendor, bank,  
24 credit union, or other lending institution may claim an exemption  
25 under this subsection by filing a conditional rescission form  
26 prescribed by the department of treasury with the local tax  
27 collecting unit within the time period prescribed in subsection

1 (2). Property is eligible for a conditional rescission if that  
2 property is available for lease and all other conditions under this  
3 subsection are met. A copy of a conditional rescission form shall  
4 be forwarded to the department of treasury according to a schedule  
5 prescribed by the department of treasury. An owner or a land  
6 contract vendor, bank, credit union, or other lending institution  
7 that files a conditional rescission form shall annually verify to  
8 the assessor of the local tax collecting unit on or before December  
9 31 that the property for which the principal residence exemption is  
10 retained is not occupied other than by the person who claimed the  
11 exemption under this section immediately preceding the foreclosure  
12 or forfeiture, is for sale, is not leased except as otherwise  
13 provided in this section, and is not used for any business or  
14 commercial purpose. The land contract vendor, bank, credit union,  
15 or other lending institution may retain the exemption authorized  
16 under this section for not more than 3 tax years. If an owner or a  
17 land contract vendor, bank, credit union, or other lending  
18 institution does not annually verify by December 31 that the  
19 property for which the principal residence exemption is retained is  
20 not occupied other than by the person who claimed the exemption  
21 under this section immediately preceding the foreclosure or  
22 forfeiture, is for sale, is not leased except as otherwise provided  
23 in this section, and is not used for any business or commercial  
24 purpose, the assessor of the local tax collecting unit shall deny  
25 the principal residence exemption on that property. Except as  
26 otherwise provided in this section, if property subject to a  
27 conditional rescission is leased, the local tax collecting unit

1 shall deny that conditional rescission and that denial is  
2 retroactive and is effective on December 31 of the year immediately  
3 preceding the year in which the property subject to the conditional  
4 rescission is leased. An owner who fails to file a rescission as  
5 required by this subsection is subject to a penalty of \$5.00 per  
6 day for each separate failure beginning after the 90 days have  
7 elapsed, up to a maximum of \$200.00. This penalty shall be  
8 collected under 1941 PA 122, MCL 205.1 to 205.31, and shall be  
9 deposited in the state school aid fund established in section 11 of  
10 article IX of the state constitution of 1963. This penalty may be  
11 waived by the department of treasury. If a land contract vendor,  
12 bank, credit union, or other lending institution retains an  
13 exemption on property under this subsection, that land contract  
14 vendor, bank, credit union, or other lending institution shall pay  
15 an amount equal to the additional amount that land contract vendor,  
16 bank, credit union, or other lending institution would have paid  
17 under section 1211 of the revised school code, 1976 PA 451, MCL  
18 380.1211, if an exemption had not been retained on that property,  
19 together with an administration fee equal to the property tax  
20 administration fee imposed under section 44. The payment required  
21 under this subsection shall be collected by the local tax  
22 collecting unit at the same time and in the same manner as taxes  
23 collected under this act. The administration fee shall be retained  
24 by the local tax collecting unit. The amount collected that the  
25 land contract vendor, bank, credit union, or other lending  
26 institution would have paid under section 1211 of the revised  
27 school code, 1976 PA 451, MCL 380.1211, if an exemption had not

1 been retained on that property is an amount that is not captured by  
2 any authority as tax increment revenues and shall be distributed to  
3 the department of treasury monthly for deposit into the state  
4 school aid fund established in section 11 of article IX of the  
5 state constitution of 1963. If a land contract vendor, bank, credit  
6 union, or other lending institution transfers ownership of property  
7 for which an exemption is retained under this subsection, that land  
8 contract vendor, bank, credit union, or other lending institution  
9 shall rescind the exemption as provided in this section and shall  
10 notify the treasurer of the local tax collecting unit of that  
11 transfer of ownership. If a land contract vendor, bank, credit  
12 union, or other lending institution fails to make the payment  
13 required under this subsection for any property within the period  
14 for which property taxes are due and payable without penalty, the  
15 local tax collecting unit shall deny that conditional rescission  
16 and that denial is retroactive and is effective on December 31 of  
17 the immediately preceding year. If the local tax collecting unit  
18 denies a conditional rescission, the local tax collecting unit  
19 shall remove the exemption of the property and the amount due from  
20 the land contract vendor, bank, credit union, or other lending  
21 institution shall be a tax so that the additional taxes, penalties,  
22 and interest shall be collected as provided for in this section. If  
23 payment of the tax under this subsection is not made by the March 1  
24 following the levy of the tax, the tax shall be turned over to the  
25 county treasurer and collected in the same manner as delinquent  
26 taxes under this act. A person who previously occupied property as  
27 his or her principal residence but now resides in a nursing home or



1 assisted living facility may retain an exemption on that property  
2 if the owner manifests an intent to return to that property by  
3 satisfying all of the following conditions:

4 (a) The owner continues to own that property while residing in  
5 the nursing home or assisted living facility.

6 (b) The owner has not established a new principal residence.

7 (c) The owner maintains or provides for the maintenance of  
8 that property while residing in the nursing home or assisted living  
9 facility.

10 (d) That property is not occupied, ~~is not for sale~~, is not  
11 leased, and is not used for any business or commercial purpose.

12 (6) Except as otherwise provided in subsection (5), if the  
13 assessor of the local tax collecting unit believes that the  
14 property for which an exemption is claimed is not the principal  
15 residence of the owner claiming the exemption, the assessor may  
16 deny a new or existing claim by notifying the owner and the  
17 department of treasury in writing of the reason for the denial and  
18 advising the owner that the denial may be appealed to the  
19 residential and small claims division of the Michigan tax tribunal  
20 within 35 days after the date of the notice. The assessor may deny  
21 a claim for exemption for the current year and for the 3  
22 immediately preceding calendar years. If the assessor denies an  
23 existing claim for exemption, the assessor shall remove the  
24 exemption of the property and, if the tax roll is in the local tax  
25 collecting unit's possession, amend the tax roll to reflect the  
26 denial and the local treasurer shall within 30 days of the date of  
27 the denial issue a corrected tax bill for any additional taxes with

1 interest at the rate of 1.25% per month or fraction of a month and  
2 penalties computed from the date the taxes were last payable  
3 without interest or penalty. If the tax roll is in the county  
4 treasurer's possession, the tax roll shall be amended to reflect  
5 the denial and the county treasurer shall within 30 days of the  
6 date of the denial prepare and submit a supplemental tax bill for  
7 any additional taxes, together with interest at the rate of 1.25%  
8 per month or fraction of a month and penalties computed from the  
9 date the taxes were last payable without interest or penalty.

10 Interest on any tax set forth in a corrected or supplemental tax  
11 bill shall again begin to accrue 60 days after the date the  
12 corrected or supplemental tax bill is issued at the rate of 1.25%  
13 per month or fraction of a month. Taxes levied in a corrected or  
14 supplemental tax bill shall be returned as delinquent on the March  
15 1 in the year immediately succeeding the year in which the  
16 corrected or supplemental tax bill is issued. If the assessor  
17 denies an existing claim for exemption, the interest due shall be  
18 distributed as provided in subsection (23). However, if the  
19 property has been transferred to a bona fide purchaser before  
20 additional taxes were billed to the seller as a result of the  
21 denial of a claim for exemption, the taxes, interest, and penalties  
22 shall not be a lien on the property and shall not be billed to the  
23 bona fide purchaser, and the local tax collecting unit if the local  
24 tax collecting unit has possession of the tax roll or the county  
25 treasurer if the county has possession of the tax roll shall notify  
26 the department of treasury of the amount of tax due, interest, and  
27 penalties through the date of that notification. The department of

1 treasury shall then assess the owner who claimed the exemption  
2 under this section for the tax, interest, and penalties accruing as  
3 a result of the denial of the claim for exemption, if any, as for  
4 unpaid taxes provided under 1941 PA 122, MCL 205.1 to 205.31, and  
5 shall deposit any tax or penalty collected into the state school  
6 aid fund and shall distribute any interest collected as provided in  
7 subsection (23). The denial shall be made on a form prescribed by  
8 the department of treasury. If the property for which the assessor  
9 has denied a claim for exemption under this subsection is located  
10 in a county in which the county treasurer or the county  
11 equalization director have elected to audit exemptions under  
12 subsection (10), the assessor shall notify the county treasurer or  
13 the county equalization director of the denial under this  
14 subsection.

15 (7) If the assessor of the local tax collecting unit believes  
16 that the property for which the exemption is claimed is not the  
17 principal residence of the owner claiming the exemption and has not  
18 denied the claim, the assessor shall include a recommendation for  
19 denial with any affidavit that is forwarded to the department of  
20 treasury or, for an existing claim, shall send a recommendation for  
21 denial to the department of treasury, stating the reasons for the  
22 recommendation.

23 (8) The department of treasury shall determine if the property  
24 is the principal residence of the owner claiming the exemption. The  
25 department of treasury may review the validity of exemptions for  
26 the current calendar year and for the 3 immediately preceding  
27 calendar years. Except as otherwise provided in subsection (5), if

1 the department of treasury determines that the property is not the  
2 principal residence of the owner claiming the exemption, the  
3 department shall send a notice of that determination to the local  
4 tax collecting unit and to the owner of the property claiming the  
5 exemption, indicating that the claim for exemption is denied,  
6 stating the reason for the denial, and advising the owner claiming  
7 the exemption of the right to appeal the determination to the  
8 department of treasury and what those rights of appeal are. The  
9 department of treasury may issue a notice denying a claim if an  
10 owner fails to respond within 30 days of receipt of a request for  
11 information from that department. An owner may appeal the denial of  
12 a claim of exemption to the department of treasury within 35 days  
13 of receipt of the notice of denial. An appeal to the department of  
14 treasury shall be conducted according to the provisions for an  
15 informal conference in section 21 of 1941 PA 122, MCL 205.21.  
16 Within 10 days after acknowledging an appeal of a denial of a claim  
17 of exemption, the department of treasury shall notify the assessor  
18 and the treasurer for the county in which the property is located  
19 that an appeal has been filed. Upon receipt of a notice that the  
20 department of treasury has denied a claim for exemption, the  
21 assessor shall remove the exemption of the property and, if the tax  
22 roll is in the local tax collecting unit's possession, amend the  
23 tax roll to reflect the denial and the local treasurer shall within  
24 30 days of the date of the denial issue a corrected tax bill for  
25 any additional taxes with interest at the rate of 1.25% per month  
26 or fraction of a month and penalties computed from the date the  
27 taxes were last payable without interest and penalty. If the tax

1 roll is in the county treasurer's possession, the tax roll shall be  
2 amended to reflect the denial and the county treasurer shall within  
3 30 days of the date of the denial prepare and submit a supplemental  
4 tax bill for any additional taxes, together with interest at the  
5 rate of 1.25% per month or fraction of a month and penalties  
6 computed from the date the taxes were last payable without interest  
7 or penalty. Interest on any tax set forth in a corrected or  
8 supplemental tax bill shall again begin to accrue 60 days after the  
9 date the corrected or supplemental tax bill is issued at the rate  
10 of 1.25% per month or fraction of a month. The department of  
11 treasury may waive interest on any tax set forth in a corrected or  
12 supplemental tax bill for the current tax year and the immediately  
13 preceding 3 tax years if the assessor of the local tax collecting  
14 unit files with the department of treasury a sworn affidavit in a  
15 form prescribed by the department of treasury stating that the tax  
16 set forth in the corrected or supplemental tax bill is a result of  
17 the assessor's classification error or other error or the  
18 assessor's failure to rescind the exemption after the owner  
19 requested in writing that the exemption be rescinded. Taxes levied  
20 in a corrected or supplemental tax bill shall be returned as  
21 delinquent on the March 1 in the year immediately succeeding the  
22 year in which the corrected or supplemental tax bill is issued. If  
23 the department of treasury denies an existing claim for exemption,  
24 the interest due shall be distributed as provided in subsection  
25 (23). However, if the property has been transferred to a bona fide  
26 purchaser before additional taxes were billed to the seller as a  
27 result of the denial of a claim for exemption, the taxes, interest,

1 and penalties shall not be a lien on the property and shall not be  
2 billed to the bona fide purchaser, and the local tax collecting  
3 unit if the local tax collecting unit has possession of the tax  
4 roll or the county treasurer if the county has possession of the  
5 tax roll shall notify the department of treasury of the amount of  
6 tax due and interest through the date of that notification. The  
7 department of treasury shall then assess the owner who claimed the  
8 exemption under this section for the tax and interest plus penalty  
9 accruing as a result of the denial of the claim for exemption, if  
10 any, as for unpaid taxes provided under 1941 PA 122, MCL 205.1 to  
11 205.31, and shall deposit any tax or penalty collected into the  
12 state school aid fund and shall distribute any interest collected  
13 as provided in subsection (23).

14 (9) The department of treasury may enter into an agreement  
15 regarding the implementation or administration of subsection (8)  
16 with the assessor of any local tax collecting unit in a county that  
17 has not elected to audit exemptions claimed under this section as  
18 provided in subsection (10). The agreement may specify that for a  
19 period of time, not to exceed 120 days, the department of treasury  
20 will not deny an exemption identified by the department of treasury  
21 in the list provided under subsection (11).

22 (10) A county may elect to audit the exemptions claimed under  
23 this section in all local tax collecting units located in that  
24 county as provided in this subsection. The election to audit  
25 exemptions shall be made by the county treasurer, or by the county  
26 equalization director with the concurrence by resolution of the  
27 county board of commissioners. The initial election to audit

1 exemptions shall require an audit period of 2 years. Before 2009,  
2 subsequent elections to audit exemptions shall be made every 2  
3 years and shall require 2 annual audit periods. Beginning in 2009,  
4 an election to audit exemptions shall be made every 5 years and  
5 shall require 5 annual audit periods. An election to audit  
6 exemptions shall be made by submitting an election to audit form to  
7 the assessor of each local tax collecting unit in that county and  
8 to the department of treasury not later than April 1 preceding the  
9 October 1 in the year in which an election to audit is made. The  
10 election to audit form required under this subsection shall be in a  
11 form prescribed by the department of treasury. If a county elects  
12 to audit the exemptions claimed under this section, the department  
13 of treasury may continue to review the validity of exemptions as  
14 provided in subsection (8). If a county does not elect to audit the  
15 exemptions claimed under this section as provided in this  
16 subsection, the department of treasury shall conduct an audit of  
17 exemptions claimed under this section in the initial 2-year audit  
18 period for each local tax collecting unit in that county unless the  
19 department of treasury has entered into an agreement with the  
20 assessor for that local tax collecting unit under subsection (9).

21 (11) If a county elects to audit the exemptions claimed under  
22 this section as provided in subsection (10) and the county  
23 treasurer or his or her designee or the county equalization  
24 director or his or her designee believes that the property for  
25 which an exemption is claimed is not the principal residence of the  
26 owner claiming the exemption, the county treasurer or his or her  
27 designee or the county equalization director or his or her designee

1 may, except as otherwise provided in subsection (5), deny an  
2 existing claim by notifying the owner, the assessor of the local  
3 tax collecting unit, and the department of treasury in writing of  
4 the reason for the denial and advising the owner that the denial  
5 may be appealed to the residential and small claims division of the  
6 Michigan tax tribunal within 35 days after the date of the notice.  
7 The county treasurer or his or her designee or the county  
8 equalization director or his or her designee may deny a claim for  
9 exemption for the current year and for the 3 immediately preceding  
10 calendar years. If the county treasurer or his or her designee or  
11 the county equalization director or his or her designee denies an  
12 existing claim for exemption, the county treasurer or his or her  
13 designee or the county equalization director or his or her designee  
14 shall direct the assessor of the local tax collecting unit in which  
15 the property is located to remove the exemption of the property  
16 from the assessment roll and, if the tax roll is in the local tax  
17 collecting unit's possession, direct the assessor of the local tax  
18 collecting unit to amend the tax roll to reflect the denial and the  
19 treasurer of the local tax collecting unit shall within 30 days of  
20 the date of the denial issue a corrected tax bill for any  
21 additional taxes with interest at the rate of 1.25% per month or  
22 fraction of a month and penalties computed from the date the taxes  
23 were last payable without interest and penalty. If the tax roll is  
24 in the county treasurer's possession, the tax roll shall be amended  
25 to reflect the denial and the county treasurer shall within 30 days  
26 of the date of the denial prepare and submit a supplemental tax  
27 bill for any additional taxes, together with interest at the rate



1 of 1.25% per month or fraction of a month and penalties computed  
2 from the date the taxes were last payable without interest or  
3 penalty. Interest on any tax set forth in a corrected or  
4 supplemental tax bill shall again begin to accrue 60 days after the  
5 date the corrected or supplemental tax bill is issued at the rate  
6 of 1.25% per month or fraction of a month. Taxes levied in a  
7 corrected or supplemental tax bill shall be returned as delinquent  
8 on the March 1 in the year immediately succeeding the year in which  
9 the corrected or supplemental tax bill is issued. If the county  
10 treasurer or his or her designee or the county equalization  
11 director or his or her designee denies an existing claim for  
12 exemption, the interest due shall be distributed as provided in  
13 subsection (23). However, if the property has been transferred to a  
14 bona fide purchaser before additional taxes were billed to the  
15 seller as a result of the denial of a claim for exemption, the  
16 taxes, interest, and penalties shall not be a lien on the property  
17 and shall not be billed to the bona fide purchaser, and the local  
18 tax collecting unit if the local tax collecting unit has possession  
19 of the tax roll or the county treasurer if the county has  
20 possession of the tax roll shall notify the department of treasury  
21 of the amount of tax due and interest through the date of that  
22 notification. The department of treasury shall then assess the  
23 owner who claimed the exemption under this section for the tax and  
24 interest plus penalty accruing as a result of the denial of the  
25 claim for exemption, if any, as for unpaid taxes provided under  
26 1941 PA 122, MCL 205.1 to 205.31, and shall deposit any tax or  
27 penalty collected into the state school aid fund and shall

1 distribute any interest collected as provided in subsection (23).  
2 The department of treasury shall annually provide the county  
3 treasurer or his or her designee or the county equalization  
4 director or his or her designee a list of parcels of property  
5 located in that county for which an exemption may be erroneously  
6 claimed. The county treasurer or his or her designee or the county  
7 equalization director or his or her designee shall forward copies  
8 of the list provided by the department of treasury to each assessor  
9 in each local tax collecting unit in that county within 10 days of  
10 receiving the list.

11 (12) If a county elects to audit exemptions claimed under this  
12 section as provided in subsection (10), the county treasurer or the  
13 county equalization director may enter into an agreement with the  
14 assessor of a local tax collecting unit in that county regarding  
15 the implementation or administration of this section. The agreement  
16 may specify that for a period of time, not to exceed 120 days, the  
17 county will not deny an exemption identified by the department of  
18 treasury in the list provided under subsection (11).

19 (13) An owner may appeal a denial by the assessor of the local  
20 tax collecting unit under subsection (6), a final decision of the  
21 department of treasury under subsection (8), or a denial by the  
22 county treasurer or his or her designee or the county equalization  
23 director or his or her designee under subsection (11) to the  
24 residential and small claims division of the Michigan tax tribunal  
25 within 35 days of that decision. An owner is not required to pay  
26 the amount of tax in dispute in order to appeal a denial of a claim  
27 of exemption to the department of treasury or to receive a final

1 determination of the residential and small claims division of the  
2 Michigan tax tribunal. However, interest at the rate of 1.25% per  
3 month or fraction of a month and penalties shall accrue and be  
4 computed from the date the taxes were last payable without interest  
5 and penalty. If the residential and small claims division of the  
6 Michigan tax tribunal grants an owner's appeal of a denial and that  
7 owner has paid the interest due as a result of a denial under  
8 subsection (6), (8), or (11), the interest received after a  
9 distribution was made under subsection (23) shall be refunded.

10 (14) For taxes levied after December 31, 2005, for each county  
11 in which the county treasurer or the county equalization director  
12 does not elect to audit the exemptions claimed under this section  
13 as provided in subsection (10), the department of treasury shall  
14 conduct an annual audit of exemptions claimed under this section  
15 for the current calendar year.

16 (15) Except as otherwise provided in subsection (5), an  
17 affidavit filed by an owner for the exemption under this section  
18 rescinds all previous exemptions filed by that owner for any other  
19 property. The department of treasury shall notify the assessor of  
20 the local tax collecting unit in which the property for which a  
21 previous exemption was claimed is located if the previous exemption  
22 is rescinded by the subsequent affidavit. When an exemption is  
23 rescinded, the assessor of the local tax collecting unit shall  
24 remove the exemption effective December 31 of the year in which the  
25 affidavit was filed that rescinded the exemption. For any year for  
26 which the rescinded exemption has not been removed from the tax  
27 roll, the exemption shall be denied as provided in this section.

1 However, interest and penalty shall not be imposed for a year for  
2 which a rescission form has been timely filed under subsection (5).

3 (16) Except as otherwise provided in subsection (28), if the  
4 principal residence is part of a unit in a multiple-unit dwelling  
5 or a dwelling unit in a multiple-purpose structure, an owner shall  
6 claim an exemption for only that portion of the total taxable value  
7 of the property used as the principal residence of that owner in a  
8 manner prescribed by the department of treasury. If a portion of a  
9 parcel for which the owner claims an exemption is used for a  
10 purpose other than as a principal residence, the owner shall claim  
11 an exemption for only that portion of the taxable value of the  
12 property used as the principal residence of that owner in a manner  
13 prescribed by the department of treasury.

14 (17) When a county register of deeds records a transfer of  
15 ownership of a property, he or she shall notify the local tax  
16 collecting unit in which the property is located of the transfer.

17 (18) The department of treasury shall make available the  
18 affidavit forms and the forms to rescind an exemption, which may be  
19 on the same form, to all city and township assessors, county  
20 equalization officers, county registers of deeds, and closing  
21 agents. A person who prepares a closing statement for the sale of  
22 property shall provide affidavit and rescission forms to the buyer  
23 and seller at the closing and, if requested by the buyer or seller  
24 after execution by the buyer or seller, shall file the forms with  
25 the local tax collecting unit in which the property is located. If  
26 a closing statement preparer fails to provide exemption affidavit  
27 and rescission forms to the buyer and seller, or fails to file the

1 affidavit and rescission forms with the local tax collecting unit  
2 if requested by the buyer or seller, the buyer may appeal to the  
3 department of treasury within 30 days of notice to the buyer that  
4 an exemption was not recorded. If the department of treasury  
5 determines that the buyer qualifies for the exemption, the  
6 department of treasury shall notify the assessor of the local tax  
7 collecting unit that the exemption is granted and the assessor of  
8 the local tax collecting unit or, if the tax roll is in the  
9 possession of the county treasurer, the county treasurer shall  
10 correct the tax roll to reflect the exemption. This subsection does  
11 not create a cause of action at law or in equity against a closing  
12 statement preparer who fails to provide exemption affidavit and  
13 rescission forms to a buyer and seller or who fails to file the  
14 affidavit and rescission forms with the local tax collecting unit  
15 when requested to do so by the buyer or seller.

16 (19) An owner who owned and occupied a principal residence on  
17 May 1 for taxes levied before January 1, 2012 for which the  
18 exemption was not on the tax roll may file an appeal with the July  
19 board of review or December board of review in the year for which  
20 the exemption was claimed or the immediately succeeding 3 years.  
21 For taxes levied after December 31, 2011, an owner who owned and  
22 occupied a principal residence on June 1 or November 1 for which  
23 the exemption was not on the tax roll may file an appeal with the  
24 July board of review or December board of review in the year for  
25 which the exemption was claimed or the immediately succeeding 3  
26 years. If an appeal of a claim for exemption that was not on the  
27 tax roll is received not later than 5 days prior to the date of the

1 December board of review, the local tax collecting unit shall  
2 convene a December board of review and consider the appeal pursuant  
3 to this section and section 53b. For the 2008 tax year only, an  
4 owner of property eligible for a conditional rescission under  
5 subsection (5) who did not file a conditional rescission form  
6 prescribed by the department of treasury with the local tax  
7 collecting unit on or before May 1, 2008 may file an appeal with  
8 the 2008 July board of review or 2008 December board of review to  
9 claim a conditional rescission for the 2008 tax year. For the 2008  
10 and 2009 tax years only, an owner of property classified as timber-  
11 cutover real property adjoining or contiguous to that owner's  
12 principal residence who did not claim an exemption for the property  
13 classified as timber-cutover real property under this section  
14 before May 1, 2009 or whose claim for exemption under this section  
15 for that property classified as timber-cutover real property was  
16 denied before May 1, 2009 may file an appeal with the 2009 December  
17 board of review or the 2010 July board of review to claim an  
18 exemption under this section for that property classified as  
19 timber-cutover real property for the 2008 and 2009 tax years.

20 (20) If the assessor or treasurer of the local tax collecting  
21 unit believes that the department of treasury erroneously denied a  
22 claim for exemption, the assessor or treasurer may submit written  
23 information supporting the owner's claim for exemption to the  
24 department of treasury within 35 days of the owner's receipt of the  
25 notice denying the claim for exemption. If, after reviewing the  
26 information provided, the department of treasury determines that  
27 the claim for exemption was erroneously denied, the department of

1 treasury shall grant the exemption and the tax roll shall be  
2 amended to reflect the exemption.

3 (21) If granting the exemption under this section results in  
4 an overpayment of the tax, a rebate, including any interest paid,  
5 shall be made to the taxpayer by the local tax collecting unit if  
6 the local tax collecting unit has possession of the tax roll or by  
7 the county treasurer if the county has possession of the tax roll  
8 within 30 days of the date the exemption is granted. The rebate  
9 shall be without interest. If an exemption for property classified  
10 as timber-cutover real property is granted under this section for  
11 the 2008 or 2009 tax year, the tax roll shall be corrected and any  
12 delinquent and unpaid penalty, interest, and tax resulting from  
13 that property not having been exempt under this section for the  
14 2008 or 2009 tax year shall be waived.

15 (22) If an exemption under this section is erroneously granted  
16 for an affidavit filed before October 1, 2003, an owner may request  
17 in writing that the department of treasury withdraw the exemption.  
18 The request to withdraw the exemption shall be received not later  
19 than November 1, 2003. If an owner requests that an exemption be  
20 withdrawn, the department of treasury shall issue an order  
21 notifying the local assessor that the exemption issued under this  
22 section has been denied based on the owner's request. If an  
23 exemption is withdrawn, the property that had been subject to that  
24 exemption shall be immediately placed on the tax roll by the local  
25 tax collecting unit if the local tax collecting unit has possession  
26 of the tax roll or by the county treasurer if the county has  
27 possession of the tax roll as though the exemption had not been

1 granted. A corrected tax bill shall be issued for the tax year  
2 being adjusted by the local tax collecting unit if the local tax  
3 collecting unit has possession of the tax roll or by the county  
4 treasurer if the county has possession of the tax roll. Unless a  
5 denial has been issued prior to July 1, 2003, if an owner requests  
6 that an exemption under this section be withdrawn and that owner  
7 pays the corrected tax bill issued under this subsection within 30  
8 days after the corrected tax bill is issued, that owner is not  
9 liable for any penalty or interest on the additional tax. An owner  
10 who pays a corrected tax bill issued under this subsection more  
11 than 30 days after the corrected tax bill is issued is liable for  
12 the penalties and interest that would have accrued if the exemption  
13 had not been granted from the date the taxes were originally  
14 levied.

15 (23) Subject to subsection (24), interest at the rate of 1.25%  
16 per month or fraction of a month collected under subsection (6),  
17 (8), or (11) shall be distributed as follows:

18 (a) If the assessor of the local tax collecting unit denies  
19 the exemption under this section, as follows:

20 (i) To the local tax collecting unit, 70%.

21 (ii) To the department of treasury, 10%.

22 (iii) To the county in which the property is located, 20%.

23 (b) If the department of treasury denies the exemption under  
24 this section, as follows:

25 (i) To the local tax collecting unit, 20%.

26 (ii) To the department of treasury, 70%.

27 (iii) To the county in which the property is located, 10%.



1 (c) If the county treasurer or his or her designee or the  
2 county equalization director or his or her designee denies the  
3 exemption under this section, as follows:

4 (i) To the local tax collecting unit, 20%.

5 (ii) To the department of treasury, 10%.

6 (iii) To the county in which the property is located, 70%.

7 (24) Interest distributed under subsection (23) is subject to  
8 the following conditions:

9 (a) Interest distributed to a county shall be deposited into a  
10 restricted fund to be used solely for the administration of  
11 exemptions under this section. Money in that restricted fund shall  
12 lapse to the county general fund on the December 31 in the year 3  
13 years after the first distribution of interest to the county under  
14 subsection (23) and on each succeeding December 31 thereafter.

15 (b) Interest distributed to the department of treasury shall  
16 be deposited into the principal residence property tax exemption  
17 audit fund, which is created within the state treasury. The state  
18 treasurer may receive money or other assets from any source for  
19 deposit into the fund. The state treasurer shall direct the  
20 investment of the fund. The state treasurer shall credit to the  
21 fund interest and earnings from fund investments. Money in the fund  
22 shall be considered a work project account and at the close of the  
23 fiscal year shall remain in the fund and shall not lapse to the  
24 general fund. Money from the fund shall be expended, upon  
25 appropriation, only for the purpose of auditing exemption  
26 affidavits.

27 (25) Interest distributed under subsection (23) is in addition

1 to and shall not affect the levy or collection of the county  
2 property tax administration fee established under this act.

3 (26) A cooperative housing corporation is entitled to a full  
4 or partial exemption under this section for the tax year in which  
5 the cooperative housing corporation files all of the following with  
6 the local tax collecting unit in which the cooperative housing  
7 corporation is located if filed within the time period prescribed  
8 in subsection (2):

9 (a) An affidavit form.

10 (b) A statement of the total number of units owned by the  
11 cooperative housing corporation and occupied as the principal  
12 residence of a tenant stockholder as of the date of the filing  
13 under this subsection.

14 (c) A list that includes the name, address, and social  
15 security number of each tenant stockholder of the cooperative  
16 housing corporation occupying a unit in the cooperative housing  
17 corporation as his or her principal residence as of the date of the  
18 filing under this subsection.

19 (d) A statement of the total number of units of the  
20 cooperative housing corporation on which an exemption under this  
21 section was claimed and that were transferred in the tax year  
22 immediately preceding the tax year in which the filing under this  
23 section was made.

24 (27) Before May 1, 2004 and before May 1, 2005, the treasurer  
25 of each county shall forward to the department of education a  
26 statement of the taxable value of each school district and fraction  
27 of a school district within the county for the preceding 4 calendar

1 years. This requirement is in addition to the requirement set forth  
2 in section 151 of the state school aid act of 1979, 1979 PA 94, MCL  
3 388.1751.

4 (28) For a parcel of property open and available for use as a  
5 bed and breakfast, the portion of the taxable value of the property  
6 used as a principal residence under subsection (16) shall be  
7 calculated in the following manner:

8 (a) Add all of the following:

9 (i) The square footage of the property used exclusively as that  
10 owner's principal residence.

11 (ii) 50% of the square footage of the property's common area.

12 (iii) If the property was not open and available for use as a  
13 bed and breakfast for 90 or more consecutive days in the  
14 immediately preceding 12-month period, the result of the following  
15 calculation:

16 (A) Add the square footage of the property that is open and  
17 available regularly and exclusively as a bed and breakfast, and 50%  
18 of the square footage of the property's common area.

19 (B) Multiply the result of the calculation in sub-subparagraph  
20 (A) by a fraction, the numerator of which is the number of  
21 consecutive days in the immediately preceding 12-month period that  
22 the property was not open and available for use as a bed and  
23 breakfast and the denominator of which is 365.

24 (b) Divide the result of the calculation in subdivision (a) by  
25 the total square footage of the property.

26 (29) The owner claiming an exemption under this section for  
27 property open and available as a bed and breakfast shall file an

1 affidavit claiming the exemption within the time period prescribed  
2 in subsection (2) with the local tax collecting unit in which the  
3 property is located. The affidavit shall be in a form prescribed by  
4 the department of treasury.

5 (30) As used in this section:

6 (a) "Bed and breakfast" means property classified as  
7 residential real property under section 34c that meets all of the  
8 following criteria:

9 (i) Has 10 or fewer sleeping rooms, including sleeping rooms  
10 occupied by the owner of the property, 1 or more of which are  
11 available for rent to transient tenants.

12 (ii) Serves meals at no extra cost to its transient tenants.

13 (iii) Has a smoke detector in proper working order in each  
14 sleeping room and a fire extinguisher in proper working order on  
15 each floor.

16 (b) "Common area" includes, but is not limited to, a kitchen,  
17 dining room, living room, fitness room, porch, hallway, laundry  
18 room, or bathroom that is available for use by guests of a bed and  
19 breakfast or, unless guests are specifically prohibited from access  
20 to the area, an area that is used to provide a service to guests of  
21 a bed and breakfast.

22 Enacting section 1. This amendatory act is retroactive and is  
23 effective for taxes levied after December 31, 2012.