# CERTIFICATION OF ABANDONED PROPERTY FOR ACCELERATED FORFEITURE ACT

## Act 132 of 1999

AN ACT to provide for the identification, inspection, and certification of abandoned property; to prescribe certain duties for certain local units of government and county treasurers; to provide for certain administration and collection fees; and to facilitate the return of abandoned tax delinquent property to productive use.

**History:** 1999, Act 132, Imd. Eff. July 23, 1999

The People of the State of Michigan enact:

CAUTION! This document is from an archive and may contain outdated information.

### 211.961 Short title.

Sec. 1.

This act shall be known and may be cited as the "certification of abandoned property for accelerated forfeiture act".

**History:** 1999, Act 132, Imd. Eff. July 23, 1999

### 211.962 Definitions.

Sec. 2.

As used in this act:

(a) "Abandoned property" means tax delinquent property containing a structure that is vacant or dilapidated, is open to entrance or trespass, and has been determined to be abandoned under section 4.

(b) "Certified abandoned property" means abandoned property certified by a local unit of government as abandoned under section 6.

(c) "Declaration of accelerated forfeiture of abandoned property" means the resolution adopted by a local unit of government under section 3.

(d) "General property tax act" means the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(e) "Legal interest" means a person holding a title interest in the property or a mortgage holder as it appears on the records of the treasurer of the county in which the abandoned property is located or the records of the assessor of the local unit of government in which the abandoned property is located.

(f) "Local unit of government" means a city, village, or township.

(g) "Tax delinquent property" means property the taxes for which have been returned as delinquent under the general property tax act.

**History:** 1999, Act 132, Imd. Eff. July 23, 1999

### 211.963 Declaration of accelerated forfeiture of abandoned property; resolution.

Sec. 3.

A local unit of government may make a declaration of accelerated forfeiture of abandoned property by adopting a resolution at a meeting held pursuant to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, containing substantially the following language:

"Whereas, the governing body of the local unit of government determines that parcels of abandoned tax delinquent property exist;

Whereas, abandoned tax delinquent property contributes to crime, blight, and decay within the local unit of government;

Whereas, the certification of tax delinquent abandoned property as certified abandoned property will result in the accelerated forfeiture and foreclosure of certified abandoned property under the general property tax act and return abandoned property to productive use more rapidly, thereby reducing crime, blight, and decay within the local unit of government;

Therefore, the local unit of government hereby notifies residents and owners of property within the local unit of government that abandoned tax delinquent property will be identified and inspected and may be certified as certified abandoned property under the certification of abandoned property for accelerated forfeiture act and subject to accelerated forfeiture and foreclosure under the general property tax act.".

**History:** 1999, Act 132, Imd. Eff. July 23, 1999

CAUTION! This document is from an archive and may contain outdated information.

### 211.964 Identification as abandoned property; certification.

Sec. 4.

(1) If a local unit of government makes a declaration of accelerated forfeiture of abandoned property pursuant to section 3 before October 1 of any tax year, the local unit of government may identify property within the local unit of government as abandoned property if all of the following procedures are complied with:

(a) Before February 1, the local unit of government inspects the property and determines that the property is abandoned property.

(b) At the time of inspection under subdivision (a), the local unit of government posts a notice on the property that if taxes levied on the property are returned as delinquent, the property will be subject to accelerated forfeiture and foreclosure, and the imposition of the fees set forth in the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, unless an affidavit claiming the property is not abandoned is filed as provided under section 5.

(c) The local unit of government shall send a copy of the notice provided under subdivision (b) to the owner of the property or to the taxpayer of record by first-class mail.

(d) Taxes levied on the property are returned as delinquent on March 1 to the treasurer of the county in which the property is located pursuant to the general property tax act.

(2) If the local unit of government determines that the property is occupied by an owner or a person with a legal interest in the property, the local unit of government shall not certify the property as certified abandoned property.

**History:** 1999, Act 132, Imd. Eff. July 23, 1999

### 211.965 Affidavit claiming property not abandoned.

Sec. 5.

(1) An owner or a person with a legal interest in the property may file an affidavit claiming the property is not abandoned with the local unit of government before taxes are returned as delinquent or with the county treasurer after taxes are returned as delinquent.

(2) If an affidavit is filed under subsection (1) before the hearing under section 78j of the general property tax act, MCL 211.78j, the property is not forfeited on the immediately preceding March 1 and shall be forfeited on the immediately succeeding March 1 if all delinquent taxes, interest, penalties, and fees have not been paid.

**History:** 1999, Act 132, Imd. Eff. July 23, 1999

### 211.966 Certification of property as abandoned.

Sec. 6.

If a local unit of government complies with the procedures set forth in sections 3 and 4 and an owner or a person with a legal interest in the property has not responded to the notice provided under section 4, the local unit of government may certify the property as certified abandoned property.

**History:** 1999, Act 132, Imd. Eff. July 23, 1999

CAUTION! This document is from an archive and may contain outdated information.