

HOUSE BILL No. 4414

February 24, 2009, Introduced by Reps. Hildenbrand, Pavlov and Pearce 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 2008 PA 198.

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

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15 state that is not rescinded or a substantially similar exemption,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17 rescinded.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23 exemption and that exemption shall remain in effect until rescinded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

25 (3) Except as otherwise provided in subsection (5), a husband
26 and wife who are required to file or who do file a joint Michigan
27 income tax return are entitled to not more than 1 exemption under

1 this section. For taxes levied after December 31, 2002, a person is
2 not entitled to an exemption under this section if any of the
3 following conditions occur:

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6 rescinded.

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

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

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

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

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

27 (ii) That person has rescinded an exemption under this section

1 on other property, which exemption remains in effect for that tax
2 year, and there has not been a transfer of ownership of that
3 property.

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

15 (5) Not more than 90 days after exempted property is no longer
16 used as a principal residence by the owner claiming an exemption,
17 that owner shall rescind the claim of exemption by filing with the
18 local tax collecting unit a rescission form prescribed by the
19 department of treasury. However, if an owner is eligible for and
20 claims an exemption for that owner's current principal residence,
21 that owner may retain an exemption for not more than 3 tax years on
22 property previously exempt as his or her principal residence if
23 that property is not occupied, is for sale, is not leased, and is
24 not used for any business or commercial purpose by filing a
25 conditional rescission form prescribed by the department of
26 treasury on or before May 1 with the local tax collecting unit.
27 Property is eligible for a conditional rescission if that property

1 is available for lease and all other conditions under this
2 subsection are met. A copy of the conditional rescission form shall
3 be forwarded to the department of treasury according to a schedule
4 prescribed by the department of treasury. An owner who files a
5 conditional rescission form shall annually verify to the assessor
6 of the local tax collecting unit on or before December 31 that the
7 property for which the principal residence exemption is retained is
8 not occupied, is for sale, is not leased, and is not used for any
9 business or commercial purpose. If an owner does not annually
10 verify by December 31 that the property for which the principal
11 residence exemption is retained is not occupied, is for sale, is
12 not leased, and is not used for any business or commercial purpose,
13 the assessor of the local tax collecting unit shall deny the
14 principal residence exemption on that property. If property subject
15 to a conditional rescission is leased, the local tax collecting
16 unit shall deny that conditional rescission and that denial is
17 retroactive and is effective on December 31 of the year immediately
18 preceding the year in which the property subject to the conditional
19 rescission is leased. An owner who fails to file a rescission as
20 required by this subsection is subject to a penalty of \$5.00 per
21 day for each separate failure beginning after the 90 days have
22 elapsed, up to a maximum of \$200.00. This penalty shall be
23 collected under 1941 PA 122, MCL 205.1 to 205.31, and shall be
24 deposited in the state school aid fund established in section 11 of
25 article IX of the state constitution of 1963. This penalty may be
26 waived by the department of treasury.

27 (6) Except as otherwise provided in subsection (5), if the

1 assessor of the local tax collecting unit believes that the
2 property for which an exemption is claimed is not the principal
3 residence of the owner claiming the exemption, the assessor may
4 deny a new or existing claim by notifying the owner and the
5 department of treasury in writing of the reason for the denial and
6 advising the owner that the denial may be appealed to the
7 residential and small claims division of the Michigan tax tribunal
8 within 35 days after the date of the notice. The assessor may deny
9 a claim for exemption for the current year and for the 3
10 immediately preceding calendar years. If the assessor denies an
11 existing claim for exemption, the assessor shall remove the
12 exemption of the property and, if the tax roll is in the local tax
13 collecting unit's possession, amend the tax roll to reflect the
14 denial and the local treasurer shall within 30 days of the date of
15 the denial issue a corrected tax bill for any additional taxes with
16 interest at the rate of 1.25% per month or fraction of a month and
17 penalties computed from the date the taxes were last payable
18 without interest or penalty. If the tax roll is in the county
19 treasurer's possession, the tax roll shall be amended to reflect
20 the denial and the county treasurer shall within 30 days of the
21 date of the denial prepare and submit a supplemental tax bill for
22 any additional taxes, together with interest at the rate of 1.25%
23 per month or fraction of a month and penalties computed from the
24 date the taxes were last payable without interest or penalty.
25 Interest on any tax set forth in a corrected or supplemental tax
26 bill shall again begin to accrue 60 days after the date the
27 corrected or supplemental tax bill is issued at the rate of 1.25%

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

1 the county equalization director of the denial under this
2 subsection.

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

11 (8) The department of treasury shall determine if the property
12 is the principal residence of the owner claiming the exemption. The
13 department of treasury may review the validity of exemptions for
14 the current calendar year and for ~~the 3 immediately~~ **ANY** preceding
15 calendar ~~years~~ **YEAR**. Except as otherwise provided in subsection
16 (5), if the department of treasury determines that the property is
17 not the principal residence of the owner claiming the exemption,
18 the department shall send a notice of that determination to the
19 local tax collecting unit and to the owner of the property claiming
20 the exemption, indicating that the claim for exemption is denied,
21 stating the reason for the denial, and advising the owner claiming
22 the exemption of the right to appeal the determination to the
23 department of treasury and what those rights of appeal are. The
24 department of treasury may issue a notice denying a claim if an
25 owner fails to respond within 30 days of receipt of a request for
26 information from that department. An owner may appeal the denial of
27 a claim of exemption to the department of treasury within 35 days

1 of receipt of the notice of denial. An appeal to the department of
2 treasury shall be conducted according to the provisions for an
3 informal conference in section 21 of 1941 PA 122, MCL 205.21.
4 Within 10 days after acknowledging an appeal of a denial of a claim
5 of exemption, the department of treasury shall notify the assessor
6 and the treasurer for the county in which the property is located
7 that an appeal has been filed. Upon receipt of a notice that the
8 department of treasury has denied a claim for exemption, the
9 assessor shall remove the exemption of the property and, if the tax
10 roll is in the local tax collecting unit's possession, amend the
11 tax roll to reflect the denial and the local treasurer shall within
12 30 days of the date of the denial issue a corrected tax bill for
13 any additional taxes with interest at the rate of 1.25% per month
14 or fraction of a month and penalties computed from the date the
15 taxes were last payable without interest and penalty. If the tax
16 roll is in the county treasurer's possession, the tax roll shall be
17 amended to reflect the denial and the county treasurer shall within
18 30 days of the date of the denial prepare and submit a supplemental
19 tax bill for any additional taxes, together with interest at the
20 rate of 1.25% per month or fraction of a month and penalties
21 computed from the date the taxes were last payable without interest
22 or penalty. Interest on any tax set forth in a corrected or
23 supplemental tax bill shall again begin to accrue 60 days after the
24 date the corrected or supplemental tax bill is issued at the rate
25 of 1.25% per month or fraction of a month. Taxes levied in a
26 corrected or supplemental tax bill shall be returned as delinquent
27 on the March 1 in the year immediately succeeding the year in which

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

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

1 (10) A county may elect to audit the exemptions claimed under
2 this section in all local tax collecting units located in that
3 county as provided in this subsection. The election to audit
4 exemptions shall be made by the county treasurer, or by the county
5 equalization director with the concurrence by resolution of the
6 county board of commissioners. The initial election to audit
7 exemptions shall require an audit period of 2 years. Before 2009,
8 subsequent elections to audit exemptions shall be made every 2
9 years and shall require 2 annual audit periods. Beginning in 2009,
10 an election to audit exemptions shall be made every 5 years and
11 shall require 5 annual audit periods. An election to audit
12 exemptions shall be made by submitting an election to audit form to
13 the assessor of each local tax collecting unit in that county and
14 to the department of treasury not later than April 1 preceding the
15 October 1 in the year in which an election to audit is made. The
16 election to audit form required under this subsection shall be in a
17 form prescribed by the department of treasury. If a county elects
18 to audit the exemptions claimed under this section, the department
19 of treasury may continue to review the validity of exemptions as
20 provided in subsection (8). If a county does not elect to audit the
21 exemptions claimed under this section as provided in this
22 subsection, the department of treasury shall conduct an audit of
23 exemptions claimed under this section in the initial 2-year audit
24 period for each local tax collecting unit in that county unless the
25 department of treasury has entered into an agreement with the
26 assessor for that local tax collecting unit under subsection (9).

27 (11) If a county elects to audit the exemptions claimed under

1 this section as provided in subsection (10) and the county
2 treasurer or his or her designee or the county equalization
3 director or his or her designee believes that the property for
4 which an exemption is claimed is not the principal residence of the
5 owner claiming the exemption, the county treasurer or his or her
6 designee or the county equalization director or his or her designee
7 may, except as otherwise provided in subsection (5), deny an
8 existing claim by notifying the owner, the assessor of the local
9 tax collecting unit, and the department of treasury in writing of
10 the reason for the denial and advising the owner that the denial
11 may be appealed to the residential and small claims division of the
12 Michigan tax tribunal within 35 days after the date of the notice.
13 The county treasurer or his or her designee or the county
14 equalization director or his or her designee may deny a claim for
15 exemption for the current year and for the 3 immediately preceding
16 calendar years. If the county treasurer or his or her designee or
17 the county equalization director or his or her designee denies an
18 existing claim for exemption, the county treasurer or his or her
19 designee or the county equalization director or his or her designee
20 shall direct the assessor of the local tax collecting unit in which
21 the property is located to remove the exemption of the property
22 from the assessment roll and, if the tax roll is in the local tax
23 collecting unit's possession, direct the assessor of the local tax
24 collecting unit to amend the tax roll to reflect the denial and the
25 treasurer of the local tax collecting unit shall within 30 days of
26 the date of the denial issue a corrected tax bill for any
27 additional taxes with interest at the rate of 1.25% per month or

1 fraction of a month and penalties computed from the date the taxes
2 were last payable without interest and penalty. If the tax roll is
3 in the county treasurer's possession, the tax roll shall be amended
4 to reflect the denial and the county treasurer shall within 30 days
5 of the date of the denial prepare and submit a supplemental tax
6 bill for any additional taxes, together with interest at the rate
7 of 1.25% per month or fraction of a month and penalties computed
8 from the date the taxes were last payable without interest or
9 penalty. Interest on any tax set forth in a corrected or
10 supplemental tax bill shall again begin to accrue 60 days after the
11 date the corrected or supplemental tax bill is issued at the rate
12 of 1.25% per month or fraction of a month. Taxes levied in a
13 corrected or supplemental tax bill shall be returned as delinquent
14 on the March 1 in the year immediately succeeding the year in which
15 the corrected or supplemental tax bill is issued. If the county
16 treasurer or his or her designee or the county equalization
17 director or his or her designee denies an existing claim for
18 exemption, the interest due shall be distributed as provided in
19 subsection (23). However, if the property has been transferred to a
20 bona fide purchaser before additional taxes were billed to the
21 seller as a result of the denial of a claim for exemption, the
22 taxes, interest, and penalties shall not be a lien on the property
23 and shall not be billed to the bona fide purchaser, and the local
24 tax collecting unit if the local tax collecting unit has possession
25 of the tax roll or the county treasurer if the county has
26 possession of the tax roll shall notify the department of treasury
27 of the amount of tax due and interest through the date of that

1 notification. The department of treasury shall then assess the
2 owner who claimed the exemption under this section for the tax and
3 interest plus penalty accruing as a result of the denial of the
4 claim for exemption, if any, as for unpaid taxes provided under
5 1941 PA 122, MCL 205.1 to 205.31, and shall deposit any tax or
6 penalty collected into the state school aid fund and shall
7 distribute any interest collected as provided in subsection (23).
8 The department of treasury shall annually provide the county
9 treasurer or his or her designee or the county equalization
10 director or his or her designee a list of parcels of property
11 located in that county for which an exemption may be erroneously
12 claimed. The county treasurer or his or her designee or the county
13 equalization director or his or her designee shall forward copies
14 of the list provided by the department of treasury to each assessor
15 in each local tax collecting unit in that county within 10 days of
16 receiving the list.

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

25 (13) An owner may appeal a denial by the assessor of the local
26 tax collecting unit under subsection (6), a final decision of the
27 department of treasury under subsection (8), or a denial by the

1 county treasurer or his or her designee or the county equalization
2 director or his or her designee under subsection (11) to the
3 residential and small claims division of the Michigan tax tribunal
4 within 35 days of that decision. An owner is not required to pay
5 the amount of tax in dispute in order to appeal a denial of a claim
6 of exemption to the department of treasury or to receive a final
7 determination of the residential and small claims division of the
8 Michigan tax tribunal. However, interest at the rate of 1.25% per
9 month or fraction of a month and penalties shall accrue and be
10 computed from the date the taxes were last payable without interest
11 and penalty. If the residential and small claims division of the
12 Michigan tax tribunal grants an owner's appeal of a denial and that
13 owner has paid the interest due as a result of a denial under
14 subsection (6), (8), or (11), the interest received after a
15 distribution was made under subsection (23) shall be refunded.

16 (14) For taxes levied after December 31, 2005, for each county
17 in which the county treasurer or the county equalization director
18 does not elect to audit the exemptions claimed under this section
19 as provided in subsection (10), the department of treasury shall
20 conduct an annual audit of exemptions claimed under this section
21 for the current calendar year.

22 (15) Except as otherwise provided in subsection (5), an
23 affidavit filed by an owner for the exemption under this section
24 rescinds all previous exemptions filed by that owner for any other
25 property. The department of treasury shall notify the assessor of
26 the local tax collecting unit in which the property for which a
27 previous exemption was claimed is located if the previous exemption

1 is rescinded by the subsequent affidavit. When an exemption is
2 rescinded, the assessor of the local tax collecting unit shall
3 remove the exemption effective December 31 of the year in which the
4 affidavit was filed that rescinded the exemption. For any year for
5 which the rescinded exemption has not been removed from the tax
6 roll, the exemption shall be denied as provided in this section.
7 However, interest and penalty shall not be imposed for a year for
8 which a rescission form has been timely filed under subsection (5).

9 (16) Except as otherwise provided in subsection (28), if the
10 principal residence is part of a unit in a multiple-unit dwelling
11 or a dwelling unit in a multiple-purpose structure, an owner shall
12 claim an exemption for only that portion of the total taxable value
13 of the property used as the principal residence of that owner in a
14 manner prescribed by the department of treasury. If a portion of a
15 parcel for which the owner claims an exemption is used for a
16 purpose other than as a principal residence, the owner shall claim
17 an exemption for only that portion of the taxable value of the
18 property used as the principal residence of that owner in a manner
19 prescribed by the department of treasury.

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

23 (18) The department of treasury shall make available the
24 affidavit forms and the forms to rescind an exemption, which may be
25 on the same form, to all city and township assessors, county
26 equalization officers, county registers of deeds, and closing
27 agents. A person who prepares a closing statement for the sale of

1 property shall provide affidavit and rescission forms to the buyer
2 and seller at the closing and, if requested by the buyer or seller
3 after execution by the buyer or seller, shall file the forms with
4 the local tax collecting unit in which the property is located. If
5 a closing statement preparer fails to provide exemption affidavit
6 and rescission forms to the buyer and seller, or fails to file the
7 affidavit and rescission forms with the local tax collecting unit
8 if requested by the buyer or seller, the buyer may appeal to the
9 department of treasury within 30 days of notice to the buyer that
10 an exemption was not recorded. If the department of treasury
11 determines that the buyer qualifies for the exemption, the
12 department of treasury shall notify the assessor of the local tax
13 collecting unit that the exemption is granted and the assessor of
14 the local tax collecting unit or, if the tax roll is in the
15 possession of the county treasurer, the county treasurer shall
16 correct the tax roll to reflect the exemption. This subsection does
17 not create a cause of action at law or in equity against a closing
18 statement preparer who fails to provide exemption affidavit and
19 rescission forms to a buyer and seller or who fails to file the
20 affidavit and rescission forms with the local tax collecting unit
21 when requested to do so by the buyer or seller.

22 (19) An owner who owned and occupied a principal residence on
23 May 1 for which the exemption was not on the tax roll may file an
24 appeal with the July board of review or December board of review in
25 the year for which the exemption was claimed or the immediately
26 succeeding 3 years. If an appeal of a claim for exemption that was
27 not on the tax roll is received not later than 5 days prior to the

1 date of the December board of review, the local tax collecting unit
2 shall convene a December board of review and consider the appeal
3 pursuant to this section and section 53b. For the 2008 tax year
4 only, an owner of property eligible for a conditional rescission
5 under subsection (5) who did not file a conditional rescission form
6 prescribed by the department of treasury with the local tax
7 collecting unit on or before May 1, 2008 may file an appeal with
8 the 2008 July board of review or 2008 December board of review to
9 claim a conditional rescission for the 2008 tax year.

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

20 (21) If granting the exemption under this section results in
21 an overpayment of the tax, a rebate, including any interest paid,
22 shall be made to the taxpayer by the local tax collecting unit if
23 the local tax collecting unit has possession of the tax roll or by
24 the county treasurer if the county has possession of the tax roll
25 within 30 days of the date the exemption is granted. The rebate
26 shall be without interest.

27 (22) If an exemption under this section is erroneously granted

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

27 (23) Subject to subsection (24), interest at the rate of 1.25%

1 per month or fraction of a month collected under subsection (6),
2 (8), or (11) shall be distributed as follows:

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

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

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

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

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

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

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

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

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

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

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

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

19 (24) Interest distributed under subsection (23) is subject to
20 the following conditions:

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

27 (b) Interest distributed to the department of treasury shall

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

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

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

20 (a) An affidavit form.

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

25 (c) A list that includes the name, address, and social
26 security number of each tenant stockholder of the cooperative
27 housing corporation occupying a unit in the cooperative housing

1 corporation as his or her principal residence as of the date of the
2 filing under this subsection.

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

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

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

19 (a) Add all of the following:

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

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

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

27 (A) Add the square footage of the property that is open and

1 available regularly and exclusively as a bed and breakfast, and 50%
2 of the square footage of the property's common area.

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

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

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

15 (30) As used in this section:

16 (a) "Bed and breakfast" means property classified as
17 residential real property under section 34c that meets all of the
18 following criteria:

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

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

23 (iii) Has a smoke detector in proper working order in each
24 sleeping room and a fire extinguisher in proper working order on
25 each floor.

26 (b) "Common area" includes, but is not limited to, a kitchen,
27 dining room, living room, fitness room, porch, hallway, laundry

1 room, or bathroom that is available for use by guests of a bed and
2 breakfast or, unless guests are specifically prohibited from access
3 to the area, an area that is used to provide a service to guests of
4 a bed and breakfast.