

**SUBSTITUTE FOR
SENATE BILL NO. 272**

A bill to amend 1973 PA 186, entitled
"Tax tribunal act,"
by amending section 62 (MCL 205.762), as amended by 2008 PA 128.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 62. (1) The residential property and small claims
2 division created in section 61 has jurisdiction over a proceeding,
3 otherwise cognizable by the tribunal, in which residential property
4 is exclusively involved. Property other than residential property
5 may be included in a proceeding before the residential property and
6 small claims division if the amount of that property's taxable
7 value or state equalized valuation in dispute is not more than
8 \$100,000.00. The residential property and small claims division
9 also has jurisdiction over a proceeding involving an appeal of any

1 other tax over which the tribunal has jurisdiction if the amount of
 2 the tax in dispute is \$20,000.00 or less, adjusted annually by the
 3 inflation rate. As used in this subsection, "inflation rate" means
 4 the ratio of the general price level for the state fiscal year
 5 ending in the calendar year immediately preceding the current year
 6 divided by the general price level for the state fiscal year ending
 7 in the calendar year before the year immediately preceding the
 8 current year.

9 (2) A person or legal entity entitled to proceed under section
 10 31, and whose proceeding meets the jurisdictional requirements of
 11 subsection (1), may elect to proceed before either the residential
 12 property and small claims division or the entire tribunal. A formal
 13 record of residential property and small claims division
 14 proceedings is not required. Within 20 days after a hearing officer
 15 or referee issues a proposed order, a party may file exceptions to
 16 the proposed order. The tribunal shall review the exceptions to
 17 determine if the proposed order ~~shall~~**should** be adopted as a final
 18 order. Upon a showing of good cause or at the tribunal's
 19 discretion, the tribunal may modify the proposed order and issue a
 20 final order or hold a rehearing by a tribunal member. A rehearing
 21 is not limited to the evidence presented before the hearing officer
 22 or referee.

23 (3) ~~Except as otherwise provided in this subsection, the~~**The**
 24 residential property and small claims division **may conduct hearings**
 25 **and rehearings telephonically, by videoconferencing, or in person.**
 26 **For in-person hearings, the tribunal** shall meet in the county in
 27 which the property in question is located or in a county contiguous
 28 to the county in which the property in question is located. A
 29 petitioner-appellant ~~shall~~**must** not be required to travel more than

1 100 miles from the location of the property in question to the **in-**
 2 **person** hearing site, except that ~~a~~**an in-person** rehearing by a
 3 tribunal member ~~shall~~**must** be at a site determined by the tribunal.
 4 ~~By leave of the tribunal and with the mutual consent of all~~
 5 ~~parties, a residential property and small claims division~~
 6 ~~proceeding~~**Upon request by 1 of the parties, an in-person hearing**
 7 may take place at a location mutually agreed upon by all parties.
 8 ~~or may take place by the use of amplified telephonic or video~~
 9 ~~conferencing equipment.~~

10 (4) The tribunal shall make a short form for the simplified
 11 filing of residential property and small claims appeals.

12 (5) In a proceeding before the residential property and small
 13 claims division for property other than residential property, if
 14 the amount of taxable value or state equalized valuation in dispute
 15 is greater than \$20,000.00, or in nonproperty matters if the amount
 16 in dispute is greater than \$1,000.00, the filing fee is the amount
 17 that would have been paid if the proceeding was brought before the
 18 entire tribunal and not the residential property and small claims
 19 division.

20 (6) As used in this chapter, "residential property" means any
 21 of the following:

22 (a) Real property exempt under section 7cc of the general
 23 property tax act, 1893 PA 206, MCL 211.7cc.

24 (b) Real property classified as residential real property
 25 under section 34c of the general property tax act, 1893 PA 206, MCL
 26 211.34c.

27 (c) Real property with ~~less~~**fewer** than 4 rental units.

28 (d) Real property classified as agricultural real property
 29 under section 34c of the general property tax act, 1893 PA 206, MCL

1 211.34c.