

# HOUSE BILL NO. 5055

September 27, 2023, Introduced by Rep. BeGole and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1893 PA 206, entitled  
"The general property tax act,"  
by amending section 7b (MCL 211.7b), as amended by 2013 PA 161.

**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)~~ **either of the following individuals** is  
5 exempt from the collection of taxes under this act: -

6           **(a) A disabled veteran.**

1           **(b) A surviving spouse of a disabled veteran who, immediately**  
2 **before death, was eligible for the exemption under this section. An**  
3 **exemption under this subdivision continues as long as the surviving**  
4 **spouse does not remarry.**

5           **(2) To obtain the exemption, an individual described in**  
6 **subsection (1) (a) or (b), or the individual's legal designee, must**  
7 **file** an affidavit showing the facts required by this section and a  
8 description of the real property ~~shall be filed by the property~~  
9 ~~owner or his or her legal designee with the supervisor or other~~  
10 assessing officer during the period beginning with the tax day for  
11 each year and ending at the time of the final adjournment of the  
12 local board of review. The affidavit when filed ~~shall be~~**is** open to  
13 inspection. The county treasurer shall cancel taxes subject to  
14 collection under this act for any year in which ~~a disabled veteran~~  
15 **an individual described in subsection (1) (a) or (b) who is** eligible  
16 for the exemption under this section has acquired title to real  
17 property exempt under this section. Upon granting the exemption  
18 under this section, each local taxing unit shall bear the loss of  
19 its portion of the taxes upon which the exemption has been granted.

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

29           **(3) Within 5 business days after an assessing officer receives**

1 an exemption application filed pursuant to subsection (2) by or on  
 2 behalf of a surviving spouse described in subsection (1) (b), the  
 3 officer shall provide the applicant with a written notice  
 4 explaining the following consequences that may result from the  
 5 decision of the Michigan court of appeals in *Lockhart v Ontonagon*  
 6 *Twp*, No. 356883 (May 19, 2022):

7 (a) That the surviving spouse's eligibility for the exemption  
 8 under this section may be denied if the surviving spouse is  
 9 claiming the exemption on property that the deceased disabled  
 10 veteran did not previously use and own as a homestead.

11 (b) That, in the future, the surviving spouse's eligibility  
 12 for the exemption under this section may be lost if the surviving  
 13 spouse moves from property previously used and owned as a homestead  
 14 by the deceased disabled veteran to property that the deceased  
 15 disabled veteran did not previously use and own as a homestead.

16 (4) ~~(3)~~ As used in this section: ~~,"disabled~~

17 (a) "Disabled veteran" means a ~~person~~ **veteran** who is a  
 18 resident of this state and who meets 1 of the following criteria:

19 (i) ~~(a)~~ Has been determined by the United States ~~department of~~  
 20 ~~veterans affairs~~ **Department of Veterans Affairs** to be permanently  
 21 and totally disabled as a result of military service and entitled  
 22 to veterans' benefits at the 100% rate.

23 (ii) ~~(b)~~ Has a certificate from the United States ~~veterans'~~  
 24 ~~administration, or its successors,~~ **Department of Veterans Affairs**  
 25 certifying that ~~he or she~~ **the veteran** is receiving or has received  
 26 pecuniary assistance due to disability for specially adapted  
 27 housing.

28 (iii) ~~(c)~~ Has been rated by the United States ~~department of~~  
 29 ~~veterans affairs~~ **Department of Veterans Affairs** as individually

1 unemployable.

2 (b) "Veteran" means an individual who served in the United  
3 States Armed Forces and was discharged under honorable conditions.