

SUBSTITUTE FOR
HOUSE BILL NO. 5220

(As amended December 5, 2012)

A bill to amend 1973 PA 186, entitled
"Tax tribunal act,"
(MCL 205.701 to 205.779) by adding section 62b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 62B. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
2 AFTER A PETITIONER HAS FILED A PETITION UNDER THIS CHAPTER AND THE
3 <<RESIDENTIAL PROPERTY AND SMALL CLAIMS DIVISION HAS ISSUED NOTICE OF
4 THE DOCKET NUMBER ASSIGNED TO THE PETITION AND BEFORE A HEARING
5 FOR THE PETITION HAS BEEN SCHEDULED>>, THE PETITIONER OR THE
6 <<RESPONDENT>> LOCAL TAX COLLECTING UNIT MAY
7 REQUEST AN INFORMAL SETTLEMENT CONFERENCE AS PROVIDED IN THIS
8 SECTION.
9 (2) A PETITIONER SHALL SUBMIT A WRITTEN REQUEST FOR AN
10 INFORMAL SETTLEMENT CONFERENCE TO THE LOCAL TAX COLLECTING UNIT AND
SHALL FILE A COPY OF THAT WRITTEN REQUEST WITH THE RESIDENTIAL
PROPERTY AND SMALL CLAIMS DIVISION. A LOCAL TAX COLLECTING UNIT

House Bill No. 5220 as amended December 5, 2012

1 SHALL SUBMIT A WRITTEN REQUEST FOR AN INFORMAL SETTLEMENT
2 CONFERENCE TO THE PETITIONER AND SHALL FILE A COPY OF THAT WRITTEN
3 REQUEST WITH THE RESIDENTIAL PROPERTY AND SMALL CLAIMS DIVISION.

<<A WRITTEN REQUEST SHALL INCLUDE A STATEMENT ATTESTING TO THE SERVICE OF THE WRITTEN REQUEST ON THE PETITIONER OR LOCAL TAX COLLECTING UNIT, AS APPROPRIATE. THE STATEMENT SHALL IDENTIFY THE PERSON UPON WHOM THE REQUEST WAS SERVED AND THE DATE AND METHOD BY WHICH THE WRITTEN REQUEST WAS SERVED ON THAT PERSON.>>

4 (3) IF A PETITIONER HAS REQUESTED AN INFORMAL SETTLEMENT
5 CONFERENCE UNDER SUBSECTION (2), THE LOCAL TAX COLLECTING UNIT

6 SHALL SCHEDULE AND HOLD AN INFORMAL SETTLEMENT CONFERENCE WITHIN 60
7 DAYS AFTER RECEIPT OF THE WRITTEN REQUEST. THE INFORMAL SETTLEMENT

8 CONFERENCE SHALL BE HELD <<TELEPHONICALLY OR>> AT THE OFFICES OF
9 THE LOCAL TAX COLLECTING

UNIT. IF THE LOCAL TAX COLLECTING UNIT DOES NOT SCHEDULE AND HOLD

10 AN INFORMAL SETTLEMENT CONFERENCE WITHIN 60 DAYS AFTER RECEIPT OF

11 THE WRITTEN REQUEST, THE PETITIONER MAY FILE A MOTION WITH THE

12 RESIDENTIAL PROPERTY AND SMALL CLAIMS DIVISION FOR AN ORDER TO

13 COMPEL THE INFORMAL SETTLEMENT CONFERENCE. <<IF THE RESIDENTIAL
AND SMALL CLAIMS DIVISION ISSUES AN ORDER COMPELLING AN INFORMAL
SETTLEMENT CONFERENCE, THE LOCAL TAX COLLECTING UNIT SHALL CONDUCT
AN INFORMAL SETTLEMENT CONFERENCE AS REQUIRED BY THE ORDER.>> IF THE
LOCAL TAX

14 COLLECTING UNIT DOES NOT SCHEDULE AND HOLD AN INFORMAL SETTLEMENT

15 CONFERENCE <<AS REQUIRED BY>> THE ORDER TO COMPEL THE INFORMAL

16 SETTLEMENT CONFERENCE, THE RESIDENTIAL PROPERTY AND SMALL CLAIMS

17 DIVISION SHALL SCHEDULE AN EXPEDITED DEFAULT HEARING.

18 (4) IF A LOCAL TAX COLLECTING UNIT HAS REQUESTED AN INFORMAL

19 SETTLEMENT CONFERENCE UNDER SUBSECTION (2), THE LOCAL TAX

20 COLLECTING UNIT SHALL SCHEDULE AND HOLD AN INFORMAL SETTLEMENT

21 CONFERENCE WITHIN 60 DAYS AFTER DELIVERY OF THE WRITTEN REQUEST TO

22 THE PETITIONER. THE INFORMAL SETTLEMENT CONFERENCE SHALL BE HELD

<<TELEPHONICALLY OR>> AT

23 THE OFFICES OF THE LOCAL TAX COLLECTING UNIT. A PETITIONER IS NOT

24 REQUIRED TO RESPOND TO THE LOCAL TAX COLLECTING UNIT'S REQUEST FOR

25 AN INFORMAL SETTLEMENT CONFERENCE OR TO ATTEND THE INFORMAL

26 SETTLEMENT CONFERENCE. IF A PETITIONER DOES NOT RESPOND TO THE

27 LOCAL TAX COLLECTING UNIT'S REQUEST FOR AN INFORMAL SETTLEMENT

1 CONFERENCE OR ATTEND THE INFORMAL SETTLEMENT CONFERENCE, THE
2 PETITIONER'S APPEAL SHALL CONTINUE AS PROVIDED IN THIS ACT.

3 (5) AT THE INFORMAL SETTLEMENT CONFERENCE, THE PETITIONER AND
4 THE LOCAL TAX COLLECTING UNIT MAY ENTER INTO A STIPULATION FOR
5 JUDGMENT. THE STIPULATION FOR JUDGMENT SHALL BE FILED WITH THE
6 RESIDENTIAL PROPERTY AND SMALL CLAIMS DIVISION. THE RESIDENTIAL
7 PROPERTY AND SMALL CLAIMS DIVISION SHALL REVIEW THE STIPULATION FOR
8 JUDGMENT TO DETERMINE IF THE STIPULATION FOR JUDGMENT SHALL BE
9 ADOPTED AS A FINAL ORDER. UPON A SHOWING OF GOOD CAUSE OR AT THE
10 RESIDENTIAL PROPERTY AND SMALL CLAIMS DIVISION'S DISCRETION, THE
11 RESIDENTIAL PROPERTY AND SMALL CLAIMS DIVISION MAY REJECT THE
12 PROPOSED STIPULATION FOR JUDGMENT.

13 (6) IF THE PETITIONER AND THE LOCAL TAX COLLECTING UNIT DO NOT
14 AGREE TO A STIPULATION FOR JUDGMENT OR IF THE RESIDENTIAL PROPERTY
15 AND SMALL CLAIMS DIVISION REJECTS THE PROPOSED STIPULATION FOR
16 JUDGMENT, THE PETITIONER'S APPEAL SHALL CONTINUE AS PROVIDED IN
17 THIS ACT.

18 (7) THIS SECTION DOES NOT APPLY TO THE DENIAL OF A CLAIM FOR
19 EXEMPTION OF A PRINCIPAL RESIDENCE UNDER SECTION 7CC(8) OR (11) OF
20 THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7CC.