HB-5202, As Passed House, December 18, 2014HB-5202, As Passed Senate, December 17, 2014

SENATE SUBSTITUTE FOR HOUSE BILL NO. 5202

A bill to amend 1954 PA 188, entitled

"An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds,"

by amending section 7 (MCL 41.727), as amended by 1986 PA 180.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 7. (1) The township board may provide that special
- 2 assessments are payable in 1 or more installments, but the amount
- 3 of an installment shall not be less than 1/2 of any subsequent
- 4 installment. The amount of each installment, if more than 1, need
- 5 SHALL not be extended upon the special assessment roll until after
- 6 confirmation of that assessment roll. Subject to the provisions of
- 7 section 4(4), the amount of installments for improvements subject

- 1 to periodic cost revision may be extended upon the special
- 2 assessment roll by the township board without additional public
- 3 hearings or public notice, provided that additional property is not

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- 4 added to the special assessment roll.
- 5 (2) The first installment of a special assessment shall be IS
- 6 due on or before the time after confirmation OF THAT SPECIAL
- 7 ASSESSMENT ROLL as DETERMINED BY the township board. shall fix.
- 8 Subsequent installments shall be ARE due at intervals of 12 months
- 9 from the due date of the first installment or from a date
- 10 DETERMINED BY the township board. shall fix.
- 11 (3) All unpaid installments, prior to their transfer to the
- 12 township tax roll as provided by this act, shall bear interest,
- 13 payable annually on each installment due date, at a rate to be set
- 14 by the township board, not exceeding 1% above the average rate of
- 15 interest borne by special assessment bonds issued by the township
- 16 in anticipation of all or part of the unpaid installments; or not
- 17 exceeding 1% above the average rate of interest borne by bonds
- 18 issued by a county, drainage district, or authority if the unpaid
- 19 installments are to be applied to the payment of a contract
- 20 obligation of the township to the county or authority or to the
- 21 payment of an assessment obligation of the township to the drainage
- 22 district; or, if bonds are not issued by the township, a county, a
- 23 drainage district, or an authority, not exceeding 8% per annum,
- 24 commencing in each case from a date fixed by the township board.
- 25 (4) Future due installments of an assessment against any
- 26 parcel of land PROPERTY may be paid to the township treasurer at
- 27 any time in full, with interest accrued through the month in which

- 1 the final installment is paid.
- 2 (5) IF THE TOWNSHIP BOARD PROVIDES THAT A SPECIAL ASSESSMENT
- 3 IS PAYABLE IN INSTALLMENTS UNDER SUBSECTION (1), THE AMOUNT OF ANY
- 4 LIEN ON THE PARCEL OF PROPERTY ASSESSED FOR THAT SPECIAL ASSESSMENT
- 5 IS LIMITED TO EACH INDIVIDUAL INSTALLMENT AND SHALL NOT ATTACH TO
- 6 THE PROPERTY ASSESSED UNTIL THAT INDIVIDUAL INSTALLMENT IS DUE AS
- 7 PROVIDED IN SUBSECTION (2).
- 8 (6) UPON WRITTEN REQUEST, THE TOWNSHIP TREASURER SHALL PROVIDE
- 9 A STATEMENT OF THE AMOUNT OF ANY LIEN UNDER SUBSECTION (1) AND (2)
- 10 ON THE PROPERTY, WITH INTEREST ACCRUED THROUGH THE END OF THE MONTH
- 11 IN WHICH THE STATEMENT IS PROVIDED.
- 12 (7) (4)—If an installment of a special assessment is not paid
- 13 when due, then the installment shall be considered to be delinquent
- 14 and there shall be collected, in addition to interest as provided
- 15 by this section, a penalty at the rate of not more than 1% for each
- 16 month, or fraction of a month, that the installment remains unpaid
- 17 before being reported to the township board for reassessment upon
- 18 the township tax roll.
- 19 Enacting section 1. This amendatory act does not take effect
- 20 unless Senate Bill No. 1007 of the 97th Legislature is enacted into
- **21** law.