

HOUSE BILL NO. 5567

November 30, 2021, Introduced by Reps. Roth, Bezotte and O'Malley and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 27a (MCL 211.27a), as amended by 2016 PA 375.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 27a. (1) Except as otherwise provided in this section,
2 property ~~shall~~**must** be assessed at 50% of its true cash value under
3 section 3 of article IX of the state constitution of 1963.

4 (2) Except as otherwise provided in subsection (3), for taxes
5 levied in 1995 and for each year after 1995, the taxable value of

1 each parcel of property is the lesser of the following:

2 (a) The property's taxable value in the immediately preceding
3 year minus any losses, multiplied by the lesser of 1.05 or the
4 inflation rate, plus all additions. For taxes levied in 1995, the
5 property's taxable value in the immediately preceding year is the
6 property's state equalized valuation in 1994.

7 (b) The property's current state equalized valuation.

8 (3) Upon a transfer of ownership of property after 1994, the
9 property's taxable value for the calendar year following the year
10 of the transfer is the property's state equalized valuation for the
11 calendar year following the transfer.

12 (4) If the taxable value of property is adjusted under
13 subsection (3), a subsequent increase in the property's taxable
14 value is subject to the limitation set forth in subsection (2)
15 until a subsequent transfer of ownership occurs. If the taxable
16 value of property is adjusted under subsection (3) and the assessor
17 determines that there had not been a transfer of ownership, the
18 taxable value of the property ~~shall~~**must** be adjusted at the July or
19 December board of review. Notwithstanding the limitation provided
20 in section 53b(1) on the number of years for which a correction may
21 be made, the July or December board of review may adjust the
22 taxable value of property under this subsection for the current
23 year and for the 3 immediately preceding calendar years. A
24 corrected tax bill ~~shall~~**must** be issued for each tax year for which
25 the taxable value is adjusted by the local tax collecting unit if
26 the local tax collecting unit has possession of the tax roll or by
27 the county treasurer if the county has possession of the tax roll.
28 For purposes of section 53b, an adjustment under this subsection
29 ~~shall~~**must** be considered the correction of a clerical error.

1 (5) Assessment of property, as required in this section and
2 section 27, is inapplicable to the assessment of property subject
3 to the levy of ad valorem taxes within voted tax limitation
4 increases to pay principal and interest on limited tax bonds issued
5 by any governmental unit, including a county, township, community
6 college district, or school district, before January 1, 1964, if
7 the assessment required to be made under this act would be less
8 than the assessment as state equalized prevailing on the property
9 at the time of the issuance of the bonds. This inapplicability
10 continues until levy of taxes to pay principal and interest on the
11 bonds is no longer required. The assessment of property required by
12 this act applies for all other purposes.

13 (6) As used in this act, "transfer of ownership" means the
14 conveyance of title to or a present interest in property, including
15 the beneficial use of the property, the value of which is
16 substantially equal to the value of the fee interest. Transfer of
17 ownership of property includes, but is not limited to, the
18 following:

19 (a) A conveyance by deed.

20 (b) A conveyance by land contract. The taxable value of
21 property conveyed by a land contract executed after December 31,
22 1994 ~~shall~~**must** be adjusted under subsection (3) for the calendar
23 year following the year in which the contract is entered into and
24 ~~shall~~**must** not be subsequently adjusted under subsection (3) when
25 the deed conveying title to the property is recorded in the office
26 of the register of deeds in the county in which the property is
27 located.

28 (c) A conveyance to a trust after December 31, 1994, except
29 under any of the following conditions:

1 (i) If the settlor or the settlor's spouse, or both, conveys
2 the property to the trust and the sole present beneficiary or
3 beneficiaries are the settlor or the settlor's spouse, or both.

4 (ii) Beginning December 31, 2014, for residential real
5 property, if the settlor or the settlor's spouse, or both, conveys
6 the residential real property to the trust and the sole present
7 beneficiary or beneficiaries are the settlor's or the settlor's
8 spouse's mother, father, brother, sister, son, daughter, adopted
9 son, adopted daughter, grandson, or granddaughter and the
10 residential real property is not used for any commercial purpose
11 following the conveyance. Upon request by the department of
12 treasury or the assessor, the sole present beneficiary or
13 beneficiaries shall furnish proof within 30 days that the sole
14 present beneficiary or beneficiaries meet the requirements of this
15 subparagraph. If a present beneficiary fails to comply with a
16 request by the department of treasury or assessor under this
17 subparagraph, that present beneficiary is subject to a fine of
18 \$200.00.

19 (d) A conveyance by distribution from a trust, except under
20 any of the following conditions:

21 (i) If the distributee is the sole present beneficiary or the
22 spouse of the sole present beneficiary, or both.

23 (ii) Beginning December 31, 2014, a distribution of residential
24 real property if the distributee is the settlor's or the settlor's
25 spouse's mother, father, brother, sister, son, daughter, adopted
26 son, adopted daughter, grandson, or granddaughter and the
27 residential real property is not used for any commercial purpose
28 following the conveyance. Upon request by the department of
29 treasury or the assessor, the sole present beneficiary or

1 beneficiaries shall furnish proof within 30 days that the sole
2 present beneficiary or beneficiaries meet the requirements of this
3 subparagraph. If a present beneficiary fails to comply with a
4 request by the department of treasury or assessor under this
5 subparagraph, that present beneficiary is subject to a fine of
6 \$200.00.

7 (e) A change in the sole present beneficiary or beneficiaries
8 of a trust, except under any of the following conditions:

9 (i) A change that adds or substitutes the spouse of the sole
10 present beneficiary.

11 (ii) Beginning December 31, 2014, for residential real
12 property, a change that adds or substitutes the settlor's or the
13 settlor's spouse's mother, father, brother, sister, son, daughter,
14 adopted son, adopted daughter, grandson, or granddaughter and the
15 residential real property is not used for any commercial purpose
16 following the conveyance. Upon request by the department of
17 treasury or the assessor, the sole present beneficiary or
18 beneficiaries shall furnish proof within 30 days that the sole
19 present beneficiary or beneficiaries meet the requirements of this
20 subparagraph. If a present beneficiary fails to comply with a
21 request by the department of treasury or assessor under this
22 subparagraph, that present beneficiary is subject to a fine of
23 \$200.00.

24 (f) A conveyance by distribution under a will or by intestate
25 succession, except under any of the following conditions:

26 (i) If the distributee is the decedent's spouse.

27 (ii) Beginning December 31, 2014, for residential real
28 property, if the distributee is the decedent's or the decedent's
29 spouse's mother, father, brother, sister, son, daughter, adopted

1 son, adopted daughter, grandson, or granddaughter and the
2 residential real property is not used for any commercial purpose
3 following the conveyance. Upon request by the department of
4 treasury or the assessor, the sole present beneficiary or
5 beneficiaries shall furnish proof within 30 days that the sole
6 present beneficiary or beneficiaries meet the requirements of this
7 subparagraph. If a present beneficiary fails to comply with a
8 request by the department of treasury or assessor under this
9 subparagraph, that present beneficiary is subject to a fine of
10 \$200.00.

11 (g) A conveyance by lease if the total duration of the lease,
12 including the initial term and all options for renewal, is more
13 than 35 years or the lease grants the lessee a bargain purchase
14 option. As used in this subdivision, "bargain purchase option"
15 means the right to purchase the property at the termination of the
16 lease for not more than 80% of the property's projected true cash
17 value at the termination of the lease. After December 31, 1994, the
18 taxable value of property conveyed by a lease with a total duration
19 of more than 35 years or with a bargain purchase option ~~shall~~**must**
20 be adjusted under subsection (3) for the calendar year following
21 the year in which the lease is entered into. This subdivision does
22 not apply to personal property except buildings described in
23 section 14(6) and personal property described in section 8(h), (i),
24 and (j). This subdivision does not apply to that portion of the
25 property not subject to the leasehold interest conveyed.

26 (h) Except as otherwise provided in this subdivision, a
27 conveyance of an ownership interest in a corporation, partnership,
28 sole proprietorship, limited liability company, limited liability
29 partnership, or other legal entity if the ownership interest

1 conveyed is more than 50% of the corporation, partnership, sole
2 proprietorship, limited liability company, limited liability
3 partnership, or other legal entity. Unless notification is provided
4 under subsection (10), the corporation, partnership, sole
5 proprietorship, limited liability company, limited liability
6 partnership, or other legal entity shall notify the assessing
7 officer on a form provided by the state tax commission not more
8 than 45 days after a conveyance of an ownership interest that
9 constitutes a transfer of ownership under this subdivision. Both of
10 the following apply to a corporation subject to 1897 PA 230, MCL
11 455.1 to 455.24:

12 (i) A transfer of stock of the corporation is a transfer of
13 ownership only with respect to the real property that is assessed
14 to the transferor lessee stockholder.

15 (ii) A cumulative conveyance of more than 50% of the
16 corporation's stock does not constitute a transfer of ownership of
17 the corporation's real property.

18 (i) A transfer of property held as a tenancy in common, except
19 that portion of the property not subject to the ownership interest
20 conveyed.

21 (j) A conveyance of an ownership interest in a cooperative
22 housing corporation, except that portion of the property not
23 subject to the ownership interest conveyed.

24 (k) Notwithstanding the provisions of section 7ee(5), at the
25 request of a property owner, an assessor's establishment of a
26 separate tax parcel for a portion of a parcel that ceases to be
27 qualified agricultural property but is not subject to a land
28 division under the land division act, 1967 PA 288, MCL 560.101 to
29 560.293, or any local ordinance. For purposes of this subdivision,

1 a transfer of ownership occurs only as to that portion of the
2 parcel established as a separate tax parcel and only that portion
3 ~~shall~~**must** have its taxable value adjusted under subsection (3) and
4 ~~shall be~~**is** subject to the recapture tax provided for under the
5 agricultural property recapture act, 2000 PA 261, MCL 211.1001 to
6 211.1007. The adjustment under subsection (3) ~~shall~~**must** be made as
7 of the December 31 in the year that the portion of the parcel
8 established as a separate tax parcel ceases to be qualified
9 agricultural property. A portion of a parcel subject to this
10 subdivision is considered a separate tax parcel only for those
11 purposes described in this subdivision.

12 (7) Transfer of ownership does not include the following:

13 (a) The transfer of property from 1 spouse to the other spouse
14 or from a decedent to a surviving spouse.

15 (b) A transfer from ~~a husband, a wife, or a married couple~~**1**
16 **or both spouses** creating or disjoining a tenancy by the entireties
17 in the grantors or the grantor and his or her spouse.

18 (c) Subject to subdivision (d), a transfer of that portion of
19 property subject to a life estate or life lease retained by the
20 transferor, until expiration or termination of the life estate or
21 life lease. That portion of property transferred that is not
22 subject to a life lease ~~shall~~**must** be adjusted under subsection
23 (3).

24 (d) Beginning December 31, 2014, a transfer of that portion of
25 residential real property that had been subject to a life estate or
26 life lease retained by the transferor resulting from expiration or
27 termination of that life estate or life lease, if the transferee is
28 the transferor's or transferor's spouse's mother, father, brother,
29 sister, son, daughter, adopted son, adopted daughter, grandson, or

1 granddaughter and the residential real property is not used for any
2 commercial purpose following the transfer. Upon request by the
3 department of treasury or the assessor, the transferee shall
4 furnish proof within 30 days that the transferee meets the
5 requirements of this subdivision. If a transferee fails to comply
6 with a request by the department of treasury or assessor under this
7 subdivision, that transferee is subject to a fine of \$200.00.

8 (e) A transfer through foreclosure or forfeiture of a recorded
9 instrument under chapter 31, 32, or 57 of the revised judicature
10 act of 1961, 1961 PA 236, MCL 600.3101 to 600.3285 and MCL 600.5701
11 to 600.5759, or through deed or conveyance in lieu of a foreclosure
12 or forfeiture, until the mortgagee or land contract vendor
13 subsequently transfers the property. If a mortgagee does not
14 transfer the property within 1 year of the expiration of any
15 applicable redemption period, the property ~~shall~~**must** be adjusted
16 under subsection (3).

17 (f) A transfer by redemption by the person to whom taxes are
18 assessed of property previously sold for delinquent taxes.

19 (g) A conveyance to a trust if the settlor or the settlor's
20 spouse, or both, conveys the property to the trust and any of the
21 following conditions are satisfied:

22 (i) If the sole present beneficiary of the trust is the settlor
23 or the settlor's spouse, or both.

24 (ii) Beginning December 31, 2014, for residential real
25 property, if the sole present beneficiary of the trust is the
26 settlor's or the settlor's spouse's mother, father, brother,
27 sister, son, daughter, adopted son, adopted daughter, grandson, or
28 granddaughter and the residential real property is not used for any
29 commercial purpose following the conveyance. Upon request by the

1 department of treasury or the assessor, the sole present
2 beneficiary or beneficiaries shall furnish proof within 30 days
3 that the sole present beneficiary or beneficiaries meet the
4 requirements of this subparagraph. If a present beneficiary fails
5 to comply with a request by the department of treasury or assessor
6 under this subparagraph, that present beneficiary is subject to a
7 fine of \$200.00.

8 (h) A transfer pursuant to a judgment or order of a court of
9 record making or ordering a transfer, unless a specific monetary
10 consideration is specified or ordered by the court for the
11 transfer.

12 (i) A transfer creating or terminating a joint tenancy between
13 2 or more persons if at least 1 of the persons was an original
14 owner of the property before the joint tenancy was initially
15 created and, if the property is held as a joint tenancy at the time
16 of conveyance, at least 1 of the persons was a joint tenant when
17 the joint tenancy was initially created and that person has
18 remained a joint tenant since the joint tenancy was initially
19 created. A joint owner at the time of the last transfer of
20 ownership of the property is an original owner of the property. For
21 purposes of this subdivision, a person is an original owner of
22 property owned by that person's spouse.

23 (j) A transfer for security or an assignment or discharge of a
24 security interest.

25 (k) A transfer of real property or other ownership interests
26 among members of an affiliated group. As used in this subsection,
27 "affiliated group" means 1 or more corporations connected by stock
28 ownership to a common parent corporation. Upon request by the state
29 tax commission, a corporation shall furnish proof within 45 days

1 that a transfer meets the requirements of this subdivision. A
2 corporation that fails to comply with a request by the state tax
3 commission under this subdivision is subject to a fine of \$200.00.

4 (l) Normal public trading of shares of stock or other ownership
5 interests that, over any period of time, cumulatively represent
6 more than 50% of the total ownership interest in a corporation or
7 other legal entity and are traded in multiple transactions
8 involving unrelated individuals, institutions, or other legal
9 entities.

10 (m) A transfer of real property or other ownership interests
11 among corporations, partnerships, limited liability companies,
12 limited liability partnerships, or other legal entities if the
13 entities involved are commonly controlled. Upon request by the
14 state tax commission, a corporation, partnership, limited liability
15 company, limited liability partnership, or other legal entity shall
16 furnish proof within 45 days that a transfer meets the requirements
17 of this subdivision. A corporation, partnership, limited liability
18 company, limited liability partnership, or other legal entity that
19 fails to comply with a request by the state tax commission under
20 this subdivision is subject to a fine of \$200.00.

21 (n) A direct or indirect transfer of real property or other
22 ownership interests resulting from a transaction that qualifies as
23 a tax-free reorganization under section 368 of the internal revenue
24 code, 26 USC 368. Upon request by the state tax commission, a
25 property owner shall furnish proof within 45 days that a transfer
26 meets the requirements of this subdivision. A property owner who
27 fails to comply with a request by the state tax commission under
28 this subdivision is subject to a fine of \$200.00.

29 (o) Except as provided in subsection (6)(k), a transfer of

1 qualified agricultural property, if the person to whom the
 2 qualified agricultural property is transferred files an affidavit
 3 with the assessor of the local tax collecting unit in which the
 4 qualified agricultural property is located and with the register of
 5 deeds for the county in which the qualified agricultural property
 6 is located attesting that the qualified agricultural property will
 7 remain qualified agricultural property. The affidavit under this
 8 subdivision ~~shall~~**must** be in a form prescribed by the department of
 9 treasury. An owner of qualified agricultural property shall inform
 10 a prospective buyer of that qualified agricultural property that
 11 the qualified agricultural property is subject to the recapture tax
 12 provided in the agricultural property recapture act, 2000 PA 261,
 13 MCL 211.1001 to 211.1007, if the qualified agricultural property is
 14 converted by a change in use, as that term is defined in section 2
 15 of the agricultural property recapture act, 2000 PA 261, MCL
 16 211.1002. If property ceases to be qualified agricultural property
 17 at any time after a transfer subject to this subdivision, all of
 18 the following ~~shall occur~~**apply**:

19 (i) The taxable value of that property, or, if subsection
 20 (6)(k) applies, a portion of it established as a separate tax
 21 parcel, ~~shall~~**must** be adjusted under subsection (3) as of the
 22 December 31 in the year that the property, or, if subsection (6)(k)
 23 applies, a portion of it established as a separate tax parcel,
 24 ceases to be qualified agricultural property.

25 (ii) The property, or, if subsection (6)(k) applies, a portion
 26 of it established as a separate tax parcel, is subject to the
 27 recapture tax provided for under the agricultural property
 28 recapture act, 2000 PA 261, MCL 211.1001 to 211.1007.

29 (p) A transfer of qualified forest property, if the person to

1 whom the qualified forest property is transferred files a qualified
2 forest taxable value affidavit with the assessor of the local tax
3 collecting unit in which the qualified forest property is located
4 and with the register of deeds for the county in which the
5 qualified forest property is located attesting that the qualified
6 forest property will remain qualified forest property. The
7 qualified forest taxable value affidavit under this subdivision
8 ~~shall~~**must** be in a form prescribed by the department of agriculture
9 and rural development. The qualified forest taxable value affidavit
10 ~~shall~~**must** include a legal description of the qualified forest
11 property, the name of the new property owner, the year the transfer
12 of the property occurred, a statement indicating that the property
13 owner is attesting that the property for which the exemption is
14 claimed is qualified forest property and will be managed according
15 to the approved forest management plan, and any other information
16 pertinent to the parcel and the property owner. The property owner
17 shall provide a copy of the qualified forest taxable value
18 affidavit to the department. The department shall provide 1 copy of
19 the qualified forest taxable value affidavit to the local tax
20 collecting unit, 1 copy to the conservation district, and 1 copy to
21 the department of treasury. These copies may be sent
22 electronically. The exception to the recognition of a transfer of
23 ownership, as herein stated, extends to the land only of the
24 qualified forest property. If qualified forest property is improved
25 by buildings, structures, or land improvements, then those
26 improvements ~~shall~~**must** be recognized as a transfer of ownership,
27 in accordance with the provisions of section 7jj[1]. An owner of
28 qualified forest property shall inform a prospective buyer of that
29 qualified forest property that the qualified forest property is

1 subject to the recapture tax provided in the qualified forest
 2 property recapture tax act, 2006 PA 379, MCL 211.1031 to 211.1036,
 3 if the qualified forest property is converted by a change in use,
 4 as that term is defined in section 2 of the qualified forest
 5 property recapture tax act, 2006 PA 379, MCL 211.1032. If property
 6 ceases to be qualified forest property at any time after being
 7 transferred, all of the following ~~shall occur~~:**apply**:

8 (i) The taxable value of that property ~~shall~~**must** be adjusted
 9 under subsection (3) as of the December 31 in the year that the
 10 property ceases to be qualified forest property, except to the
 11 extent that the transfer of the qualified forest property would not
 12 have been considered a transfer of ownership under this subsection.

13 (ii) Except as otherwise provided in subparagraph (iii), the
 14 property is subject to the recapture tax provided for under the
 15 qualified forest property recapture tax act, 2006 PA 379, MCL
 16 211.1031 to 211.1036.

17 (iii) Beginning June 1, 2013 and ending November 30, 2013,
 18 owners of property enrolled as qualified forest property before
 19 January 1, 2013 may execute a new qualified forest taxable value
 20 affidavit with the department of agriculture and rural development.
 21 If a landowner elects to execute a qualified forest taxable value
 22 affidavit, that owner is not required to pay the \$50.00 fee
 23 required under section 7jj[1](2). If a landowner elects not to
 24 execute a qualified forest taxable value affidavit, the existing
 25 affidavit ~~shall~~**must** be rescinded, without subjecting the property
 26 to the recapture tax provided for under the qualified forest
 27 property recapture tax act, 2006 PA 379, MCL 211.1031 to 211.1036,
 28 and the taxable value of that property ~~shall~~**must** be adjusted under
 29 subsection (3).

1 (q) Beginning on December 8, 2006, a transfer of land, but not
2 buildings or structures located on the land, which meets 1 or more
3 of the following requirements:

4 (i) The land is subject to a conservation easement under
5 subpart 11 of part 21 of the natural resources and environmental
6 protection act, 1994 PA 451, MCL 324.2140 to 324.2144. As used in
7 this subparagraph, "conservation easement" means that term as
8 defined in section 2140 of the natural resources and environmental
9 protection act, 1994 PA 451, MCL 324.2140.

10 (ii) A transfer of ownership of the land or a transfer of an
11 interest in the land is eligible for a deduction as a qualified
12 conservation contribution under section 170(h) of the internal
13 revenue code, 26 USC 170.

14 (r) A transfer of real property or other ownership interests
15 resulting from a consolidation or merger of a domestic nonprofit
16 corporation that is a boy or girl scout or camp fire girls
17 organization, a 4-H club or foundation, a young men's Christian
18 association, or a young women's Christian association and at least
19 50% of the members of that organization or association are
20 residents of this state.

21 (s) A change to the assessment roll or tax roll resulting from
22 the application of section 16a of 1897 PA 230, MCL 455.16a.

23 (t) Beginning December 31, 2013 through December 30, 2014, a
24 transfer of residential real property if the transferee is related
25 to the transferor by blood or affinity to the first degree and the
26 use of the residential real property does not change following the
27 transfer.

28 (u) Beginning December 31, 2014, a transfer of residential
29 real property if the transferee is the transferor's or the

1 transferor's spouse's mother, father, brother, sister, son,
2 daughter, adopted son, adopted daughter, grandson, or granddaughter
3 and the residential real property is not used for any commercial
4 purpose following the conveyance. Upon request by the department of
5 treasury or the assessor, the transferee shall furnish proof within
6 30 days that the transferee meets the requirements of this
7 subdivision. If a transferee fails to comply with a request by the
8 department of treasury or assessor under this subdivision, that
9 transferee is subject to a fine of \$200.00.

10 (v) Beginning December 31, 2014, for residential real
11 property, a conveyance from a trust if the person to whom the
12 residential real property is conveyed is the settlor's or the
13 settlor's spouse's mother, father, brother, sister, son, daughter,
14 adopted son, adopted daughter, grandson, or granddaughter and the
15 residential real property is not used for any commercial purpose
16 following the conveyance. Upon request by the department of
17 treasury or the assessor, the sole present beneficiary or
18 beneficiaries shall furnish proof within 30 days that the sole
19 present beneficiary or beneficiaries meet the requirements of this
20 subdivision. If a present beneficiary fails to comply with a
21 request by the department of treasury or assessor under this
22 subdivision, that present beneficiary is subject to a fine of
23 \$200.00.

24 (w) Beginning on March 31, 2015, a conveyance of land by
25 distribution under a will or trust or by intestate succession, but
26 not buildings or structures located on the land, which meets 1 or
27 more of the following requirements:

28 (i) The land is made subject to a conservation easement under
29 subpart 11 of part 21 of the natural resources and environmental

1 protection act, 1994 PA 451, MCL 324.2140 to 324.2144, prior to the
2 conveyance by distribution under a will or trust or by intestate
3 succession. As used in this subparagraph, "conservation easement"
4 means that term as defined in section 2140 of the natural resources
5 and environmental protection act, 1994 PA 451, MCL 324.2140.

6 (ii) The land or an interest in the land is made eligible for a
7 deduction as a qualified conservation contribution under section
8 170(h) of the internal revenue code, 26 USC 170, prior to the
9 conveyance by distribution under a will or trust or by intestate
10 succession.

11 (x) A conveyance of property under section 2120a(6) of the
12 natural resources and environmental protection act, 1994 PA 451,
13 MCL 324.2120a.

14 (y) **A transfer of residential real property from a general**
15 **partnership or limited partnership if the transferee is a general**
16 **partner or limited partner or the spouse of a general partner or**
17 **limited partner, or is the mother, father, brother, sister, son,**
18 **daughter, adopted son, adopted daughter, grandson, or granddaughter**
19 **of a general partner or limited partner or the spouse of a general**
20 **partner or limited partner, immediately before the transfer, and**
21 **the residential real property is not used for any commercial**
22 **purpose following the conveyance. Upon request by the department of**
23 **treasury or the assessor, a transferee shall furnish proof within**
24 **45 days that a transfer meets the requirements of this subdivision.**
25 **If a transferee fails to comply with a request by the department of**
26 **treasury or assessor under this subdivision, that transferee is**
27 **subject to a fine of \$200.00.**

28 (z) **A transfer of residential real property from a limited**
29 **liability company if the transferee is a member of the limited**

1 liability company or the spouse of a member of the limited
2 liability company, or is the mother, father, brother, sister, son,
3 daughter, adopted son, adopted daughter, grandson, or granddaughter
4 of a member of the limited liability company or the spouse of a
5 member of the limited liability company, immediately before the
6 transfer, and the residential real property is not used for any
7 commercial purpose following the conveyance. Upon request by the
8 department of treasury or the assessor, a transferee shall furnish
9 proof within 45 days that a transfer meets the requirements of this
10 subdivision. If a transferee fails to comply with a request by the
11 department of treasury or assessor under this subdivision, that
12 transferee is subject to a fine of \$200.00.

13 (8) If all of the following conditions are satisfied, the
14 local tax collecting unit shall revise the taxable value of
15 qualified agricultural property taxable on the tax roll in the
16 possession of that local tax collecting unit to the taxable value
17 that qualified agricultural property would have had if there had
18 been no transfer of ownership of that qualified agricultural
19 property since December 31, 1999 and there had been no adjustment
20 of that qualified agricultural property's taxable value under
21 subsection (3) since December 31, 1999:

22 (a) The qualified agricultural property was qualified
23 agricultural property for taxes levied in 1999 and each year after
24 1999.

25 (b) The owner of the qualified agricultural property files an
26 affidavit with the assessor of the local tax collecting unit under
27 subsection (7) (o).

28 (9) If the taxable value of qualified agricultural property is
29 adjusted under subsection (8), the owner of that qualified

1 agricultural property is not entitled to a refund for any property
2 taxes collected under this act on that qualified agricultural
3 property before the adjustment under subsection (8).

4 (10) The register of deeds of the county where deeds or other
5 title documents are recorded shall notify the assessing officer of
6 the appropriate local taxing unit not less than once each month of
7 any recorded transaction involving the ownership of property and
8 shall make any recorded deeds or other title documents available to
9 that county's tax or equalization department. Unless notification
10 is provided under subsection (6), the buyer, grantee, or other
11 transferee of the property shall notify the appropriate assessing
12 office in the local unit of government in which the property is
13 located of the transfer of ownership of the property within 45 days
14 of the transfer of ownership, on a form prescribed by the state tax
15 commission that states the parties to the transfer, the date of the
16 transfer, the actual consideration for the transfer, and the
17 property's parcel identification number or legal description. Forms
18 filed in the assessing office of a local unit of government under
19 this subsection ~~shall~~**must** be made available to the county tax or
20 equalization department for the county in which that local unit of
21 government is located. This subsection does not apply to personal
22 property except buildings described in section 14(6) and personal
23 property described in section 8(h), (i), and (j).

24 (11) As used in this section:

25 (a) "Additions" means that term as defined in section 34d.

26 (b) "Beneficial use" means the right to possession, use, and
27 enjoyment of property, limited only by encumbrances, easements, and
28 restrictions of record.

29 (c) "Commercial purpose" means used in connection with any

1 business or other undertaking intended for profit, but does not
2 include the rental of residential real property for a period of
3 less than 15 days in a calendar year.

4 (d) "Inflation rate" means that term as defined in section
5 34d.

6 (e) "Losses" means that term as defined in section 34d.

7 (f) "Qualified agricultural property" means that term as
8 defined in section 7dd.

9 (g) "Qualified forest property" means that term as defined in
10 section 7jj[1].

11 (h) "Residential real property" means real property classified
12 as residential real property under section 34c.