

HOUSE BILL No. 5731

June 8, 2016, Introduced by Reps. Talabi, Love, Banks, Durhal, Chang, Rutledge, Neeley, Faris, Geiss, Byrd, Dianda, McBroom, Guerra, Moss, Santana, Chirkun and Kosowski and referred to the Committee on Tax Policy.

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2014 PA 17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The owner of a homestead facility or owner or
2 developer or prospective owner or developer of a proposed new
3 facility or an owner or developer or prospective developer
4 proposing to rehabilitate property located in a neighborhood
5 enterprise zone may file an application for a neighborhood
6 enterprise zone certificate with the clerk of the local
7 governmental unit. The application shall be filed in the manner and
8 form prescribed by the commission. The clerk of the local
9 governmental unit shall provide a copy of each homestead facility
10 application to the assessor for the local governmental unit. Except

1 as provided in subsection (2) or as otherwise provided by the local
2 governmental unit by resolution if the application is filed not
3 later than 6 months following the date the building permit is
4 issued, the application shall be filed before a building permit is
5 issued for the new construction or rehabilitation of the facility.

6 (2) An application may be filed after a building permit is
7 issued only if 1 or more of the following apply:

8 (a) For the rehabilitation of a facility if the area in which
9 the facility is located is designated as a neighborhood enterprise
10 zone by the governing body of the local governmental unit in the
11 calendar year 1992 and if the building permit is issued for the
12 rehabilitation before December 31, 1994 and after the date on which
13 the area in which the facility is located was designated as a
14 neighborhood enterprise zone by the governing body of the local
15 governmental unit.

16 (b) For the construction of a new facility if the area in
17 which the new facility is located is designated as a neighborhood
18 enterprise zone by the governing body of the local governmental
19 unit in calendar year 1992 or 1993 and if the building permit is
20 issued for that new facility before December 31, 1995 and after
21 January 1, 1993.

22 (c) For the construction of a new facility if the area in
23 which the new facility is located is designated as a neighborhood
24 enterprise zone by the governing body of the local governmental
25 unit in July 1997 and if the building permit is issued for that new
26 facility on February 3, 1998.

27 (d) For a new facility or a rehabilitated facility if the area

1 in which the new facility or rehabilitated facility is located was
2 designated as a neighborhood enterprise zone by the governing body
3 of the local governmental unit in July 1996 and if the building
4 permit was issued for that facility on or before July 3, 2001.

5 (e) For a new facility or a rehabilitated facility if the area
6 in which the new facility or rehabilitated facility is located was
7 designated as a neighborhood enterprise zone by the governing body
8 of the local governmental unit in October 1994 and if the building
9 permit was issued for that facility on or before April 25, 1997.

10 (f) For the construction of a new facility if the area in
11 which the new facility is located is designated as a neighborhood
12 enterprise zone by the governing body of the local governmental
13 unit in September 2001 and if the building permit is issued for
14 that new facility on March 3, 2003.

15 (g) For a rehabilitated facility if all or a portion of the
16 rehabilitated facility is a qualified historic building.

17 (h) For the construction of a new facility if the area in
18 which the new facility is located is designated as a neighborhood
19 enterprise zone by the governing body of the local governmental
20 unit in July 1993 and the new facility was a model home.

21 (i) For the construction of a new facility if the area in
22 which the new facility is located is designated as a neighborhood
23 enterprise zone by the governing body of the local governmental
24 unit in August 2004 and if building permits were issued for that
25 facility beginning November 5, 2002 through December 23, 2003.

26 (j) For a homestead facility.

27 (k) For the construction of a facility if the area in which

1 the facility is located was designated as a neighborhood enterprise
2 zone by the governing body of the local governmental unit in July
3 2003, and if the building permit was issued for that facility in
4 June 2004.

5 (l) For a new facility or a rehabilitated facility if the area
6 in which the new facility or rehabilitated facility is located was
7 designated as a neighborhood zone by the governing body of the
8 local governmental unit in February 2004 and if the building permit
9 for that facility was issued in August 2003 or January 2005.

10 (m) For the construction of a facility if the area in which
11 the facility is located was designated as a neighborhood enterprise
12 zone by the governing body of the local governmental unit in June
13 2007 and if the building permit was issued for that facility after
14 November 30, 2004 and before November 1, 2006.

15 (n) For the construction of a facility if the area in which
16 the facility is located was designated as a neighborhood enterprise
17 zone by the governing body of the local governmental unit on July
18 1, 2005 and if the building permit was issued for that facility
19 after April 5, 2006 and before ~~May 1, 2007~~. **THE FACILITY IS**
20 **COMPLETED.**

21 (o) For the construction of a new facility if the area in
22 which the new facility is located is designated as a neighborhood
23 enterprise zone by the governing body of the local governmental
24 unit in April 2003 and if the building permit was issued for that
25 facility in April 2008 or September 2008.

26 (p) For the construction of a facility if the area in which
27 the facility is located was designated as a neighborhood enterprise

1 zone by the governing body of the local governmental unit in
2 September 2012 and if the building permit was issued for that
3 facility after December 1, 2004 and before December 30, 2004.

4 (3) The application shall contain or be accompanied by all of
5 the following:

6 (a) A general description of the homestead facility, new
7 facility, or proposed rehabilitated facility.

8 (b) The dimensions of the parcel on which the homestead
9 facility, new facility, or proposed rehabilitated facility is or is
10 to be located.

11 (c) The general nature and extent of the construction to be
12 undertaken.

13 (d) A time schedule for undertaking and completing the
14 rehabilitation of property or the construction of the new facility.

15 (e) A statement by the owner of a homestead facility that the
16 owner is committed to investing a minimum of \$500.00 in the first 3
17 years that the certificate for a homestead facility is in effect
18 and committed to documenting the minimum investment if required to
19 do so by the assessor of the local governmental unit.

20 (f) Any other information required by the local governmental
21 unit.

22 (4) Notwithstanding any other provisions of this act, for any
23 certificate issued as a result of the enactment of the amendatory
24 act that added subsection (2)(c) or (p), the effective date of the
25 certificate shall be the first day of the tax year following the
26 year the certificate is approved by the commission.

27 (5) Notwithstanding any other provisions of this act, for any

1 certificate issued as a result of the enactment of the amendatory
2 act that added subsection (2)(d) or the amendatory act that added
3 subsection (2)(e), the effective date of the certificate shall be
4 January 1, 2001.

5 (6) Notwithstanding any other provisions of this act, for any
6 certificate issued as a result of the enactment of the amendatory
7 act that added subsection (2)(j) or the amendatory act that added
8 subsection (2)(k), the effective date of the certificate shall be
9 the first day of the tax year following the year the certificate is
10 approved by the qualified assessing authority.

11 (7) For a certificate issued as a result of the amendatory act
12 that added subsection (2)(e), both of the following shall apply not
13 withstanding any other provision of this act:

14 (a) The effective date of the certificate shall be January 1,
15 2001 and the taxable value for rehabilitated facilities shall be
16 set as provided in section 10(3).

17 (b) For certificates issued or reissued after December 31,
18 2005, the amount of the neighborhood enterprise zone tax on a
19 rehabilitated facility is determined each year by multiplying the
20 taxable value of the rehabilitated facility, not including the
21 land, as of December 31 of the year prior to the start of the
22 improvement as described in subsection (3) by the total mills
23 collected under the general property tax act, 1893 PA 206, MCL
24 211.1 to 211.155, for the current year by all taxing units within
25 which the rehabilitated facility is located.

26 (8) For any certificate issued as result of the amendatory act
27 that added subsection (2)(l), notwithstanding any other provision

1 of this act the amount of the neighborhood enterprise zone tax on a
2 rehabilitated facility is determined each year by multiplying the
3 taxable value of the rehabilitated facility, not including the
4 land, as of December 31 of the year prior to the start of the
5 improvement as described in subsection (3) by the total mills
6 collected under the general property tax act, 1893 PA 206, MCL
7 211.1 to 211.155, for the current year by all taxing units within
8 which the rehabilitated facility is located.

9 (9) If a new facility is completed in a neighborhood
10 enterprise zone approved in October 1996 and a building permit was
11 issued in March 1998 but a neighborhood enterprise zone certificate
12 was not applied for by the original owner occupying the facility as
13 a principal residence, a subsequent owner occupying the new
14 facility as a principal residence can request and, notwithstanding
15 any other provision of this act, effective December 31 of the year
16 preceding the application, be granted a neighborhood enterprise
17 zone certificate for the remainder of the term, not to exceed 12
18 years, that a neighborhood enterprise zone certificate would have
19 been in effect for the original owner of the new facility.

20 (10) If a new facility is completed in a neighborhood
21 enterprise zone but a neighborhood enterprise zone certificate was
22 not applied for by the original owner, a subsequent owner occupying
23 the new facility as a principal residence can request and,
24 notwithstanding any other provision of this act, effective December
25 31 of the year preceding the application, be granted a neighborhood
26 enterprise zone certificate for the remainder of the term, not to
27 exceed 15 years, that a neighborhood enterprise zone certificate

1 would have been in effect for the original owner of the new
2 facility.