

HOUSE BILL No. 4981

September 15, 2011, Introduced by Rep. Genetski 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 2010 PA 17.

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
11 affidavit on or before May 1 with the local tax collecting unit in

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13 state that is not rescinded or a substantially similar exemption,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15 rescinded.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21 exemption and that exemption shall remain in effect until rescinded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

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

1 following conditions occur:

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4 rescinded.

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

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

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

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

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

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

1 property.

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

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

1 OCCUPIED, IS NOT LEASED, AND IS NOT USED FOR ANY BUSINESS OR
2 COMMERCIAL PURPOSE BY FILING A CONDITIONAL RESCISSION FORM
3 PRESCRIBED BY THE DEPARTMENT OF TREASURY ON OR BEFORE MAY 1 WITH
4 THE LOCAL TAX COLLECTING UNIT. Property is eligible for a
5 conditional rescission if that property is available for lease and
6 all other conditions under this subsection are met. A copy of the
7 conditional rescission form shall be forwarded to the department of
8 treasury according to a schedule prescribed by the department of
9 treasury. An owner who files a conditional rescission form shall
10 annually verify to the assessor of the local tax collecting unit on
11 or before December 31 that the property for which the principal
12 residence exemption is retained is not occupied, is for sale, is
13 not leased, and is not used for any business or commercial purpose.
14 If an owner does not annually verify by 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, the assessor of the local tax
18 collecting unit shall deny the principal residence exemption on
19 that property. If property subject to a conditional rescission is
20 leased, the local tax collecting unit shall deny that conditional
21 rescission and that denial is retroactive and is effective on
22 December 31 of the year immediately preceding the year in which the
23 property subject to the conditional rescission is leased. An owner
24 who fails to file a rescission as required by this subsection is
25 subject to a penalty of \$5.00 per day for each separate failure
26 beginning after the 90 days have elapsed, up to a maximum of
27 \$200.00. This penalty shall be collected under 1941 PA 122, MCL

1 205.1 to 205.31, and shall be deposited in the state school aid
2 fund established in section 11 of article IX of the state
3 constitution of 1963. This penalty may be waived by the department
4 of treasury.

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

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

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

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

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

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

1 supplemental tax bill shall again begin to accrue 60 days after the
2 date the corrected or supplemental tax bill is issued at the rate
3 of 1.25% per month or fraction of a month. The department of
4 treasury may waive interest on any tax set forth in a corrected or
5 supplemental tax bill for the current tax year and the immediately
6 preceding 3 tax years if the assessor of the local tax collecting
7 unit files with the department of treasury a sworn affidavit in a
8 form prescribed by the department of treasury stating that the tax
9 set forth in the corrected or supplemental tax bill is a result of
10 the assessor's classification error or other error or the
11 assessor's failure to rescind the exemption after the owner
12 requested in writing that the exemption be rescinded. Taxes levied
13 in a corrected or supplemental tax bill shall be returned as
14 delinquent on the March 1 in the year immediately succeeding the
15 year in which the corrected or supplemental tax bill is issued. If
16 the department of treasury denies an existing claim for exemption,
17 the interest due shall be distributed as provided in subsection
18 (23). However, if the property has been transferred to a bona fide
19 purchaser before additional taxes were billed to the seller as a
20 result of the denial of a claim for exemption, the taxes, interest,
21 and penalties shall not be a lien on the property and shall not be
22 billed to the bona fide purchaser, and the local tax collecting
23 unit if the local tax collecting unit has possession of the tax
24 roll or the county treasurer if the county has possession of the
25 tax roll shall notify the department of treasury of the amount of
26 tax due and interest through the date of that notification. The
27 department of treasury shall then assess the owner who claimed the

1 exemption under this section for the tax and interest plus penalty
2 accruing as a result of the denial of the claim for exemption, if
3 any, as for unpaid taxes provided under 1941 PA 122, MCL 205.1 to
4 205.31, and shall deposit any tax or penalty collected into the
5 state school aid fund and shall distribute any interest collected
6 as provided in subsection (23).

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

15 (10) A county may elect to audit the exemptions claimed under
16 this section in all local tax collecting units located in that
17 county as provided in this subsection. The election to audit
18 exemptions shall be made by the county treasurer, or by the county
19 equalization director with the concurrence by resolution of the
20 county board of commissioners. The initial election to audit
21 exemptions shall require an audit period of 2 years. Before 2009,
22 subsequent elections to audit exemptions shall be made every 2
23 years and shall require 2 annual audit periods. Beginning in 2009,
24 an election to audit exemptions shall be made every 5 years and
25 shall require 5 annual audit periods. An election to audit
26 exemptions shall be made by submitting an election to audit form to
27 the assessor of each local tax collecting unit in that county and

1 to the department of treasury not later than April 1 preceding the
2 October 1 in the year in which an election to audit is made. The
3 election to audit form required under this subsection shall be in a
4 form prescribed by the department of treasury. If a county elects
5 to audit the exemptions claimed under this section, the department
6 of treasury may continue to review the validity of exemptions as
7 provided in subsection (8). If a county does not elect to audit the
8 exemptions claimed under this section as provided in this
9 subsection, the department of treasury shall conduct an audit of
10 exemptions claimed under this section in the initial 2-year audit
11 period for each local tax collecting unit in that county unless the
12 department of treasury has entered into an agreement with the
13 assessor for that local tax collecting unit under subsection (9).

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

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

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

1 of the list provided by the department of treasury to each assessor
2 in each local tax collecting unit in that county within 10 days of
3 receiving the list.

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

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

1 subsection (6), (8), or (11), the interest received after a
2 distribution was made under subsection (23) shall be refunded.

3 (14) For taxes levied after December 31, 2005, for each county
4 in which the county treasurer or the county equalization director
5 does not elect to audit the exemptions claimed under this section
6 as provided in subsection (10), the department of treasury shall
7 conduct an annual audit of exemptions claimed under this section
8 for the current calendar year.

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

23 (16) Except as otherwise provided in subsection (28), if the
24 principal residence is part of a unit in a multiple-unit dwelling
25 or a dwelling unit in a multiple-purpose structure, an owner shall
26 claim an exemption for only that portion of the total taxable value
27 of the property used as the principal residence of that owner in a

1 manner prescribed by the department of treasury. If a portion of a
2 parcel for which the owner claims an exemption is used for a
3 purpose other than as a principal residence, the owner shall claim
4 an exemption for only that portion of the taxable value of the
5 property used as the principal residence of that owner in a manner
6 prescribed by the department of treasury.

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

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

1 the local tax collecting unit or, if the tax roll is in the
2 possession of the county treasurer, the county treasurer shall
3 correct the tax roll to reflect the exemption. This subsection does
4 not create a cause of action at law or in equity against a closing
5 statement preparer who fails to provide exemption affidavit and
6 rescission forms to a buyer and seller or who fails to file the
7 affidavit and rescission forms with the local tax collecting unit
8 when requested to do so by the buyer or seller.

9 (19) An owner who owned and occupied a principal residence on
10 May 1 for which the exemption was not on the tax roll may file an
11 appeal with the July board of review or December board of review in
12 the year for which the exemption was claimed or the immediately
13 succeeding 3 years. If an appeal of a claim for exemption that was
14 not on the tax roll is received not later than 5 days prior to the
15 date of the December board of review, the local tax collecting unit
16 shall convene a December board of review and consider the appeal
17 pursuant to this section and section 53b. For the 2008 tax year
18 only, an owner of property eligible for a conditional rescission
19 under subsection (5) who did not file a conditional rescission form
20 prescribed by the department of treasury with the local tax
21 collecting unit on or before May 1, 2008 may file an appeal with
22 the 2008 July board of review or 2008 December board of review to
23 claim a conditional rescission for the 2008 tax year. For the 2008
24 and 2009 tax years only, an owner of property classified as timber-
25 cutover real property adjoining or contiguous to that owner's
26 principal residence who did not claim an exemption for the property
27 classified as timber-cutover real property under this section

1 before May 1, 2009 or whose claim for exemption under this section
2 for that property classified as timber-cutover real property was
3 denied before May 1, 2009 may file an appeal with the 2009 December
4 board of review or the 2010 July board of review to claim an
5 exemption under this section for that property classified as
6 timber-cutover real property for the 2008 and 2009 tax years.

7 (20) If the assessor or treasurer of the local tax collecting
8 unit believes that the department of treasury erroneously denied a
9 claim for exemption, the assessor or treasurer may submit written
10 information supporting the owner's claim for exemption to the
11 department of treasury within 35 days of the owner's receipt of the
12 notice denying the claim for exemption. If, after reviewing the
13 information provided, the department of treasury determines that
14 the claim for exemption was erroneously denied, the department of
15 treasury shall grant the exemption and the tax roll shall be
16 amended to reflect the exemption.

17 (21) If granting the exemption under this section results in
18 an overpayment of the tax, a rebate, including any interest paid,
19 shall be made to the taxpayer by the local tax collecting unit if
20 the local tax collecting unit has possession of the tax roll or by
21 the county treasurer if the county has possession of the tax roll
22 within 30 days of the date the exemption is granted. The rebate
23 shall be without interest. If an exemption for property classified
24 as timber-cutover real property is granted under this section for
25 the 2008 or 2009 tax year, the tax roll shall be corrected and any
26 delinquent and unpaid penalty, interest, and tax resulting from
27 that property not having been exempt under this section for the

1 2008 or 2009 tax year shall be waived.

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

1 levied.

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

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

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

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

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

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

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

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

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

15 (c) If the county treasurer or his or her designee or the
16 county equalization director or his or her designee denies the
17 exemption under this section, as follows:

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

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

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

21 (24) Interest distributed under subsection (23) is subject to
22 the following conditions:

23 (a) Interest distributed to a county shall be deposited into a
24 restricted fund to be used solely for the administration of
25 exemptions under this section. Money in that restricted fund shall
26 lapse to the county general fund on the December 31 in the year 3
27 years after the first distribution of interest to the county under

1 subsection (23) and on each succeeding December 31 thereafter.

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

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

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

22 (a) An affidavit form.

23 (b) A statement of the total number of units owned by the
24 cooperative housing corporation and occupied as the principal
25 residence of a tenant stockholder as of the date of the filing
26 under this subsection.

27 (c) A list that includes the name, address, and social

1 security number of each tenant stockholder of the cooperative
2 housing corporation occupying a unit in the cooperative housing
3 corporation as his or her principal residence as of the date of the
4 filing under this subsection.

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

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

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

21 (a) Add all of the following:

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

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

25 (iii) If the property was not open and available for use as a
26 bed and breakfast for 90 or more consecutive days in the
27 immediately preceding 12-month period, the result of the following

1 calculation:

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

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

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

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

17 (30) As used in this section:

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

20 (B) ~~(a)~~—"Bed and breakfast" means property classified as
21 residential real property under section 34c that meets all of the
22 following criteria:

23 (i) Has 10 or fewer sleeping rooms, including sleeping rooms
24 occupied by the owner of the property, 1 or more of which are
25 available for rent to transient tenants.

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

27 (iii) Has a smoke detector in proper working order in each

1 sleeping room and a fire extinguisher in proper working order on
2 each floor.

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