

HOUSE BILL NO. 6062

August 06, 2020, Introduced by Reps. Ellison, Hoadley, Brixie, Kuppa, Hood, Koleszar, Warren, Sowerby and Rabhi and referred to the Committee on Government Operations.

A bill to amend 1976 PA 225, entitled

"An act to defer the collection of special assessments on homestead properties; to provide for conditions of eligibility for such a deferment; to prescribe the powers and duties of the department of treasury, local assessing officers, and local collecting officers; to provide for the advancement of moneys by the state to indemnify special assessment districts for losses from deferment of collections; to provide for the advancement of money by the state to an owner for the repayment of loans used by the owner to pay special assessments; to provide for the collection of deferred special assessments and interest thereon, and the disposition of these collections; to make an appropriation; and to prescribe



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penalties,"

by amending sections 2 and 4 (MCL 211.762 and 211.764), as amended by 1980 PA 403.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The payment of special assessments assessed and
2 due and payable on a homestead in any year in which the owner meets
3 all of the terms and conditions of this act shall be deferred until
4 1 year after the owner's death, subject to further order by the
5 probate court or until the homestead or any part of the homestead
6 is conveyed or transferred to another or a contract to sell is
7 entered into. The death of a spouse ~~shall~~**does** not terminate the
8 deferment of special assessments for a homestead owned by ~~husband~~
9 ~~and wife~~**individuals who are married to each other** under tenancy by
10 the entirety as long as the surviving spouse does not remarry.
11 Special assessments deferred under this act may be paid in full at
12 any time.

13 (2) If the collecting officer or the department determines
14 that legal or equitable title to a homestead or any part of a
15 homestead for which special assessments are deferred under this act
16 is conveyed or transferred or a contract to sell the homestead or
17 part of a homestead is entered into, and the deferment is not
18 terminated, the owner or owner's estate ~~shall be~~**is** subject to an
19 interest rate of 1% per month or fraction of a month ~~7~~ on the
20 amount deferred, computed from the date of conveyance, transfer, or
21 contractual agreement. The amount of interest ~~shall be~~**is** payable
22 to the collecting officer and **must be** transmitted by that office
23 ~~pursuant to~~**as required under** section 9.

24 (3) The department shall notify each owner whose special
25 assessments are authorized to be deferred under this act that if



1 legal or equitable title to the homestead or any part of the
 2 homestead is conveyed or transferred or a contract to sell the
 3 homestead or part of the homestead is entered into, the deferment
 4 is terminated and the amount deferred is immediately due and
 5 payable, plus interest as provided in subsection (2).

6 Sec. 4. An owner may apply to the local assessing officer for
 7 deferment of the payment of special assessments on the owner's
 8 homestead. The application ~~shall~~**must** be made upon an affidavit
 9 form to be furnished and made available by the department at
 10 convenient locations throughout ~~the~~**this** state. The affidavit form
 11 ~~shall~~**must** contain the following statement in 10-point boldface
 12 type located immediately above the affiant's signature: "If this
 13 deferment is authorized the state will place a lien on your
 14 property." A person making a false affidavit for the purpose of
 15 obtaining deferment of special assessments under this act is guilty
 16 of perjury. If the homestead is owned jointly by ~~husband and wife,~~
 17 **individuals who are married to each other**, each spouse shall sign
 18 and file the affidavit. If the homestead is encumbered by a
 19 mortgage or an unpaid balance on a land contract, a deferment of
 20 special assessments shall not be made without the written consent
 21 of the mortgagee or the land contract vendor, which ~~shall~~**must** be
 22 filed with the affidavit. The affidavit ~~shall~~**must** be filed with
 23 the local assessing officer at least 30 days after the due date of
 24 a special assessment or installment of a special assessment for
 25 which deferment is requested.

26 Enacting section 1. This amendatory act does not take effect
 27 unless Senate Joint Resolution ____ or House Joint Resolution T
 28 (request no. 02690'19) of the 100th Legislature becomes a part of
 29 the state constitution of 1963 as provided in section 1 of article



1 XII of the state constitution of 1963.

