

HOUSE BILL No. 4985

September 19, 2017, Introduced by Reps. Maturen, Griffin, Hughes and Howell and referred to the Committee on Tax Policy.

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 2016 PA 108.

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 of the
3 United States under honorable conditions or by an individual
4 described in subsection (2) is exempt from the collection of taxes
5 under this act. To obtain the exemption, **THE PROPERTY OWNER OR HIS**
6 **OR HER LEGAL DESIGNEE SHALL FILE** an affidavit showing the facts
7 required by this section and a description of the real property

1 ~~shall be filed by the property owner or his or her legal designee~~
2 with the supervisor or other assessing officer during the period
3 beginning with the tax day for each year **IN WHICH THE EXEMPTION IS**
4 **CLAIMED** and ending ~~at the time of the final adjournment of the~~
5 ~~local board of review.~~ **ON DECEMBER 1 OF EACH YEAR IN WHICH THE**
6 **EXEMPTION IS CLAIMED. IF THE AFFIDAVIT IS TIMELY FILED, THE**
7 **SUPERVISOR OR OTHER ASSESSING OFFICER SHALL REVIEW THE AFFIDAVIT**
8 **AND DETERMINE WHETHER THE REQUIREMENTS OF THIS SECTION ARE MET. IF**
9 **THE REQUIREMENTS ARE MET, THE SUPERVISOR OR OTHER ASSESSING OFFICER**
10 **SHALL GRANT THE EXEMPTION.** The affidavit when filed shall be open
11 to inspection. The county treasurer shall cancel taxes subject to
12 collection under this act for any year in which a disabled veteran
13 eligible for the exemption under this section has acquired title to
14 real property exempt under this section. Upon granting the
15 exemption under this section, each local taxing unit shall bear the
16 loss of its portion of the taxes upon which the exemption has been
17 granted. **AN ELIGIBILITY DETERMINATION OF A SUPERVISOR OR OTHER**
18 **ASSESSING OFFICER UNDER THIS SECTION MAY BE APPEALED TO THE BOARD**
19 **OF REVIEW AT ANY MEETING OF THE BOARD OF REVIEW DURING THE YEAR IN**
20 **WHICH THE EXEMPTION UNDER THIS SECTION IS CLAIMED.**

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

1 veteran entitled to the exemption under this section. The exemption
2 ~~shall continue~~ **CONTINUES** as long as the surviving spouse remains
3 unremarried.

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

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

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

15 (c) Has been rated by the United States ~~department of veterans~~
16 ~~affairs~~ **DEPARTMENT OF VETERANS AFFAIRS** as individually
17 unemployable.

18 Sec. 53b. (1) If there has been a qualified error, the
19 qualified error shall be verified by the local assessing officer
20 and approved by the board of review. Except as otherwise provided
21 in subsection (9), the board of review shall meet for the purposes
22 of this section on Tuesday following the second Monday in December
23 and on Tuesday following the third Monday in July. If approved, the
24 board of review shall file an affidavit within 30 days relative to
25 the qualified error with the proper officials and all affected
26 official records shall be corrected. If the qualified error results
27 in an overpayment or underpayment, the rebate, including any

1 interest paid, shall be made to the taxpayer or the taxpayer shall
2 be notified and payment made within 30 days of the notice. A rebate
3 shall be without interest. The treasurer in possession of the
4 appropriate tax roll may deduct the rebate from the appropriate tax
5 collecting unit's subsequent distribution of taxes. The treasurer
6 in possession of the appropriate tax roll shall bill to the
7 appropriate tax collecting unit the tax collecting unit's share of
8 taxes rebated. Except as otherwise provided in subsections (6) and
9 (8) and section 27a(4), a correction under this subsection may be
10 made for the current year and the immediately preceding year only.

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

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

1 of review shall require the owner to execute the affidavit provided
2 for in section 7cc, 7ee, or 7jj and shall forward a copy of any
3 section 7cc affidavits to the department of treasury.

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

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

21 (6) A correction under this section that approves a principal
22 residence exemption pursuant to section 7cc may be made for the
23 year in which the appeal was filed and the 3 immediately preceding
24 tax years.

25 (7) For the appeal of a denial of a claim of exemption for
26 personal property under section 9o, if an exemption is approved,
27 the board of review shall remove the personal property from the

1 assessment roll.

2 (8) If an exemption for personal property under section 9o is
3 approved, the board of review shall file an affidavit with the
4 proper officials involved in the assessment and collection of taxes
5 and all affected official records shall be corrected. If the board
6 of review does not approve an exemption under section 9o, the
7 person claiming the exemption for that personal property may appeal
8 that decision in writing to the Michigan tax tribunal. A correction
9 under this subsection that approves an exemption under section 9o
10 may be made for the year in which the appeal was filed and the
11 immediately preceding 3 tax years.

12 (9) The governing body of the city or township may authorize,
13 by adoption of an ordinance or resolution, 1 or more of the
14 following alternative meeting dates for the purposes of this
15 section:

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

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

20 (10) As used in this section, "qualified error" means 1 or
21 more of the following:

22 (a) A clerical error relative to the correct assessment
23 figures, the rate of taxation, or the mathematical computation
24 relating to the assessing of taxes.

25 (b) A mutual mistake of fact.

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

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

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

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

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

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