



HOUSE BILL No. 5884

November 10, 1994 Introduced by Reps Willard, Rivers Gire Martinez Barns and Olshove and referred to the Committee on Taxation

A bill to amend section 44 of Act No 206 of the Public Acts of 1893, entitled as amended

The general property tax act
as amended by Act No 124 of the Public Acts of 1989, being section 211 44 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 44 of Act No 206 of the Public Acts of
2 1893, as amended by Act No 124 of the Public Acts of 1989, being
3 section 211 44 of the Michigan Compiled Laws, is amended to read
4 as follows

5 Sec 44 (1) Upon receipt of the tax roll the township
6 treasurer or other collector shall proceed to collect the taxes
7 The township treasurer or other collector shall mail to each
8 taxpayer at the taxpayer s last known address on the tax roll or
9 to the taxpayer s designated agent a statement showing the

1 description of the property against which the tax is levied the
2 assessed valuation of the property and the amount of the tax on
3 the property The tax statement shall set forth the state equal-
4 ized valuation THE TAX STATEMENT SHALL ALSO INCLUDE A NOTICE OF
5 THE PROVISIONS OF SECTION 27 AND A NOTICE OF THE AVAILABILITY OF
6 THE CREDIT UNDER CHAPTER 9 OF THE INCOME TAX ACT OF 1967 ACT
7 NO 281 OF THE PUBLIC ACTS OF 1967 BEING SECTIONS 206 501 TO
8 206 532 OF THE MICHIGAN COMPILED LAWS If a tax statement is
9 mailed to the taxpayer, a tax statement sent to a taxpayer s des-
10 ignated agent may be in a summary form or may be in an electronic
11 data processing format If the tax statement information is pro-
12 vided to both a taxpayer and the taxpayer's designated agent the
13 tax statement mailed to the taxpayer may be identified as an
14 informational copy A township treasurer or other collector
15 electing to send a tax statement to a taxpayer s designated agent
16 or electing not to include an itemization in the manner described
17 in subsection (9)(c) in a tax statement mailed to the taxpayer
18 shall upon request mail a detailed copy of the tax statement
19 including an itemization of the amount of tax in the manner
20 described by subsection (9)(c), to the taxpayer without charge,
21 as previously required by this section

22 (2) The expense of preparing and mailing the statement shall
23 be paid from the count/ township city, or village funds
24 Failure to send or receive the notice ~~shall~~ DOES not prejudice
25 the right to collect or enforce the payment of the tax The
26 township treasurer shall remain in the office of the township
27 treasurer at some convenient place in the township on each Friday

1 in the month of December from 9 a m to 5 p m to receive taxes
2 but shall receive taxes upon a weekday when they are offered
3 However, if a Friday in the month of December is Christmas eve,
4 Christmas day New Year s eve, or a day designated by the town-
5 ship as a holiday for township employees the township treasurer
6 shall not be required to remain in the office of the township
7 treasurer on that Friday but shall remain in the office of the
8 township treasurer at some convenient place in the township from
9 9 a m to 5 p m on the day most immediately preceding that
10 Friday, which day is not Christmas eve, Christmas day New Year s
11 eve or a day designated by the township as a holiday for town-
12 ship employees to receive taxes

13 (3) Except as provided by subsection (7) on a sum volun-
14 tarily paid before February 15 of the succeeding year the local
15 property tax collecting unit shall add 1% for a property tax
16 administration fee However, unless otherwise provided for by an
17 agreement between the assessing unit and the collecting unit if
18 a local property tax collecting unit other than a village does
19 not also serve as the local assessing unit the excess of the
20 amount of property tax administration fees over the expense to
21 the local property tax collecting unit in collecting the taxes
22 but not less than 80% of the fee imposed shall be returned to
23 the local assessing unit A property tax administration fee is
24 defined as a fee to offset costs incurred by a collecting unit in
25 assessing property values, collecting the property tax levies,
26 and in the review and appeal processes The costs of any
27 appeals in excess of funds available from the property tax

1 administration fee may be shared by any taxing unit only if
 2 approved by the governing body of the taxing unit Except as
 3 provided by subsection (7), on all taxes paid after February 14
 4 and before March 1 the governing body of a city or township may
 5 authorize the treasurer to add to the tax a property tax adminis-
 6 tration fee to the extent imposed on taxes paid before February
 7 15 and a late penalty charge equal to 3% of the tax Interest
 8 from February 15 to the last day of February on a summer property
 9 tax that has been deferred pursuant to section 51 or any late
 10 penalty charge may be waived by the governing body of a city or
 11 township for the homestead property of a senior citizen, paraple-
 12 gic, quadriplegic eligible serviceperson, eligible veteran, eli-
 13 gible widow or widower, totally and permanently disabled person,
 14 or blind person, as those persons are defined in chapter 9 of the
 15 income tax act of 1967, Act No 281 of the Public Acts of 1967,
 16 as amended, being sections 206 501 to 206 532 of the Michigan
 17 Compiled Laws, if the person makes a claim before February 15 for
 18 a credit for that property provided by chapter 9 of Act No 281
 19 of the Public Acts of 1967, as amended, if the person presents a
 20 copy of the form filed for that credit to the local treasurer
 21 and if the person has not received the credit before
 22 February 15 Interest from February 15 to the last day of
 23 February on a summer property tax that has been deferred under
 24 section 51 or any late penalty charge may be waived by the gov-
 25 erning body of a city or township for ~~the~~ A PERSON S property
 26 ~~of a person, which property~~ THAT is subject to a farmland
 27 development rights agreement recorded with the register of deeds

1 of the county in which the property is situated as provided in
2 section 5 of the farmland and open space preservation act Act
3 No 116 of the Public Acts of 1974 being section 554 705 of the
4 Michigan Compiled Laws, if the person presents a copy of the
5 development rights agreement or verification that the property is
6 subject to a development rights agreement before February 15 A
7 4% county property tax administration fee, a property tax admin-
8 istration fee to the extent imposed on and if authorized pursuant
9 to subsection (7) for taxes paid before March 1, and interest on
10 the tax at the rate of 1% per month shall be added to taxes col-
11 lected by the township or city treasurer after the last day of
12 February and before settlement with the county treasurer which
13 payment shall be treated as though collected by the county
14 treasurer If the statements required to be mailed by this sec-
15 tion are not mailed before December 31, the treasurer shall not
16 impose a late penalty charge with respect to taxes collected
17 after February 14

18 (4) The governing body of a local property tax collecting
19 unit may waive all or part of the property tax administration fee
20 or the late penalty charge, or both A property tax administra-
21 tion fee collected by the township treasurer shall be used only
22 for the purposes for which it may be collected as specified by
23 subsection (3) and this subsection ~~when~~ IF the bond of the
24 treasurer as provided in section 43, is furnished by a surety
25 company, the cost of the bond may be paid by the township from
26 the property tax administration fee

1 (5) If apprehensive of the loss of personal tax assessed
2 upon the roll the township treasurer may enforce collection of
3 the tax at any time and if compelled to seize property or bring
4 an action in December may add, if authorized pursuant to
5 subsection (7), 1% for a property tax administration fee and 3-
6 for a late penalty charge

7 (6) Along with taxes returned delinquent to a county trea-
8 surer pursuant to section 55, the amount of the 1% property tax
9 administration fee prescribed by subsection (3) that is imposed
10 and not paid shall be included in the return of delinquent taxes
11 and, when delinquent taxes are distributed by the county trea-
12 surer pursuant to this act, the delinquent 1% property tax admin-
13 istration fee shall be distributed to the treasurer of the local
14 unit who transmitted the statement of taxes returned as
15 delinquent Interest imposed upon delinquent property taxes pur-
16 suant to this act shall also be imposed upon the 1% property tax
17 administration fee and for purposes of this act other than to
18 which local unit the county treasurer shall distribute a delin-
19 quent 1% property tax administration fee any reference to delin-
20 quent taxes shall be considered to include the 1% property tax
21 administration fee returned as delinquent for the same property
22 ~~This subsection shall apply to property tax administration fees~~
23 ~~imposed upon property taxes that become a lien in 1983 or any~~
24 ~~year thereafter~~

25 (7) ~~For levies that become a lien in 1983 or any year~~
26 ~~thereafter, the~~ THE local property tax collecting treasurer
27 shall not impose a property tax administration fee, collection

1 fee or any type of late penalty charge authorized by law or
 2 charter unless the governing body of the local property tax col-
 3 lecting unit approves, by resolution or ordinance adopted after
 4 December 31, 1982, an authorization for the imposition of a prop-
 5 erty tax administration fee, collection fee, or any type of late
 6 penalty charge provided for by this section or by charter, which
 7 authorization shall be valid for all levies that become a lien
 8 after the resolution or ordinance is adopted. However, unless
 9 otherwise provided for by an agreement between the assessing unit
 10 and the collecting unit, a local property tax collecting unit
 11 that does not also serve as the assessing unit shall impose a
 12 property tax administration fee on each parcel at a rate equal to
 13 the rate of the fee imposed for city or township taxes on that
 14 parcel.

15 (8) The annual statement required by Act No 125 of the
 16 Public Acts of 1966 being sections 565 161 to ~~565 163~~ 565 164
 17 of the Michigan Compiled Laws or a monthly billing form or mort-
 18 gage passbook provided ~~in lieu~~ INSTEAD of that annual state-
 19 ment shall include a statement to the effect that a taxpayer who
 20 has not been mailed the tax statement or a copy of the tax state-
 21 ment by the township treasurer or other collector shall receive
 22 upon request and without charge a copy of the tax statement from
 23 the township treasurer or other collector or, if the tax state-
 24 ment has been mailed to the taxpayer's designated agent, from
 25 either the taxpayer's designated agent or the township treasurer
 26 or other collector. A designated agent who is subject to Act
 27 No 125 of the Public Acts of 1966 and who has been mailed the

1 tax statement for taxes that became a lien in the calendar year
2 immediately preceding the year in which the annual statement may
3 be required to be furnished shall mail, upon the request of and
4 without charge to a taxpayer who has not been mailed that tax
5 statement or a copy of that tax statement, a copy of that tax
6 statement to that taxpayer

7 (9) As used in this section

8 (a) 'Designated agent' means an individual, partnership,
9 association, corporation, receiver, estate, trust, or other legal
10 entity that has entered into an escrow account agreement or other
11 agreement with the taxpayer ~~which agreement~~ THAT obligates that
12 individual or legal entity to pay the property taxes for the tax-
13 payer or, if an agreement has not been entered into, that has
14 been designated by the taxpayer on a form made available to the
15 taxpayer by the township treasurer and filed with that
16 treasurer The designation by the taxpayer shall remain in
17 effect until revoked by the taxpayer in a writing filed with the
18 township treasurer The form made available by the township
19 treasurer shall include a statement that submission of the form
20 allows the treasurer to mail the tax statement to the designated
21 agent instead of to the taxpayer and a statement notifying the
22 taxpayer of his or her right to revoke the designation by a writ-
23 ing filed with the township treasurer

24 (b) "Taxpayer" means the owner of the property upon which
25 the tax is imposed

26 (c) When describing in subsection (1) that the amount of tax
27 on the property must be shown in the tax statement, amount of

1 tax means an itemization by dollar amount of each of the several
2 ad valorem property taxes and special assessments that a person
3 may pay pursuant to section 53 and an itemization by millage
4 rate, on either the tax statement or a separate form accompanying
5 the tax statement, of each of the several ad valorem property
6 taxes that a person may pay pursuant to section 53 The township
7 treasurer or other collector may replace the itemization
8 described in this subdivision with a statement informing the tax-
9 payer that the itemization of the dollar amount and millage rate
10 of the taxes is available without charge from the local property
11 tax collecting unit ~~This subdivision shall not apply for tax~~
12 ~~statements for taxes that become a lien in 1983~~