



HOUSE BILL No. 5062

October 27, 1999, Introduced by Reps. Birkholz, DeHart, Jellema, Toy, Shackleton, Middaugh, Tabor, Pappageorge, Voorhees, Van Woerkom, Vander Roest and Garcia and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 78m (MCL 211.78m), as added by 1999 PA 123.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 78m. (1) Not later than the first Tuesday in July, or
2 the first Tuesday in September if a sale is not held under sub-
3 section (2), immediately succeeding the entry of judgment under
4 section 78k vesting absolute title to tax delinquent property in
5 the foreclosing governmental unit, this state is granted the
6 right of first refusal to purchase property at the greater of the
7 minimum bid or its fair market value by paying that amount to the
8 foreclosing governmental unit if the foreclosing governmental
9 unit is not this state. If this state elects not to purchase the
10 property under its right of first refusal, a city, village, or
11 township may purchase for a public purpose any property located

1 within that city, village, or township set forth in the judgment
2 and subject to sale under this section by payment to the fore-
3 closing governmental unit of the minimum bid. If a city, vil-
4 lage, or township does not purchase that property, the county in
5 which that property is located may purchase that property under
6 this section by payment to the foreclosing governmental unit of
7 the minimum bid. If property is purchased by a city, village,
8 township, or county under this subsection, the foreclosing gov-
9 ernmental unit shall convey the property to the purchasing city,
10 village, township, or county within 30 days. If property pur-
11 chased by a city, village, township, or county under this subsec-
12 tion is subsequently sold for an amount in excess of the minimum
13 bid and all costs incurred relating to demolition, renovation,
14 improvements, or infrastructure development, the excess amount
15 shall be returned to the delinquent tax property sales proceeds
16 account for the year in which the property was purchased by the
17 city, village, township, or county or, if this state is the fore-
18 closing governmental unit within a county, to the land reutiliza-
19 tion fund created under section 78n. Upon the request of the
20 foreclosing governmental unit, a city, village, township, or
21 county that purchased property under this subsection shall pro-
22 vide to the foreclosing governmental unit without cost informa-
23 tion regarding any subsequent sale or transfer of the property.
24 This subsection applies to the purchase of property by this
25 state, a city, village, or township, or a county prior to a sale
26 held under subsection (2) or, if no sale is held under subsection
27 (2), prior to a sale held under subsection (4).

1 (2) Subject to subsection (1), beginning on the third
2 Tuesday in July immediately succeeding the entry of the judgment
3 under section 78k vesting absolute title to tax delinquent prop-
4 erty in the foreclosing governmental unit, the foreclosing gov-
5 ernmental unit, or its authorized representative, at the option
6 of the foreclosing governmental unit, may hold 1 or more property
7 sales at 1 or more convenient locations at which property fore-
8 closed by the judgment entered under section 78k shall be sold by
9 auction sale. Notice of the time and location of the sale shall
10 be published not less than 30 days before the sale in a newspaper
11 published and circulated in the county in which the property is
12 located, if there is one. If no newspaper is published in that
13 county, publication shall be made in a newspaper published and
14 circulated in an adjoining county. The sale or sales shall be
15 completed within 15 days. Property shall be sold to the person
16 bidding the highest amount above the minimum bid. The foreclos-
17 ing governmental unit may sell parcels individually or may offer
18 2 or more parcels for sale as a group. The minimum bid for a
19 group of parcels shall equal the sum of the minimum bid for each
20 parcel included in the group. The foreclosing governmental unit
21 may require full payment by cash, certified check, or money order
22 at the close of each day's bidding. Not more than 30 days after
23 the date of a sale under this subsection, the foreclosing govern-
24 mental unit shall convey the property by deed to the person bid-
25 ding the highest amount above the minimum bid. The deed shall
26 vest fee simple title to the property in the person bidding the
27 highest amount above the minimum bid. If this state is the

1 foreclosing governmental unit within a county, the department of
2 natural resources shall conduct the sale of property under this
3 subsection and subsections (4) and (5) on behalf of this state.

4 (3) If a sale has been held under subsection (2), after the
5 conclusion of that sale, and not later than the first Tuesday in
6 September immediately succeeding that sale, a city, village, or
7 township may purchase any property not previously sold under sub-
8 section (1) or (2) by paying the minimum bid to the foreclosing
9 governmental unit. If a city, village, or township does not pur-
10 chase that property, the county in which that property is located
11 may purchase that property under this section by payment to the
12 foreclosing governmental unit of the minimum bid. If property is
13 purchased by a city, village, township, or county under this sub-
14 section, the foreclosing governmental unit shall convey the prop-
15 erty to the purchasing city, village, township, or county within
16 30 days.

17 (4) Beginning on the third Tuesday in September immediately
18 succeeding the entry of the judgment of foreclosure, all property
19 not previously sold by the foreclosing governmental unit under
20 subsection (1), (2), or (3) shall be offered or reoffered for
21 sale, subject to the same requirements set forth in subsection
22 (2).

23 (5) Beginning on the third Tuesday in November immediately
24 succeeding the sale held pursuant to subsection (4), all property
25 not previously sold under subsection (1), (2), (3), or (4) shall
26 again be reoffered for sale. The sale is subject to the

1 requirements set forth in subsection (2), except that the minimum
2 bid shall not be required.

3 (6) On December 1 immediately succeeding the date of the
4 sale under subsection (5), a list of all property not previously
5 sold by the foreclosing governmental unit under this section
6 shall be transferred to the clerk of the city, village, or town-
7 ship in which the property is located. The city, village, or
8 township may object in writing to the transfer of 1 or more par-
9 cels of property set forth on that list. On December 30 immedi-
10 ately succeeding the date of the sale under subsection (5), all
11 property not previously sold by the foreclosing governmental unit
12 under this section shall be transferred to the city, village, or
13 township in which the property is located, except those parcels
14 of property to which the city, village, or township has
15 objected. The city, village, or township may make the property
16 available under the urban homestead act or for any other lawful
17 purpose.

18 (7) If property not previously sold is not transferred to
19 the city, village, or township in which the property is located
20 under subsection (6), the foreclosing governmental unit shall
21 retain possession of that property. IF THE FORECLOSING GOVERN-
22 MENTAL UNIT IS NOT THIS STATE, THE FORECLOSING GOVERNMENTAL UNIT
23 MAY APPLY TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR A GRANT
24 PURSUANT TO SECTION 20113 OF THE NATURAL RESOURCES AND ENVIRON-
25 MENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20113, TO CONDUCT
26 RESPONSE ACTIVITIES ON PROPERTY THE POSSESSION OF WHICH IS
27 RETAINED UNDER THIS SUBSECTION. IF THE FORECLOSING GOVERNMENTAL

1 UNIT SUBSEQUENTLY SELLS PROPERTY FOR WHICH A GRANT WAS MADE UNDER
2 SECTION 20113 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTEC-
3 TION ACT, 1994 PA 451, MCL 324.20113, AND THE PROCEEDS OF THE
4 SALE ARE GREATER THAN THE AMOUNT OF THE GRANT, ALL TAXES, INTER-
5 EST, AND FEES ON THE PROPERTY, AND ALL COSTS SET FORTH IN SUBSEC-
6 TION (8)(B) THROUGH (E), THE RESIDUAL PROCEEDS SHALL BE TRANSMIT-
7 TED TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR DEPOSIT IN THE
8 CLEANUP AND REDEVELOPMENT FUND CREATED UNDER SECTION 20108 OF THE
9 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
10 MCL 324.20108.

11 (8) A foreclosing governmental unit shall deposit the pro-
12 ceeds from the sale of property under this section into a
13 restricted account designated as the "delinquent tax property
14 sales proceeds for the year ____". The foreclosing governmen-
15 tal unit shall direct the investment of the account. The fore-
16 closing governmental unit shall credit to the account interest
17 and earnings from account investments. Proceeds in that account
18 shall only be used by the foreclosing governmental unit for the
19 following purposes in the following order of priority:

20 (a) The delinquent tax revolving fund shall be reimbursed
21 for all taxes, interest, and fees on all of the property, whether
22 or not all of the property was sold.

23 (b) All costs of the sale of property for the year shall be
24 paid.

25 (c) Any costs of the foreclosure proceedings for the year,
26 including, but not limited to, costs of mailing, publication,
27 personal service, and outside contractors shall be paid.

1 (d) Any costs for the sale of property or foreclosure
2 proceedings for any prior year that have not been paid or reim-
3 bursed from that prior year's delinquent tax property sales pro-
4 ceeds shall be paid.

5 (e) Any costs incurred by the foreclosing governmental unit
6 in maintaining property foreclosed under section 78k before the
7 sale under this section shall be paid, including costs of any
8 environmental remediation.

9 (f) If the foreclosing governmental unit is this state, any
10 remaining balance shall be transferred to the land reutilization
11 fund created under section 78n.

12 (9) Two or more county treasurers of adjacent counties may
13 elect to hold a joint sale of property as provided in this
14 section. If 2 or more county treasurers elect to hold a joint
15 sale, property may be sold under this section at a location out-
16 side of the county in which the property is located. The sale
17 may be conducted by any county treasurer participating in the
18 joint sale.

19 (10) As used in this section, "minimum bid" is the minimum
20 amount established by the foreclosing governmental unit for which
21 property may be sold under this section. The minimum bid shall
22 include all of the following:

23 (a) All delinquent taxes, interest, penalties, and fees due
24 on the property. If a city, village, or township purchases the
25 property, the minimum bid shall not include any taxes levied by
26 that city, village, or township and any interest, penalties, or
27 fees due on those taxes.

1 (b) The expenses of administering the sale, including all
2 preparations for the sale. The foreclosing governmental unit
3 shall estimate the cost of preparing for and administering the
4 annual sale for purposes of prorating the cost for each property
5 included in the sale.