

**SUBSTITUTE FOR
SENATE BILL NO. 141**

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 7cc (MCL 211.7cc), as amended by 2008 PA 198.

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
10 of property may claim 1 exemption under this section by filing an

1 affidavit on or before May 1 with the local tax collecting unit in
2 which the property is located. **AN OWNER OF PROPERTY WHO IS ABSENT**
3 **FROM HIS OR HER PRINCIPAL RESIDENCE WHILE UNDER THE CARE OF HIS OR**
4 **HER MOTHER, FATHER, SISTER, BROTHER, SPOUSE, CHILD, STEPCHILD,**
5 **ADOPTED CHILD, GRANDCHILD, STEP-GRANDCHILD, OR ADOPTED GRANDCHILD**
6 **MAY CLAIM AN EXEMPTION UNDER THIS SECTION FOR HIS OR HER PRINCIPAL**
7 **RESIDENCE IF THAT PROPERTY IS NOT OCCUPIED, IS NOT LEASED, AND IS**
8 **NOT USED FOR ANY BUSINESS OR COMMERCIAL PURPOSE, IF THAT OWNER DOES**
9 **NOT CLAIM AN EXEMPTION FOR OTHER PROPERTY UNDER THIS SECTION, AND**
10 **IF THAT OWNER FILES THE AFFIDAVIT REQUIRED UNDER THIS SECTION.** The
11 affidavit shall state that the property is owned and occupied as a
12 principal residence by that owner of the property on the date that
13 the affidavit is signed. The affidavit shall be on a form
14 prescribed by the department of treasury. One copy of the affidavit
15 shall be retained by the owner, 1 copy shall be retained by the
16 local tax collecting unit until any appeal or audit period under
17 this act has expired, and 1 copy shall be forwarded to the
18 department of treasury pursuant to subsection (4), together with
19 all information submitted under subsection (26) for a cooperative
20 housing corporation. The affidavit shall require the owner claiming
21 the exemption to indicate if that owner or that owner's spouse has
22 claimed another exemption on property in this state that is not
23 rescinded or a substantially similar exemption, deduction, or
24 credit on property in another state that is not rescinded. If the
25 affidavit requires an owner to include a social security number,
26 that owner's number is subject to the disclosure restrictions in
27 1941 PA 122, MCL 205.1 to 205.31. If an owner of property filed an

1 affidavit for an exemption under this section before January 1,
2 2004, that affidavit shall be considered the affidavit required
3 under this subsection for a principal residence exemption and that
4 exemption shall remain in effect until rescinded as provided in
5 this section.

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

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

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

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

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

1 (e) That person has previously rescinded an exemption under
2 this section for the same property for which an exemption is now
3 claimed and there has not been a transfer of ownership of that
4 property after the previous exemption was rescinded, if either of
5 the following conditions is satisfied:

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

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

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

23 (5) Not more than 90 days after exempted property is no longer
24 used as a principal residence by the owner claiming an exemption,
25 that owner shall rescind the claim of exemption by filing with the
26 local tax collecting unit a rescission form prescribed by the
27 department of treasury. However, if an owner is eligible for and

1 claims an exemption for that owner's current principal residence,
2 that owner may retain an exemption for not more than 3 tax years on
3 property previously exempt as his or her principal residence if
4 that property is not occupied, is for sale, is not leased, and is
5 not used for any business or commercial purpose by filing a
6 conditional rescission form prescribed by the department of
7 treasury on or before May 1 with the local tax collecting unit.
8 Property is eligible for a conditional rescission if that property
9 is available for lease and all other conditions under this
10 subsection are met. A copy of the conditional rescission form shall
11 be forwarded to the department of treasury according to a schedule
12 prescribed by the department of treasury. An owner who files a
13 conditional rescission form shall annually verify to the assessor
14 of the local tax collecting unit on or before December 31 that the
15 property for which the principal residence exemption is retained is
16 not occupied, is for sale, is not leased, and is not used for any
17 business or commercial purpose. If an owner does not annually
18 verify by December 31 that the property for which the principal
19 residence exemption is retained is not occupied, is for sale, is
20 not leased, and is not used for any business or commercial purpose,
21 the assessor of the local tax collecting unit shall deny the
22 principal residence exemption on that property. If property subject
23 to a conditional rescission is leased, the local tax collecting
24 unit shall deny that conditional rescission and that denial is
25 retroactive and is effective on December 31 of the year immediately
26 preceding the year in which the property subject to the conditional
27 rescission is leased. An owner who fails to file a rescission as

1 required by this subsection is subject to a penalty of \$5.00 per
2 day for each separate failure beginning after the 90 days have
3 elapsed, up to a maximum of \$200.00. This penalty shall be
4 collected under 1941 PA 122, MCL 205.1 to 205.31, and shall be
5 deposited in the state school aid fund established in section 11 of
6 article IX of the state constitution of 1963. This penalty may be
7 waived by the department of treasury.

8 (6) Except as otherwise provided in subsection (5), if the
9 assessor of the local tax collecting unit believes that the
10 property for which an exemption is claimed is not the principal
11 residence of the owner claiming the exemption, the assessor may
12 deny a new or existing claim by notifying the owner and the
13 department of treasury in writing of the reason for the denial and
14 advising the owner that the denial may be appealed to the
15 residential and small claims division of the Michigan tax tribunal
16 within 35 days after the date of the notice. The assessor may deny
17 a claim for exemption for the current year and for the 3
18 immediately preceding calendar years. If the assessor denies an
19 existing claim for exemption, the assessor shall remove the
20 exemption of the property and, if the tax roll is in the local tax
21 collecting unit's possession, amend the tax roll to reflect the
22 denial and the local treasurer shall within 30 days of the date of
23 the denial issue a corrected tax bill for any additional taxes with
24 interest at the rate of 1.25% per month or fraction of a month and
25 penalties computed from the date the taxes were last payable
26 without interest or penalty. If the tax roll is in the county
27 treasurer's possession, the tax roll shall be amended to reflect

1 the denial and the county treasurer shall within 30 days of the
2 date of the denial prepare and submit a supplemental tax bill for
3 any additional taxes, together with interest at the rate of 1.25%
4 per month or fraction of a month and penalties computed from the
5 date the taxes were last payable without interest or penalty.
6 Interest on any tax set forth in a corrected or supplemental tax
7 bill shall again begin to accrue 60 days after the date the
8 corrected or supplemental tax bill is issued at the rate of 1.25%
9 per month or fraction of a month. Taxes levied in a corrected or
10 supplemental tax bill shall be returned as delinquent on the March
11 1 in the year immediately succeeding the year in which the
12 corrected or supplemental tax bill is issued. If the assessor
13 denies an existing claim for exemption, the interest due shall be
14 distributed as provided in subsection (23). However, if the
15 property has been transferred to a bona fide purchaser before
16 additional taxes were billed to the seller as a result of the
17 denial of a claim for exemption, the taxes, interest, and penalties
18 shall not be a lien on the property and shall not be billed to the
19 bona fide purchaser, and the local tax collecting unit if the local
20 tax collecting unit has possession of the tax roll or the county
21 treasurer if the county has possession of the tax roll shall notify
22 the department of treasury of the amount of tax due, interest, and
23 penalties through the date of that notification. The department of
24 treasury shall then assess the owner who claimed the exemption
25 under this section for the tax, interest, and penalties accruing as
26 a result of the denial of the claim for exemption, if any, as for
27 unpaid taxes provided under 1941 PA 122, MCL 205.1 to 205.31, and

1 shall deposit any tax or penalty collected into the state school
2 aid fund and shall distribute any interest collected as provided in
3 subsection (23). The denial shall be made on a form prescribed by
4 the department of treasury. If the property for which the assessor
5 has denied a claim for exemption under this subsection is located
6 in a county in which the county treasurer or the county
7 equalization director have elected to audit exemptions under
8 subsection (10), the assessor shall notify the county treasurer or
9 the county equalization director of the denial under this
10 subsection.

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

19 (8) The department of treasury shall determine if the property
20 is the principal residence of the owner claiming the exemption. The
21 department of treasury may review the validity of exemptions for
22 the current calendar year and for the 3 immediately preceding
23 calendar years. Except as otherwise provided in subsection (5), if
24 the department of treasury determines that the property is not the
25 principal residence of the owner claiming the exemption, the
26 department shall send a notice of that determination to the local
27 tax collecting unit and to the owner of the property claiming the

1 exemption, indicating that the claim for exemption is denied,
2 stating the reason for the denial, and advising the owner claiming
3 the exemption of the right to appeal the determination to the
4 department of treasury and what those rights of appeal are. The
5 department of treasury may issue a notice denying a claim if an
6 owner fails to respond within 30 days of receipt of a request for
7 information from that department. An owner may appeal the denial of
8 a claim of exemption to the department of treasury within 35 days
9 of receipt of the notice of denial. An appeal to the department of
10 treasury shall be conducted according to the provisions for an
11 informal conference in section 21 of 1941 PA 122, MCL 205.21.
12 Within 10 days after acknowledging an appeal of a denial of a claim
13 of exemption, the department of treasury shall notify the assessor
14 and the treasurer for the county in which the property is located
15 that an appeal has been filed. Upon receipt of a notice that the
16 department of treasury has denied a claim for exemption, the
17 assessor shall remove the exemption of the property and, if the tax
18 roll is in the local tax collecting unit's possession, amend the
19 tax roll to reflect the denial and the local treasurer shall within
20 30 days of the date of the denial issue a corrected tax bill for
21 any additional taxes with interest at the rate of 1.25% per month
22 or fraction of a month and penalties computed from the date the
23 taxes were last payable without interest and penalty. If the tax
24 roll is in the county treasurer's possession, the tax roll shall be
25 amended to reflect the denial and the county treasurer shall within
26 30 days of the date of the denial prepare and submit a supplemental
27 tax bill for any additional taxes, together with interest at the

1 rate of 1.25% per month or fraction of a month and penalties
2 computed from the date the taxes were last payable without interest
3 or 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 department
10 of treasury denies an existing claim for exemption, the interest
11 due shall be distributed as provided in subsection (23). However,
12 if the property has been transferred to a bona fide purchaser
13 before additional taxes were billed to the seller as a result of
14 the denial of a claim for exemption, the taxes, interest, and
15 penalties shall not be a lien on the property and shall not be
16 billed to the bona fide purchaser, and the local tax collecting
17 unit if the local tax collecting unit has possession of the tax
18 roll or the county treasurer if the county has possession of the
19 tax roll shall notify the department of treasury of the amount of
20 tax due and interest through the date of that notification. The
21 department of treasury shall then assess the owner who claimed the
22 exemption under this section for the tax and interest plus penalty
23 accruing as a result of the denial of the claim for exemption, if
24 any, as for unpaid taxes provided under 1941 PA 122, MCL 205.1 to
25 205.31, and shall deposit any tax or penalty collected into the
26 state school aid fund and shall distribute any interest collected
27 as provided in subsection (23).

1 (9) The department of treasury may enter into an agreement
2 regarding the implementation or administration of subsection (8)
3 with the assessor of any local tax collecting unit in a county that
4 has not elected to audit exemptions claimed under this section as
5 provided in subsection (10). The agreement may specify that for a
6 period of time, not to exceed 120 days, the department of treasury
7 will not deny an exemption identified by the department of treasury
8 in the list provided under subsection (11).

9 (10) A county may elect to audit the exemptions claimed under
10 this section in all local tax collecting units located in that
11 county as provided in this subsection. The election to audit
12 exemptions shall be made by the county treasurer, or by the county
13 equalization director with the concurrence by resolution of the
14 county board of commissioners. The initial election to audit
15 exemptions shall require an audit period of 2 years. Before 2009,
16 subsequent elections to audit exemptions shall be made every 2
17 years and shall require 2 annual audit periods. Beginning in 2009,
18 an election to audit exemptions shall be made every 5 years and
19 shall require 5 annual audit periods. An election to audit
20 exemptions shall be made by submitting an election to audit form to
21 the assessor of each local tax collecting unit in that county and
22 to the department of treasury not later than April 1 preceding the
23 October 1 in the year in which an election to audit is made. The
24 election to audit form required under this subsection shall be in a
25 form prescribed by the department of treasury. If a county elects
26 to audit the exemptions claimed under this section, the department
27 of treasury may continue to review the validity of exemptions as

1 provided in subsection (8). If a county does not elect to audit the
2 exemptions claimed under this section as provided in this
3 subsection, the department of treasury shall conduct an audit of
4 exemptions claimed under this section in the initial 2-year audit
5 period for each local tax collecting unit in that county unless the
6 department of treasury has entered into an agreement with the
7 assessor for that local tax collecting unit under subsection (9).

8 (11) If a county elects to audit the exemptions claimed under
9 this section as provided in subsection (10) and the county
10 treasurer or his or her designee or the county equalization
11 director or his or her designee believes that the property for
12 which an exemption is claimed is not the principal residence of the
13 owner claiming the exemption, the county treasurer or his or her
14 designee or the county equalization director or his or her designee
15 may, except as otherwise provided in subsection (5), deny an
16 existing claim by notifying the owner, the assessor of the local
17 tax collecting unit, and the department of treasury in writing of
18 the reason for the denial and advising the owner that the denial
19 may be appealed to the residential and small claims division of the
20 Michigan tax tribunal within 35 days after the date of the notice.
21 The county treasurer or his or her designee or the county
22 equalization director or his or her designee may deny a claim for
23 exemption for the current year and for the 3 immediately preceding
24 calendar years. If the county treasurer or his or her designee or
25 the county equalization director or his or her designee denies an
26 existing claim for exemption, the county treasurer or his or her
27 designee or the county equalization director or his or her designee

1 shall direct the assessor of the local tax collecting unit in which
2 the property is located to remove the exemption of the property
3 from the assessment roll and, if the tax roll is in the local tax
4 collecting unit's possession, direct the assessor of the local tax
5 collecting unit to amend the tax roll to reflect the denial and the
6 treasurer of the local tax collecting unit shall within 30 days of
7 the date of the denial issue a corrected tax bill for any
8 additional taxes with interest at the rate of 1.25% per month or
9 fraction of a month and penalties computed from the date the taxes
10 were last payable without interest and penalty. If the tax roll is
11 in the county treasurer's possession, the tax roll shall be amended
12 to reflect the denial and the county treasurer shall within 30 days
13 of the date of the denial prepare and submit a supplemental tax
14 bill for any additional taxes, together with interest at the rate
15 of 1.25% per month or fraction of a month and penalties computed
16 from the date the taxes were last payable without interest or
17 penalty. Interest on any tax set forth in a corrected or
18 supplemental tax bill shall again begin to accrue 60 days after the
19 date the corrected or supplemental tax bill is issued at the rate
20 of 1.25% per month or fraction of a month. Taxes levied in a
21 corrected or supplemental tax bill shall be returned as delinquent
22 on the March 1 in the year immediately succeeding the year in which
23 the corrected or supplemental tax bill is issued. If the county
24 treasurer or his or her designee or the county equalization
25 director or his or her designee denies an existing claim for
26 exemption, the interest due shall be distributed as provided in
27 subsection (23). However, if the property has been transferred to a

1 bona fide purchaser before additional taxes were billed to the
2 seller as a result of the denial of a claim for exemption, the
3 taxes, interest, and penalties shall not be a lien on the property
4 and shall not be billed to the bona fide purchaser, and the local
5 tax collecting unit if the local tax collecting unit has possession
6 of the tax roll or the county treasurer if the county has
7 possession of the tax roll shall notify the department of treasury
8 of the amount of tax due and interest through the date of that
9 notification. The department of treasury shall then assess the
10 owner who claimed the exemption under this section for the tax and
11 interest plus penalty accruing as a result of the denial of the
12 claim for exemption, if any, as for unpaid taxes provided under
13 1941 PA 122, MCL 205.1 to 205.31, and shall deposit any tax or
14 penalty collected into the state school aid fund and shall
15 distribute any interest collected as provided in subsection (23).
16 The department of treasury shall annually provide the county
17 treasurer or his or her designee or the county equalization
18 director or his or her designee a list of parcels of property
19 located in that county for which an exemption may be erroneously
20 claimed. The county treasurer or his or her designee or the county
21 equalization director or his or her designee shall forward copies
22 of the list provided by the department of treasury to each assessor
23 in each local tax collecting unit in that county within 10 days of
24 receiving the list.

25 (12) If a county elects to audit exemptions claimed under this
26 section as provided in subsection (10), the county treasurer or the
27 county equalization director may enter into an agreement with the

1 assessor of a local tax collecting unit in that county regarding
2 the implementation or administration of this section. The agreement
3 may specify that for a period of time, not to exceed 120 days, the
4 county will not deny an exemption identified by the department of
5 treasury in the list provided under subsection (11).

6 (13) An owner may appeal a denial by the assessor of the local
7 tax collecting unit under subsection (6), a final decision of the
8 department of treasury under subsection (8), or a denial by the
9 county treasurer or his or her designee or the county equalization
10 director or his or her designee under subsection (11) to the
11 residential and small claims division of the Michigan tax tribunal
12 within 35 days of that decision. An owner is not required to pay
13 the amount of tax in dispute in order to appeal a denial of a claim
14 of exemption to the department of treasury or to receive a final
15 determination of the residential and small claims division of the
16 Michigan tax tribunal. However, interest at the rate of 1.25% per
17 month or fraction of a month and penalties shall accrue and be
18 computed from the date the taxes were last payable without interest
19 and penalty. If the residential and small claims division of the
20 Michigan tax tribunal grants an owner's appeal of a denial and that
21 owner has paid the interest due as a result of a denial under
22 subsection (6), (8), or (11), the interest received after a
23 distribution was made under subsection (23) shall be refunded.

24 (14) For taxes levied after December 31, 2005, for each county
25 in which the county treasurer or the county equalization director
26 does not elect to audit the exemptions claimed under this section
27 as provided in subsection (10), the department of treasury shall

1 conduct an annual audit of exemptions claimed under this section
2 for the current calendar year.

3 (15) Except as otherwise provided in subsection (5), an
4 affidavit filed by an owner for the exemption under this section
5 rescinds all previous exemptions filed by that owner for any other
6 property. The department of treasury shall notify the assessor of
7 the local tax collecting unit in which the property for which a
8 previous exemption was claimed is located if the previous exemption
9 is rescinded by the subsequent affidavit. When an exemption is
10 rescinded, the assessor of the local tax collecting unit shall
11 remove the exemption effective December 31 of the year in which the
12 affidavit was filed that rescinded the exemption. For any year for
13 which the rescinded exemption has not been removed from the tax
14 roll, the exemption shall be denied as provided in this section.
15 However, interest and penalty shall not be imposed for a year for
16 which a rescission form has been timely filed under subsection (5).

17 (16) Except as otherwise provided in subsection (28), if the
18 principal residence is part of a unit in a multiple-unit dwelling
19 or a dwelling unit in a multiple-purpose structure, an owner shall
20 claim an exemption for only that portion of the total taxable value
21 of the property used as the principal residence of that owner in a
22 manner prescribed by the department of treasury. If a portion of a
23 parcel for which the owner claims an exemption is used for a
24 purpose other than as a principal residence, the owner shall claim
25 an exemption for only that portion of the taxable value of the
26 property used as the principal residence of that owner in a manner
27 prescribed by the department of treasury.

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

4 (18) The department of treasury shall make available the
5 affidavit forms and the forms to rescind an exemption, which may be
6 on the same form, to all city and township assessors, county
7 equalization officers, county registers of deeds, and closing
8 agents. A person who prepares a closing statement for the sale of
9 property shall provide affidavit and rescission forms to the buyer
10 and seller at the closing and, if requested by the buyer or seller
11 after execution by the buyer or seller, shall file the forms with
12 the local tax collecting unit in which the property is located. If
13 a closing statement preparer fails to provide exemption affidavit
14 and rescission forms to the buyer and seller, or fails to file the
15 affidavit and rescission forms with the local tax collecting unit
16 if requested by the buyer or seller, the buyer may appeal to the
17 department of treasury within 30 days of notice to the buyer that
18 an exemption was not recorded. If the department of treasury
19 determines that the buyer qualifies for the exemption, the
20 department of treasury shall notify the assessor of the local tax
21 collecting unit that the exemption is granted and the assessor of
22 the local tax collecting unit or, if the tax roll is in the
23 possession of the county treasurer, the county treasurer shall
24 correct the tax roll to reflect the exemption. This subsection does
25 not create a cause of action at law or in equity against a closing
26 statement preparer who fails to provide exemption affidavit and
27 rescission forms to a buyer and seller or who fails to file the

1 affidavit and rescission forms with the local tax collecting unit
2 when requested to do so by the buyer or seller.

3 (19) An owner who owned and occupied a principal residence on
4 May 1 for which the exemption was not on the tax roll may file an
5 appeal with the July board of review or December board of review in
6 the year for which the exemption was claimed or the immediately
7 succeeding 3 years. If an appeal of a claim for exemption that was
8 not on the tax roll is received not later than 5 days prior to the
9 date of the December board of review, the local tax collecting unit
10 shall convene a December board of review and consider the appeal
11 pursuant to this section and section 53b. For the 2008 tax year
12 only, an owner of property eligible for a conditional rescission
13 under subsection (5) who did not file a conditional rescission form
14 prescribed by the department of treasury with the local tax
15 collecting unit on or before May 1, 2008 may file an appeal with
16 the 2008 July board of review or 2008 December board of review to
17 claim a conditional rescission for the 2008 tax year.

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

1 (21) If granting the exemption under this section results in
2 an overpayment of the tax, a rebate, including any interest paid,
3 shall be made to the taxpayer by the local tax collecting unit if
4 the local tax collecting unit has possession of the tax roll or by
5 the county treasurer if the county has possession of the tax roll
6 within 30 days of the date the exemption is granted. The rebate
7 shall be without interest.

8 (22) If an exemption under this section is erroneously granted
9 for an affidavit filed before October 1, 2003, an owner may request
10 in writing that the department of treasury withdraw the exemption.
11 The request to withdraw the exemption shall be received not later
12 than November 1, 2003. If an owner requests that an exemption be
13 withdrawn, the department of treasury shall issue an order
14 notifying the local assessor that the exemption issued under this
15 section has been denied based on the owner's request. If an
16 exemption is withdrawn, the property that had been subject to that
17 exemption shall be immediately placed on the tax roll by the local
18 tax collecting unit if the local tax collecting unit has possession
19 of the tax roll or by the county treasurer if the county has
20 possession of the tax roll as though the exemption had not been
21 granted. A corrected tax bill shall be issued for the tax year
22 being adjusted by the local tax collecting unit if the local tax
23 collecting unit has possession of the tax roll or by the county
24 treasurer if the county has possession of the tax roll. Unless a
25 denial has been issued prior to July 1, 2003, if an owner requests
26 that an exemption under this section be withdrawn and that owner
27 pays the corrected tax bill issued under this subsection within 30

1 days after the corrected tax bill is issued, that owner is not
2 liable for any penalty or interest on the additional tax. An owner
3 who pays a corrected tax bill issued under this subsection more
4 than 30 days after the corrected tax bill is issued is liable for
5 the penalties and interest that would have accrued if the exemption
6 had not been granted from the date the taxes were originally
7 levied.

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

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

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

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

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

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

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

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

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

21 (c) If the county treasurer or his or her designee or the
22 county equalization director or his or her designee denies the
23 exemption under this section, as follows:

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

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

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

27 (24) Interest distributed under subsection (23) is subject to

1 the following conditions:

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

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

20 (25) Interest distributed under subsection (23) is in addition
21 to and shall not affect the levy or collection of the county
22 property tax administration fee established under this act.

23 (26) A cooperative housing corporation is entitled to a full
24 or partial exemption under this section for the tax year in which
25 the cooperative housing corporation files all of the following with
26 the local tax collecting unit in which the cooperative housing
27 corporation is located if filed on or before May 1:

1 (a) An affidavit form.

2 (b) A statement of the total number of units owned by the
3 cooperative housing corporation and occupied as the principal
4 residence of a tenant stockholder as of the date of the filing
5 under this subsection.

6 (c) A list that includes the name, address, and social
7 security number of each tenant stockholder of the cooperative
8 housing corporation occupying a unit in the cooperative housing
9 corporation as his or her principal residence as of the date of the
10 filing under this subsection.

11 (d) A statement of the total number of units of the
12 cooperative housing corporation on which an exemption under this
13 section was claimed and that were transferred in the tax year
14 immediately preceding the tax year in which the filing under this
15 section was made.

16 (27) Before May 1, 2004 and before May 1, 2005, the treasurer
17 of each county shall forward to the department of education a
18 statement of the taxable value of each school district and fraction
19 of a school district within the county for the preceding 4 calendar
20 years. This requirement is in addition to the requirement set forth
21 in section 151 of the state school aid act of 1979, 1979 PA 94, MCL
22 388.1751.

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

27 (a) Add all of the following:

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

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

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

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

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

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

18 (29) The owner claiming an exemption under this section for
19 property open and available as a bed and breakfast shall file an
20 affidavit claiming the exemption on or before May 1 with the local
21 tax collecting unit in which the property is located. The affidavit
22 shall be in a form prescribed by the department of treasury.

23 (30) As used in this section:

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

27 (i) Has 10 or fewer sleeping rooms, including sleeping rooms

1 occupied by the owner of the property, 1 or more of which are
2 available for rent to transient tenants.

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

4 (iii) Has a smoke detector in proper working order in each
5 sleeping room and a fire extinguisher in proper working order on
6 each floor.

7 (b) "Common area" includes, but is not limited to, a kitchen,
8 dining room, living room, fitness room, porch, hallway, laundry
9 room, or bathroom that is available for use by guests of a bed and
10 breakfast or, unless guests are specifically prohibited from access
11 to the area, an area that is used to provide a service to guests of
12 a bed and breakfast.