

HOUSE BILL No. 5935

March 9, 2010, Introduced by Reps. Kowall, Genetski, Ball, McMillin, Crawford, Horn, Haveman, Caul, Hansen and Bauer and referred to the Committee on Tax Policy.

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. The affidavit shall state that the
3 property is owned and occupied as a principal residence by that
4 owner of the property on the date that the affidavit is signed. The
5 affidavit shall be on a form prescribed by the department of
6 treasury. One copy of the affidavit shall be retained by the owner,
7 1 copy shall be retained by the local tax collecting unit until any
8 appeal or audit period under this act has expired, and 1 copy shall
9 be forwarded to the department of treasury pursuant to subsection
10 (4), together with all information submitted under subsection (26)
11 for a cooperative housing corporation. The affidavit shall require
12 the owner claiming the exemption to indicate if that owner or that
13 owner's spouse has claimed another exemption on property in this
14 state that is not rescinded or a substantially similar exemption,
15 deduction, or credit on property in another state that is not
16 rescinded. If the affidavit requires an owner to include a social
17 security number, that owner's number is subject to the disclosure
18 restrictions in 1941 PA 122, MCL 205.1 to 205.31. If an owner of
19 property filed an affidavit for an exemption under this section
20 before January 1, 2004, that affidavit shall be considered the
21 affidavit required under this subsection for a principal residence
22 exemption and that exemption shall remain in effect until rescinded
23 as provided in this section.

24 (3) Except as otherwise provided in subsection (5), a husband
25 and wife who are required to file or who do file a joint Michigan
26 income tax return are entitled to not more than 1 exemption under
27 this section. For taxes levied after December 31, 2002, a person is

1 not entitled to an exemption under this section if any of the
2 following conditions occur:

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5 rescinded.

6 (b) Subject to subdivision (a), that person or his or her
7 spouse owns property in a state other than this state for which
8 that person or his or her spouse claims an exemption, deduction, or
9 credit substantially similar to the exemption provided under this
10 section, unless that person and his or her spouse file separate
11 income tax returns.

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

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

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

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

26 (ii) That person has rescinded an exemption under this section
27 on other property, which exemption remains in effect for that tax

1 year, and there has not been a transfer of ownership of that
2 property.

3 (4) Upon receipt of an affidavit filed under subsection (2)
4 and unless the claim is denied under this section, the assessor
5 shall exempt the property from the collection of the tax levied by
6 a local school district for school operating purposes to the extent
7 provided under section 1211 of the revised school code, 1976 PA
8 451, MCL 380.1211, as provided in subsection (1) until December 31
9 of the year in which the property is transferred or, except as
10 otherwise provided in subsection (5), is no longer a principal
11 residence as defined in section 7dd. The local tax collecting unit
12 shall forward copies of affidavits to the department of treasury
13 according to a schedule prescribed by the department of treasury.

14 (5) Not more than 90 days after exempted property is no longer
15 used as a principal residence by the owner claiming an exemption,
16 that owner shall rescind the claim of exemption by filing with the
17 local tax collecting unit a rescission form prescribed by the
18 department of treasury. ~~However, if~~ **IF** an owner is eligible for and
19 claims an exemption for that owner's current principal residence,
20 that owner may retain an exemption for not more than 3 tax years on
21 property previously exempt as his or her principal residence if
22 that property is not occupied, is for sale, is not leased, and is
23 not used for any business or commercial purpose by filing a
24 conditional rescission form prescribed by the department of
25 treasury on or before May 1 with the local tax collecting unit. **IF**
26 **AN OWNER IS RESIDING IN AN ASSISTED LIVING FACILITY OR NURSING**
27 **HOME, THAT OWNER MAY RETAIN AN EXEMPTION ON PROPERTY PREVIOUSLY**

1 EXEMPT AS HIS OR HER PRINCIPAL RESIDENCE IF THAT PROPERTY IS NOT
2 OCCUPIED, IS NOT LEASED, AND IS NOT USED FOR ANY BUSINESS OR
3 COMMERCIAL PURPOSE BY FILING A CONDITIONAL RESCISSION FORM
4 PRESCRIBED BY THE DEPARTMENT OF TREASURY ON OR BEFORE MAY 1 WITH
5 THE LOCAL TAX COLLECTING UNIT. Property is eligible for a
6 conditional rescission if that property is available for lease and
7 all other conditions under this subsection are met. A copy of the
8 conditional rescission form shall be forwarded to the department of
9 treasury according to a schedule prescribed by the department of
10 treasury. An owner who files a conditional rescission form shall
11 annually verify to the assessor of the local tax collecting unit on
12 or before December 31 that the property for which the principal
13 residence exemption is retained is not occupied, is for sale, is
14 not leased, and is not used for any business or commercial purpose.
15 If an owner does not annually verify by December 31 that the
16 property for which the principal residence exemption is retained is
17 not occupied, is for sale, is not leased, and is not used for any
18 business or commercial purpose, the assessor of the local tax
19 collecting unit shall deny the principal residence exemption on
20 that property. If property subject to a conditional rescission is
21 leased, the local tax collecting unit shall deny that conditional
22 rescission and that denial is retroactive and is effective on
23 December 31 of the year immediately preceding the year in which the
24 property subject to the conditional rescission is leased. An owner
25 who fails to file a rescission as required by this subsection is
26 subject to a penalty of \$5.00 per day for each separate failure
27 beginning after the 90 days have elapsed, up to a maximum of

1 \$200.00. This penalty shall be collected under 1941 PA 122, MCL
2 205.1 to 205.31, and shall be deposited in the state school aid
3 fund established in section 11 of article IX of the state
4 constitution of 1963. This penalty may be waived by the department
5 of treasury.

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

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

1 subsection (23). The denial shall be made on a form prescribed by
2 the department of treasury. If the property for which the assessor
3 has denied a claim for exemption under this subsection is located
4 in a county in which the county treasurer or the county
5 equalization director have elected to audit exemptions under
6 subsection (10), the assessor shall notify the county treasurer or
7 the county equalization director of the denial under this
8 subsection.

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

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

1 the exemption of the right to appeal the determination to the
2 department of treasury and what those rights of appeal are. The
3 department of treasury may issue a notice denying a claim if an
4 owner fails to respond within 30 days of receipt of a request for
5 information from that department. An owner may appeal the denial of
6 a claim of exemption to the department of treasury within 35 days
7 of receipt of the notice of denial. An appeal to the department of
8 treasury shall be conducted according to the provisions for an
9 informal conference in section 21 of 1941 PA 122, MCL 205.21.

10 Within 10 days after acknowledging an appeal of a denial of a claim
11 of exemption, the department of treasury shall notify the assessor
12 and the treasurer for the county in which the property is located
13 that an appeal has been filed. Upon receipt of a notice that the
14 department of treasury has denied a claim for exemption, the
15 assessor shall remove the exemption of the property and, if the tax
16 roll is in the local tax collecting unit's possession, amend the
17 tax roll to reflect the denial and the local treasurer shall within
18 30 days of the date of the denial issue a corrected tax bill for
19 any additional taxes with interest at the rate of 1.25% per month
20 or fraction of a month and penalties computed from the date the
21 taxes were last payable without interest and penalty. If the tax
22 roll is in the county treasurer's possession, the tax roll shall be
23 amended to reflect the denial and the county treasurer shall within
24 30 days of the date of the denial prepare and submit a supplemental
25 tax bill for any additional taxes, together with interest at the
26 rate of 1.25% per month or fraction of a month and penalties
27 computed from the date the taxes were last payable without interest

1 or penalty. Interest on any tax set forth in a corrected or
2 supplemental tax bill shall again begin to accrue 60 days after the
3 date the corrected or supplemental tax bill is issued at the rate
4 of 1.25% per month or fraction of a month. Taxes levied in a
5 corrected or supplemental tax bill shall be returned as delinquent
6 on the March 1 in the year immediately succeeding the year in which
7 the corrected or supplemental tax bill is issued. If the department
8 of treasury denies an existing claim for exemption, the interest
9 due shall be distributed as provided in subsection (23). However,
10 if the property has been transferred to a bona fide purchaser
11 before additional taxes were billed to the seller as a result of
12 the denial of a claim for exemption, the taxes, interest, and
13 penalties shall not be a lien on the property and shall not be
14 billed to the bona fide purchaser, and the local tax collecting
15 unit if the local tax collecting unit has possession of the tax
16 roll or the county treasurer if the county has possession of the
17 tax roll shall notify the department of treasury of the amount of
18 tax due and interest through the date of that notification. The
19 department of treasury shall then assess the owner who claimed the
20 exemption under this section for the tax and interest plus penalty
21 accruing as a result of the denial of the claim for exemption, if
22 any, as for unpaid taxes provided under 1941 PA 122, MCL 205.1 to
23 205.31, and shall deposit any tax or penalty collected into the
24 state school aid fund and shall distribute any interest collected
25 as provided in subsection (23).

26 (9) The department of treasury may enter into an agreement
27 regarding the implementation or administration of subsection (8)

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

7 (10) A county may elect to audit the exemptions claimed under
8 this section in all local tax collecting units located in that
9 county as provided in this subsection. The election to audit
10 exemptions shall be made by the county treasurer, or by the county
11 equalization director with the concurrence by resolution of the
12 county board of commissioners. The initial election to audit
13 exemptions shall require an audit period of 2 years. Before 2009,
14 subsequent elections to audit exemptions shall be made every 2
15 years and shall require 2 annual audit periods. Beginning in 2009,
16 an election to audit exemptions shall be made every 5 years and
17 shall require 5 annual audit periods. An election to audit
18 exemptions shall be made by submitting an election to audit form to
19 the assessor of each local tax collecting unit in that county and
20 to the department of treasury not later than April 1 preceding the
21 October 1 in the year in which an election to audit is made. The
22 election to audit form required under this subsection shall be in a
23 form prescribed by the department of treasury. If a county elects
24 to audit the exemptions claimed under this section, the department
25 of treasury may continue to review the validity of exemptions as
26 provided in subsection (8). If a county does not elect to audit the
27 exemptions claimed under this section as provided in this

1 subsection, the department of treasury shall conduct an audit of
2 exemptions claimed under this section in the initial 2-year audit
3 period for each local tax collecting unit in that county unless the
4 department of treasury has entered into an agreement with the
5 assessor for that local tax collecting unit under subsection (9).

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

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

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

23 (12) If a county elects to audit exemptions claimed under this
24 section as provided in subsection (10), the county treasurer or the
25 county equalization director may enter into an agreement with the
26 assessor of a local tax collecting unit in that county regarding
27 the implementation or administration of this section. The agreement

1 may specify that for a period of time, not to exceed 120 days, the
2 county will not deny an exemption identified by the department of
3 treasury in the list provided under subsection (11).

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

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

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

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

26 (17) When a county register of deeds records a transfer of
27 ownership of a property, he or she shall notify the local tax

1 collecting unit in which the property is located of the transfer.

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

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

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

26 (21) If granting the exemption under this section results in
27 an overpayment of the tax, a rebate, including any interest paid,

1 shall be made to the taxpayer by the local tax collecting unit if
2 the local tax collecting unit has possession of the tax roll or by
3 the county treasurer if the county has possession of the tax roll
4 within 30 days of the date the exemption is granted. The rebate
5 shall be without interest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (24) Interest distributed under subsection (23) is subject to
26 the following conditions:

27 (a) Interest distributed to a county shall be deposited into a

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

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

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

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

26 (a) An affidavit form.

27 (b) A statement of the total number of units owned by the

1 cooperative housing corporation and occupied as the principal
2 residence of a tenant stockholder as of the date of the filing
3 under this subsection.

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

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

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

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

25 (a) Add all of the following:

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

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

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

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

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

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

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

21 (30) As used in this section:

22 (A) **"ASSISTED LIVING FACILITY" MEANS A LICENSED ADULT FOSTER**
23 **CARE FACILITY OR HOME FOR THE AGED.**

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