

**SUBSTITUTE FOR
SENATE BILL NO. 943**

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 51 (MCL 211.51), as amended by 2012 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 51. (1) If a township treasurer does not file his or her
2 bond with the county treasurer as prescribed by law and the
3 township board fails to appoint a treasurer to give the bond and
4 deliver a receipt for the bond to the supervisor by December 10,
5 the supervisor shall deliver the tax roll with the necessary
6 warrant directed to the county treasurer, who shall make the
7 collection and return of taxes. The county treasurer, pursuant to
8 the adoption of a resolution by the county board of commissioners,
9 has the same powers and duties to add a property tax administration

1 fee, a late penalty charge, and interest to all taxes collected as
 2 conferred upon a township treasurer under section 44. The excess of
 3 the amount of property tax administration fees over the expense to
 4 the county in collecting the taxes ~~shall~~**must** be returned to the
 5 township, and the remainder of the property tax administration fees
 6 and any late penalty charges imposed ~~shall~~**must** be credited to the
 7 county general fund. For the purpose of collecting the taxes, the
 8 county treasurer is vested with all the powers conferred upon the
 9 township treasurer and an action may be brought on the county
 10 treasurer's bond under the same circumstances as on those of a
 11 township treasurer.

12 (2) A local tax collecting unit that collects a summer
 13 property tax shall defer the collection of summer property taxes
 14 against the following property for which a deferment is claimed
 15 until the following February 15:

16 (a) The principal residence of a taxpayer who meets both of
 17 the following conditions:

18 (i) Meets 1 or more of the following conditions:

19 (A) Is a totally and permanently disabled person, blind
 20 person, paraplegic, quadriplegic, eligible serviceperson, eligible
 21 veteran, or eligible widow or widower, as these persons are defined
 22 in chapter 9 of the income tax act of 1967, 1967 PA 281, MCL
 23 206.501 to 206.532.

24 (B) Is 62 years of age or older, including the unremarried
 25 surviving spouse of a person who was 62 years of age or older at
 26 the time of death.

27 (ii) For the prior ~~taxable~~**tax** year had a total household
 28 income of the following:

29 (A) For taxes levied before January 1, 2005, \$25,000.00, or

1 less.

2 (B) For taxes levied after December 31, 2004 and before
3 January 1, 2006, \$35,000.00, or less.

4 (C) For taxes levied after December 31, 2005 and before
5 January 1, 2007, \$37,500.00, or less.

6 (D) For taxes levied after December 31, 2006, \$40,000.00, or
7 less.

8 (b) Property classified or used as agricultural real property
9 if the gross receipts of the agricultural or horticultural
10 operations in the previous year or the average gross receipts of
11 the operations in the previous 3 years are not less than the
12 household income of the owner in the previous year or the combined
13 household incomes in the previous year of the individual members of
14 a limited liability company or partners of a partnership that owns
15 the agricultural real property. A limited liability company or
16 partnership may claim the deferment under this section only if the
17 individual members of the limited liability company or partners of
18 the partnership qualified for the deferment under this section
19 before the individual members or partners formed the limited
20 liability company or partnership.

21 (c) **For summer property taxes levied in calendar year 2020**
22 **only, real property used primarily for the operation of an eligible**
23 **business that experienced economic hardship as a result of the**
24 **COVID-19 pandemic or the government's response to the pandemic, or**
25 **both. All of the following apply to deferments under this**
26 **subdivision:**

27 (i) **The department of treasury shall do all of the following:**

28 (A) **Develop criteria, including required taxpayer**
29 **documentation, for use in determining whether a taxpayer's real**

1 property qualifies for the deferment under this subdivision. The
2 department's criteria must be narrowly tailored to determining only
3 the following:

4 (I) Whether the real property was and continues to be used
5 primarily for the operation of an eligible business that
6 experienced economic hardship as a result of the COVID-19 pandemic
7 or the government's response to the pandemic, or both.

8 (II) Whether there remains any unpaid summer property taxes
9 levied in calendar year 2020 on the real property and, if so, the
10 amount of those unpaid taxes.

11 (B) Develop an application form and process by which taxpayers
12 may apply for the deferment under this subdivision by filing the
13 intent statement required by subsection (3) directly with the
14 department.

15 (C) Approve qualifying applications until the appropriation
16 described in subparagraph (ii) is exhausted.

17 (ii) Subject to appropriation, it is the intent of the
18 legislature that the department of treasury provides for payment to
19 local tax collecting units of amounts equal to the penalty and
20 interest charges waived under subsection (3) on unpaid summer
21 property taxes the collection of which was deferred under this
22 subdivision.

23 (iii) Deferments under this subdivision are available only to
24 qualifying property for which, as of the effective date of the
25 amendatory act that added this subdivision, there remains unpaid
26 summer property taxes levied in calendar year 2020 and only to the
27 extent of those unpaid summer property taxes.

28 (iv) This subdivision does not prohibit the appeal of an
29 assessment to the board of review on property for which an

1 application for a deferment under this subdivision is made if that
2 appeal is made in calendar year 2020.

3 (3) A taxpayer may claim a deferment ~~provided by~~**under**
4 subsection ~~(2)~~**(2) (a) or (b)** by filing with the treasurer of the
5 local ~~property~~-tax collecting unit an intent to defer the summer
6 property taxes that are due and payable in that year without
7 penalty or interest. **A taxpayer may claim a deferment under**
8 **subsection (2) (c) by filing with the department of treasury an**
9 **intent to defer summer property taxes levied in calendar year 2020**
10 **that are due and payable in that year without penalty or interest.**
11 Taxes deferred under subsection (2) that are not paid by the
12 following February 15 are not subject to penalties or interest for
13 the period of deferment, **and a local tax collecting unit shall not**
14 **collect any unpaid penalties or interest that has accrued before**
15 **the effective date of the amendatory act that added subsection**
16 **(2) (c) on summer property taxes subject to deferred collection**
17 **under subsection (2) (c) .**

18 (4) The intent statement required by subsection (3) ~~shall~~**must**
19 be on a form prescribed and provided by the department of treasury
20 to the treasurer of the local ~~property~~-tax collecting unit.

21 (5) The treasurer of the local ~~property~~-tax collecting unit
22 that collects a summer property tax shall do the following:

23 (a) Cause a notice of the availability of the deferment to be
24 published in a newspaper of general circulation within the local
25 ~~property~~-tax collecting unit or to be included as an insertion with
26 the tax bill.

27 (b) Assist persons in completing the deferment form.

28 (6) If a local ~~property~~-tax collecting unit that collects a
29 summer property tax also collects a winter property tax in the same

1 year, a statement of the amount of taxes deferred ~~pursuant to~~ **under**
 2 subsection (2) ~~shall~~ **must** be in the December tax statement mailed
 3 by the local ~~property~~-tax collecting unit for each summer property
 4 tax payment that was deferred from collection. If a local ~~property~~
 5 tax collecting unit that collects a summer property tax does not
 6 collect a winter property tax in the same year, it shall mail a
 7 statement of the amount of taxes deferred under subsection (2) at
 8 the same time December tax statements are required to be mailed
 9 under section 44. **This subsection does not apply to deferments**
 10 **under subsection (2) (c) .**

11 (7) Persons eligible for deferment of summer property taxes
 12 under subsection ~~(2)~~ **(2) (a) and (b)** may file their intent to defer
 13 until September 15 or the time the tax would otherwise become
 14 subject to interest or a late penalty charge for late payment,
 15 whichever is later. **An owner of property eligible for deferment of**
 16 **summer property taxes under subsection (2) (c) may file an intent to**
 17 **defer until January 31, 2021.**

18 (8) To the extent permitted by the revised school code, 1976
 19 PA 451, MCL 380.1 to 380.1852, or the charter of a local ~~property~~
 20 tax collecting unit, a local ~~property~~-tax collecting unit may
 21 provide for the levy and collection of summer property taxes. The
 22 terms and conditions of collection established by or under an
 23 agreement executed pursuant to the revised school code, 1976 PA
 24 451, MCL 380.1 to 380.1852, or the charter of a local tax
 25 collecting unit govern a summer property tax levy.

26 (9) As used in this section:

27 (a) "Eligible business" means any of the following:

28 (i) An entertainment venue.

29 (ii) An exercise facility.

1 (iii) A food service establishment.

2 (iv) A recreation facility or place of public amusement.

3 (b) "Entertainment venue" includes an auditorium, arena,
4 banquet hall, cinema, concert hall, conference center, performance
5 venue, sporting venue, stadium, or theater.

6 (c) "Exercise facility" means a facility in which individuals
7 participate in individual or group physical activity, including a
8 gymnasium, fitness center, or exercise studio.

9 (d) "Food service establishment" means that term as defined in
10 section 1107 of the food law, 2000 PA 92, MCL 289.1107.

11 (e) ~~(a)~~—"Principal residence" means property exempt under
12 section 7cc.

13 (f) "Recreation facility or place of public amusement"
14 includes an amusement park, arcade, bingo hall, bowling alley,
15 casino, nightclub, skating rink, strip club, water park, or
16 trampoline park.

17 (g) ~~(b)~~—"Summer property tax" means a levy of ad valorem
18 property taxes that first becomes a lien before December 1 of any
19 calendar year.