

# HOUSE BILL NO. 4851

August 28, 2019, Introduced by Rep. Hoytenga and referred to the Committee on Local Government and Municipal 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
- 4 individual described in subsection (2) is exempt from the



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1 collection of taxes under this act. To obtain the exemption, **the**  
 2 **property owner or his or her legal designee shall file** an affidavit  
 3 showing the facts required by this section and a description of the  
 4 real property ~~shall be filed by the property owner or his or her~~  
 5 ~~legal designee~~ with the supervisor or other assessing officer  
 6 during the period beginning with the tax day ~~for each year~~ and  
 7 ending at the time of the final adjournment of the local board of  
 8 review. The affidavit when filed ~~shall be~~ **is** open to inspection.  
 9 The county treasurer shall cancel taxes subject to collection under  
 10 this act for any year in which a disabled veteran eligible for the  
 11 exemption under this section has acquired title to real property  
 12 exempt under this section. ~~Upon granting the~~ **An exemption under**  
 13 **this section remains in effect until December 30 of the year in**  
 14 **which the property no longer qualifies for the exemption. If**  
 15 **property ceases to qualify for the exemption under this section,**  
 16 **the property owner or his or her legal designee shall, in a time**  
 17 **and manner prescribed by the state tax commission, notify the**  
 18 **supervisor or other assessing officer of the loss of exempt status.**  
 19 **While an** exemption under this section **is in effect**, each local  
 20 taxing unit shall bear the loss of its portion of the taxes upon  
 21 which the exemption has been granted.

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



1 ~~shall continue~~**continues** as long as the surviving spouse remains  
2 unremarried.

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

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

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

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

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



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

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

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

28 (4) If an exemption under section 7cc is approved by the board  
29 of review under this section, the provisions of section 7cc apply.



1 If an exemption under section 7cc is not approved by the board of  
 2 review under this section, the owner may appeal that decision in  
 3 writing to the department of treasury within 35 days of the board  
 4 of review's denial and the appeal ~~shall~~**must** be conducted as  
 5 provided in section 7cc(8).

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

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

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

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

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

28 (8) As used in this section, "qualified error" means 1 or more  
 29 of the following:



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

4 (b) A mutual mistake of fact.

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

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

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

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

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

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

17 **(i) An error made in the denial of a claim of exemption for a**  
18 **homestead under section 7b, or a failure to consider a claim of the**  
19 **exemption, resulting from the failure of a local tax collecting**  
20 **unit to process a timely and sufficient filing for the exemption**  
21 **under section 7b.**

