

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 5364

(As amended, January 19, 2006)

<<A bill to amend 1893 PA 206, entitled  
"The general property tax act,"  
by amending section 53b (MCL 211.53b), as amended by 2003 PA  
105.>>

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 <<

2

3

4

5

6

7

House Bill No. 5364 as amended January 19, 2006

1

&gt;&gt;

2           Sec. 53b. (1) If there has been a clerical error or a mutual  
3 mistake of fact, ~~relative to the correct assessment figures, the~~  
4 ~~rate of taxation, or the mathematical computation relating to the~~  
5 ~~assessing of taxes,~~ the clerical error or mutual mistake of fact  
6 shall be verified by the local assessing officer and approved by  
7 the board of review at a meeting held for the purposes of this  
8 section on Tuesday following the second Monday in December and, for  
9 summer property taxes, on Tuesday following the third Monday in  
10 July. If there is not a levy of summer property taxes, the board of  
11 review may meet for the purposes of this section on Tuesday  
12 following the third Monday in July. If approved, the board of  
13 review shall file an affidavit within 30 days relative to the  
14 clerical error or mutual mistake of fact with the proper officials  
15 ~~who are involved with the assessment figures, rate of taxation, or~~  
16 ~~mathematical computation~~ and all affected official records shall  
17 be corrected. If the clerical error or mutual mistake of fact  
18 results in an overpayment or underpayment, the rebate, including  
19 any interest paid, shall be made to the taxpayer or the taxpayer  
20 shall be notified and payment made within 30 days of the notice. A  
21 rebate shall be without interest. The ~~county~~ treasurer **IN**  
22 **POSSESSION OF THE APPROPRIATE TAX ROLL** may deduct the rebate from  
23 the appropriate tax collecting unit's subsequent distribution of  
24 taxes. The ~~county~~ treasurer **IN POSSESSION OF THE APPROPRIATE TAX**  
25 **ROLL** shall bill to the appropriate tax collecting unit the tax  
26 collecting unit's share of taxes rebated. Except as otherwise  
27 provided in subsection (6), a correction under this subsection may

1 be made in the year in which the error was made or in the following  
2 year only.

3 (2) Action pursuant to this section may be initiated by the  
4 taxpayer or the assessing officer.

5 (3) The board of review meeting in July and December shall  
6 meet only for the purpose described in subsection (1) and to hear  
7 appeals provided for in sections 7u, 7cc, ~~and~~ 7ee, **7HH, AND 27A**.  
8 If an exemption under section 7u is approved, the board of review  
9 shall file an affidavit with the proper officials involved in the  
10 assessment and collection of taxes and all affected official  
11 records shall be corrected. If an appeal under section 7cc, ~~or~~  
12 7ee, **7HH, OR 27A** results in a determination that an overpayment has  
13 been made, the board of review shall file an affidavit and a rebate  
14 shall be made at the times and in the manner provided in subsection  
15 (1). Except as otherwise provided in sections 7cc, ~~and~~ 7ee, **AND**  
16 **27A**, a correction under this subsection shall be made for the year  
17 in which the appeal is made only. If the board of review grants an  
18 exemption or provides a rebate for property under section 7cc or  
19 7ee as provided in this subsection, the board of review shall  
20 require the owner to execute the affidavit provided for in section  
21 7cc or 7ee and shall forward a copy of any section 7cc affidavits  
22 to the department of treasury.

23 (4) If an exemption under section 7cc is granted by the board  
24 of review under this section, the provisions of section ~~7ee(6)~~  
25 ~~through (11)~~ **7CC** apply. If an exemption under section 7cc is not  
26 granted by the board of review under this section, the owner may  
27 appeal that decision in writing to the department of treasury

## House Bill No. 5364 as amended January 19, 2006

1 within 35 days of the board of review's denial and the appeal shall  
2 be conducted as provided in section ~~7ee(7)~~ 7CC(8).

3 (5) An owner or assessor may appeal a decision of the board of  
4 review under this section regarding an exemption under section 7ee  
5 to the residential and small claims division of the Michigan tax  
6 tribunal. An owner is not required to pay the amount of tax in  
7 dispute in order to receive a final determination of the  
8 residential and small claims division of the Michigan tax tribunal.  
9 However, interest and penalties, if any, shall accrue and be  
10 computed based on interest and penalties that would have accrued  
11 from the date the taxes were originally levied as if there had not  
12 been an exemption.

13 (6) A correction under this section that grants a ~~homestead~~  
14 **PRINCIPAL RESIDENCE** exemption pursuant to section ~~7ee(21)~~ 7CC may  
15 be made for the year in which the appeal was filed and the 3  
16 immediately preceding tax years.

17 (7) AS USED IN THIS SECTION <<AND SECTION 53A>>, "CLERICAL ERROR"  
AND "MUTUAL

18 MISTAKE OF FACT" MEANS 1 OR MORE OF THE FOLLOWING:

19 (A) AN ERROR RELATIVE TO THE CORRECT ASSESSMENT FIGURES, THE  
20 RATE OF TAXATION, OR THE MATHEMATICAL COMPUTATION RELATING TO THE  
21 ASSESSING OF TAXES.

22 (B) AN ERROR OF MEASUREMENT OR CALCULATION OF THE PHYSICAL  
23 DIMENSIONS OR COMPONENTS OF THE REAL PROPERTY BEING ASSESSED.

24 (C) AN ERROR OF OMISSION OR INCLUSION OF A PHYSICAL COMPONENT  
25 OF THE REAL PROPERTY BEING ASSESSED.

26 (D) AN ERROR REGARDING THE CORRECT TAXABLE STATUS OF THE REAL  
27 PROPERTY BEING ASSESSED.

1           (E) AS DETERMINED UNDER SECTION 7HH OR 27A OR ANY OTHER  
2 PROVISION OF LAW.

3           (F) AN ERROR MADE BY THE TAXPAYER IN PREPARING THE STATEMENT  
4 OF ASSESSABLE PERSONAL PROPERTY UNDER SECTION 19.

5           (G) A STATEMENT OF PERSONAL PROPERTY SUBMITTED UNDER SECTION  
6 19 AFTER FEBRUARY 20 IF THE LOCAL ASSESSING OFFICER HAD PREVIOUSLY  
7 ESTIMATED THE STATEMENT OF PERSONAL PROPERTY.

8           Enacting section 1. It is the intent of the legislature that  
9 the amendatory act that added subsection (7) to section 53b of the  
10 general property tax act, 1893 PA 206, MCL 211.53b, is curative and  
11 represents the original intent of the legislature.