

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 175

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 27b (MCL 211.27b), as amended by 2012 PA 382.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 27b. (1) If the buyer, grantee, or other transferee in
2 the immediately preceding transfer of ownership of property does
3 not notify the appropriate assessing office as required by section
4 27a(10), the property's taxable value ~~shall~~**must** be adjusted under
5 section 27a(3) and, **subject to subsection (9)**, all of the following
6 ~~shall~~**must** be levied:

7 (a) Any additional taxes that would have been levied if the
8 transfer of ownership had been recorded as required under this act
9 from the date of transfer.

1 (b) Interest and penalty from the date the tax would have been
2 originally levied.

3 (c) For property classified under section 34c as either
4 industrial real property or commercial real property, a penalty in
5 the following amount:

6 (i) Except as otherwise provided in subparagraph (ii), if the
7 sale price of the property transferred is \$100,000,000.00 or less,
8 \$20.00 per day for each separate failure beginning after the 45
9 days have elapsed, up to a maximum of \$1,000.00.

10 (ii) If the sale price of the property transferred is more than
11 \$100,000,000.00, \$20,000.00 after the 45 days have elapsed.

12 However, if the appropriate assessing office determines that the
13 failure to notify the assessing office within 45 days after the
14 property's transfer of ownership was due to reasonable cause and
15 not the willful neglect of the buyer, grantee, or other transferee,
16 the penalty under subparagraph (i) ~~shall~~**must** be imposed. If the
17 appropriate assessing office makes a determination that the failure
18 to notify the assessing office within 45 days after the property's
19 transfer of ownership was a result of the willful neglect of the
20 buyer, grantee, or other transferee, that assessing office shall
21 promptly send that buyer, grantee, or other transferee written
22 notice, by certified mail, of that determination. A buyer, grantee,
23 or other transferee who is assessed the penalty under this
24 subparagraph may appeal that determination to the Michigan tax
25 tribunal.

26 (d) For real property other than real property classified
27 under section 34c as industrial real property or commercial real
28 property, a penalty of \$5.00 per day for each separate failure
29 beginning after the 45 days have elapsed, up to a maximum of **1 of**

1 the following, as applicable:

2 (i) For property owned and occupied as a principal residence,
 3 \$200.00. As used in this subparagraph, "principal residence" means
 4 that term as defined in section 7dd.

5 (ii) For all other property, \$4,000.00.

6 (2) The appropriate assessing officer shall certify for
 7 collection to the treasurer of the local tax collecting unit if the
 8 local tax collecting unit has possession of the tax roll or the
 9 county treasurer if the county has possession of the tax roll any
 10 additional taxes due under subsection (1)(a) and any penalty due
 11 under subsection (1)(c) or (d).

12 (3) The treasurer of the local tax collecting unit if the
 13 local tax collecting unit has possession of the tax roll or the
 14 county treasurer if the county has possession of the tax roll shall
 15 collect any taxes, interest, and penalty due pursuant to this
 16 section, and shall immediately prepare and submit a corrected tax
 17 bill for any additional taxes due under subsection (1)(a) and any
 18 interest and penalty due under subsection (1)(b). A penalty due
 19 under subsection (1)(c) or (d) may be collected with the
 20 immediately succeeding regular tax bill.

21 (4) Any taxes, interest, and penalty collected pursuant to
 22 subsection (1)(a) and (b) ~~shall~~**must** be distributed in the same
 23 manner as other delinquent taxes, interest, and penalties are
 24 distributed under this act. Any penalty collected under subsection
 25 (1)(c) or (d) ~~shall~~**must** be distributed to the local tax collecting
 26 unit.

27 (5) The governing body of a local tax collecting unit may
 28 waive, by resolution, the penalty levied under subsection (1)(c) or
 29 (d).

1 (6) If the taxable value of property is increased under this
2 section, the appropriate assessing officer shall immediately notify
3 by first-class mail the owner of that property of that increase in
4 taxable value. A buyer, grantee, or other transferee may appeal any
5 increase in taxable value or the levy of any additional taxes,
6 interest, and penalties under subsection (1) to the Michigan tax
7 tribunal within 35 days of receiving the notice of the increase in
8 the property's taxable value. An appeal under this subsection is
9 limited to the issues of whether a transfer of ownership has
10 occurred and correcting arithmetic errors. A dispute regarding the
11 valuation of the property is not a basis for appeal under this
12 subsection.

13 (7) If the taxable value of property is adjusted under
14 subsection (1), the assessing officer making the adjustment shall
15 file an affidavit with all officials responsible for determining
16 assessment figures, rate of taxation, or mathematical calculations
17 for that property within 30 days of the date the adjustment is
18 made. The affidavit ~~shall~~**must** state the amount of the adjustment
19 and the amount of additional taxes levied. The officials with whom
20 the affidavit is filed shall correct all official records for which
21 they are responsible to reflect the adjustment and levy.

22 (8) Notification of a transfer of ownership provided as
23 required under section 27a(10) or a levy of additional taxes,
24 interest, and penalty under this section ~~shall~~**must** not be
25 considered a determination of or evidence of the classification of
26 the property transferred as real or personal property.

27 **(9) The levy described in subsection (1) is a lien against the**
28 **property only if the property is still owned by the buyer, grantee,**
29 **or other transferee that failed to notify the appropriate assessing**

1 office as required by section 27a(10). If the property has
2 subsequently been transferred to a buyer, grantee, or other
3 transferee who did not notify the appropriate assessing office as
4 required by section 27a(10), the amounts described in subsection
5 (1) (a) to (d) must not be levied on the property and must instead
6 be treated as the personal liability of the prior buyer, grantee,
7 or other transferee that failed to notify the appropriate assessing
8 office as required by section 27a(10) of the prior transfer.
9 Subject to subsection (10), the official described in subsection
10 (3) shall collect those amounts and distribute them in the manner
11 described in subsection (4). The governing body of a local tax
12 collecting unit may waive, by resolution, the personal liability of
13 the prior buyer, grantee, or other transferee for the amounts
14 described in subsection (1) (c) or (d).

15 (10) The state treasurer, or an authorized representative of
16 the state treasurer, shall serve as the collection agent for the
17 amounts described in subsection (1) (a) to (d), when those amounts
18 are treated as a personal liability as described in subsection (9),
19 upon the request of the official described in subsection (3). The
20 state shall retain up to 20% of any amounts recovered for its
21 collection fee. The state treasurer, or an authorized
22 representative of the state treasurer, shall distribute the
23 recovered amounts, net of collection fees, to the official making
24 the request. The recovered amounts received by the official
25 described in subsection (3) must be distributed in the manner
26 described in subsection (4). The state treasurer, or an authorized
27 representative of the state treasurer, shall administer collections
28 described in this subsection under section 25 of 1941 PA 122, MCL
29 205.25.