

# SENATE BILL NO. 615

October 30, 2019, Introduced by Senators MCCANN, BULLOCK, IRWIN, POLEHANKI and WOJNO and referred to the Committee on Finance.

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7b and 53b (MCL 211.7b and 211.53b), section 7b as amended by 2013 PA 161 and section 53b as amended by 2017 PA 261.

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

1           Sec. 7b. (1) Real property used and owned as a homestead by a  
2 disabled veteran who was discharged from the ~~armed forces~~ **Armed**  
3 **Forces** of the United States under honorable conditions or by an

1 individual described in subsection (2) is exempt from the  
2 collection of taxes under this act. To obtain the exemption, **the**  
3 **property owner or his or her legal designee must file** an affidavit  
4 showing the facts required by this section and a description of the  
5 real property ~~shall be filed by the property owner or his or her~~  
6 ~~legal designee~~ with the supervisor or other assessing officer  
7 during the period beginning with the tax day for each year and  
8 ending at the time of the final adjournment of the local board of  
9 review. The affidavit when filed ~~shall be~~ **is** open to inspection.  
10 The county treasurer shall cancel taxes subject to collection under  
11 this act for any year in which a disabled veteran eligible for the  
12 exemption under this section has acquired title to real property  
13 exempt under this section. Upon granting the exemption under this  
14 section, each local taxing unit shall bear the loss of its portion  
15 of the taxes upon which the exemption has been granted.

16 (2) If a disabled veteran who is otherwise eligible for the  
17 exemption under this section dies, either before or after the  
18 exemption under this section is granted, the exemption ~~shall remain~~  
19 **remains** available to or ~~shall continue~~ **continues** for his or her  
20 unremarried surviving spouse. The surviving spouse shall comply  
21 with the requirements of subsection (1) and shall indicate on the  
22 affidavit that he or she is the surviving spouse of a disabled  
23 veteran entitled to the exemption under this section. The exemption  
24 ~~shall continue~~ **continues** as long as the surviving spouse remains  
25 unremarried.

26 (3) **A denial of a claim of exemption under this section may be**  
27 **appealed to the July or December board of review under section 53b**  
28 **in the year the exemption was claimed or the immediately succeeding**  
29 **3 years.**

1           (4) ~~(3)~~ As used in this section, "disabled veteran" means a  
 2 ~~person~~ **an individual** who is a resident of this state and who meets  
 3 1 of the following criteria:

4           (a) Has been determined by the United States ~~department~~  
 5 **Department** of ~~veterans affairs~~ **Veterans Affairs** to be permanently  
 6 and totally disabled as a result of military service and entitled  
 7 to veterans' benefits at the 100% rate.

8           (b) Has a certificate from the United States ~~veterans'~~  
 9 ~~administration, or its successors,~~ **Department of Veterans Affairs**  
 10 certifying that he or she is receiving or has received pecuniary  
 11 assistance due to disability for specially adapted housing.

12           (c) Has been rated by the United States ~~department~~ **Department**  
 13 of ~~veterans affairs~~ **Veterans Affairs** as individually unemployable.

14           Sec. 53b. (1) If there has been a qualified error, the  
 15 qualified error ~~shall~~ **must** be verified by the local assessing  
 16 officer and approved by the board of review. Except as otherwise  
 17 provided in subsection (7), the board of review shall meet for the  
 18 purposes of this section on Tuesday following the second Monday in  
 19 December and on Tuesday following the third Monday in July. If  
 20 approved, the board of review shall file an affidavit within 30  
 21 days relative to the qualified error with the proper officials and  
 22 all affected official records ~~shall~~ **must** be corrected. If the  
 23 qualified error results in an overpayment or underpayment, the  
 24 rebate, including any interest paid, ~~shall~~ **must** be made to the  
 25 taxpayer or the taxpayer ~~shall~~ **must** be notified and payment made  
 26 within 30 days of the notice. A rebate ~~shall~~ **must** be without  
 27 interest. The treasurer in possession of the appropriate tax roll  
 28 may deduct the rebate from the appropriate tax collecting unit's  
 29 subsequent distribution of taxes. The treasurer in possession of

1 the appropriate tax roll shall bill to the appropriate tax  
2 collecting unit the tax collecting unit's share of taxes rebated.  
3 Except as otherwise provided in subsection (6) and section 27a(4),  
4 a correction under this subsection may be made for the current year  
5 and the immediately preceding year only.

6 (2) Action pursuant to subsection (1) may be initiated by the  
7 taxpayer or the assessing officer.

8 (3) The board of review meeting in July and December shall  
9 meet only for the purpose described in subsection (1) and to hear  
10 appeals provided for in sections **7b**, 7u, 7cc, 7ee, and 7jj. If an  
11 exemption under section 7u is approved, the board of review shall  
12 file an affidavit with the proper officials involved in the  
13 assessment and collection of taxes and all affected official  
14 records ~~shall~~**must** be corrected. If an appeal under section **7b**,  
15 7cc, 7ee, or 7jj results in a determination that an overpayment has  
16 been made, the board of review shall file an affidavit and a rebate  
17 ~~shall~~**must** be made at the times and in the manner provided in  
18 subsection (1). Except as otherwise provided in sections **7b**, 7cc,  
19 7ee, and 7jj, a correction under this subsection ~~shall~~**may** be made  
20 for the year in which the appeal is made only. If the board of  
21 review approves an exemption or provides a rebate for property  
22 under section **7b**, 7cc, 7ee, or 7jj as provided in this subsection,  
23 the board of review shall require the owner to execute the  
24 affidavit provided for in section **7b**, 7cc, 7ee, or 7jj and shall  
25 forward a copy of any section 7cc affidavits to the department of  
26 treasury.

27 (4) If an exemption under section 7cc is approved by the board  
28 of review under this section, the provisions of section 7cc apply.  
29 If an exemption under section 7cc is not approved by the board of

1 review under this section, the owner may appeal that decision in  
 2 writing to the department of treasury within 35 days of the board  
 3 of review's denial and the appeal ~~shall~~**must** be conducted as  
 4 provided in section 7cc(8).

5 (5) An owner or assessor may appeal a decision of the board of  
 6 review under this section regarding an exemption under section 7ee  
 7 or 7jj to the residential and small claims division of the Michigan  
 8 tax tribunal. An owner is not required to pay the amount of tax in  
 9 dispute in order to receive a final determination of the  
 10 residential and small claims division of the Michigan tax tribunal.  
 11 However, interest and penalties, if any, ~~shall~~**will** accrue and be  
 12 computed based on interest and penalties that would have accrued  
 13 from the date the taxes were originally levied as if there had not  
 14 been an exemption.

15 (6) A correction under this section that approves ~~a principal~~  
 16 ~~residence exemption pursuant to section 7cc~~**either of the following**  
 17 **exemptions** may be made for the year in which the appeal was filed  
 18 and the 3 immediately preceding tax years: -

19 (a) **A principal residence exemption under section 7cc.**

20 (b) **A homestead exemption under section 7b.**

21 (7) The governing body of the city or township may authorize,  
 22 by adoption of an ordinance or resolution, 1 or more of the  
 23 following alternative meeting dates for the purposes of this  
 24 section:

25 (a) An alternative meeting date during the week of the second  
 26 Monday in December.

27 (b) An alternative meeting date during the week of the third  
 28 Monday in July.

29 (8) As used in this section, "qualified error" means 1 or more

1 of the following:

2 (a) A clerical error relative to the correct assessment  
3 figures, the rate of taxation, or the mathematical computation  
4 relating to the assessing of taxes.

5 (b) A mutual mistake of fact.

6 (c) An adjustment under section 27a(4) or an exemption under  
7 section 7hh(3) (b).

8 (d) An error of measurement or calculation of the physical  
9 dimensions or components of the real property being assessed.

10 (e) An error of omission or inclusion of a part of the real  
11 property being assessed.

12 (f) An error regarding the correct taxable status of the real  
13 property being assessed.

14 (g) An error made by the taxpayer in preparing the statement  
15 of assessable personal property under section 19.

16 (h) An error made in the denial of a claim of exemption for  
17 personal property under section 9o.