

# SENATE BILL No. 89

January 27, 2011, Introduced by Senators ROCCA, GREEN, SCHUITMAKER and MARLEAU and referred to the Committee on Finance.

A bill to amend 1893 PA 206, entitled  
"The general property tax act,"  
by amending section 27 (MCL 211.27), as amended by 2010 PA 340.

**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 and mines, minerals, quarries, or other valuable deposits known to  
18 be available in the land and their value. In determining the true  
19 cash value of personal property owned by an electric utility  
20 cooperative, the assessor shall consider the number of kilowatt  
21 hours of electricity sold per mile of distribution line compared to  
22 the average number of kilowatt hours of electricity sold per mile  
23 of distribution line for all electric utilities.

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

1 the purpose of implementing this subsection, the assessor shall not  
2 increase the construction quality classification or reduce the  
3 effective age for depreciation purposes, except if the appraisal of  
4 the property was erroneous before nonconsideration of the normal  
5 repair, replacement, or maintenance, and shall not assign an  
6 economic condition factor to the property that differs from the  
7 economic condition factor assigned to similar properties as defined  
8 by appraisal procedures applied in the jurisdiction. The increase  
9 in value attributable to the items included in subdivisions (a) to  
10 (o) that is known to the assessor and excluded from true cash value  
11 shall be indicated on the assessment roll. This subsection applies  
12 only to residential property. The following repairs are considered  
13 normal maintenance if they are not part of a structural addition or  
14 completion:

15 (a) Outside painting.

16 (b) Repairing or replacing siding, roof, porches, steps,  
17 sidewalks, or drives.

18 (c) Repainting, repairing, or replacing existing masonry.

19 (d) Replacing awnings.

20 (e) Adding or replacing gutters and downspouts.

21 (f) Replacing storm windows or doors.

22 (g) Insulating or weatherstripping.

23 (h) Complete rewiring.

24 (i) Replacing plumbing and light fixtures.

25 (j) Replacing a furnace with a new furnace of the same type or  
26 replacing an oil or gas burner.

27 (k) Repairing plaster, inside painting, or other redecorating.

1 (l) New ceiling, wall, or floor surfacing.

2 (m) Removing partitions to enlarge rooms.

3 (n) Replacing an automatic hot water heater.

4 (o) Replacing dated interior woodwork.

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

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

17 (b) Amounts attributable to personal property that were  
18 included in the purchase price of the property in the last  
19 conveyance of the property.

20 (c) Amounts paid for surveying the property pursuant to the  
21 last conveyance of the property. The legislature may require local  
22 units of government, including school districts, to submit reports  
23 of revenue lost under subdivisions (a) and (b) and this subdivision  
24 so that the state may reimburse those units for that lost revenue.

25 (d) The purchaser of real property, including a purchaser by  
26 land contract, may file with the assessor of the city or township  
27 in which the property is located 2 copies of the purchase agreement

1 or of an affidavit that identifies the amount, if any, for each  
2 item listed in subdivisions (a) to (c). One copy shall be forwarded  
3 by the assessor to the county equalization department. The  
4 affidavit shall be prescribed by the state tax commission.

5 (4) As used in subsection (1), "present economic income" means  
6 for leased or rented property the ordinary, general, and usual  
7 economic return realized from the lease or rental of property  
8 negotiated under current, contemporary conditions between parties  
9 equally knowledgeable and familiar with real estate values. The  
10 actual income generated by the lease or rental of property is not  
11 the controlling indicator of its true cash value in all cases. This  
12 subsection does not apply to property subject to a lease entered  
13 into before January 1, 1984 for which the terms of the lease  
14 governing the rental rate or tax liability have not been  
15 renegotiated after December 31, 1983. This subsection does not  
16 apply to a nonprofit housing cooperative subject to regulatory  
17 agreements between the state or federal government entered into  
18 before January 1, 1984. As used in this subsection, "nonprofit  
19 cooperative housing corporation" means a nonprofit cooperative  
20 housing corporation that is engaged in providing housing services  
21 to its stockholders and members and that does not pay dividends or  
22 interest upon stock or membership investment but that does  
23 distribute all earnings to its stockholders or members.

24 (5) ~~Except as otherwise provided in subsection (6), the~~ **THE**  
25 purchase price paid in a transfer of property is ~~not~~ the  
26 presumptive true cash value of the property transferred. ~~In~~  
27 ~~determining the true cash value of transferred property, an~~

1 ~~assessing officer shall assess that property using the same~~  
2 ~~valuation method used to value all other property of that same~~  
3 ~~classification in the assessing jurisdiction. As used in this~~  
4 subsection and subsection (6), "purchase price" means the total  
5 consideration agreed to in an arms-length transaction and not at a  
6 forced sale paid by the purchaser of the property, stated in  
7 dollars, whether or not paid in dollars.

8 (6) The purchase price paid in a transfer of eligible  
9 nonprofit housing property from a charitable nonprofit housing  
10 organization to a low-income person that occurs after December 31,  
11 2010 is the presumptive true cash value of the eligible nonprofit  
12 housing property transferred. In the year immediately succeeding  
13 the year in which the transfer of eligible nonprofit housing  
14 property occurs and each year thereafter, the taxable value of the  
15 eligible nonprofit housing property shall be adjusted as provided  
16 under section 27a. As used in this subsection:

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

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

26 (c) "Family income" and "statewide median gross income" mean  
27 those terms as defined in section 11 of the state housing

1 development authority act of 1966, 1966 PA 346, MCL 125.1411.

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

7 (7) For purposes of a statement submitted under section 19,  
8 the true cash value of a standard tool is the net book value of  
9 that standard tool as of December 31 in each tax year as determined  
10 using generally accepted accounting principles in a manner  
11 consistent with the established depreciation method used by the  
12 person submitting that statement. The net book value of a standard  
13 tool for federal income tax purposes is not the presumptive true  
14 cash value of that standard tool. As used in this subsection,  
15 "standard tool" means that term as defined in section 9b.