

SENATE BILL No. 367

March 12, 2009, Introduced by Senators OLSHOVE and SANBORN and referred to the Committee on Finance.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 7dd (MCL 211.7dd), as amended by 2008 PA 243.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7dd. As used in sections 7cc and 7ee:

2 **(A) "ASSISTED LIVING FACILITY" MEANS A LICENSED ADULT FOSTER**
3 **CARE FACILITY OR HOME FOR THE AGED.**

4 **(B)** ~~(a)~~ "Owner" means any of the following:

5 *(i)* A person who owns property or who is purchasing property
6 under a land contract.

7 *(ii)* A person who is a partial owner of property.

8 *(iii)* A person who owns property as a result of being a
9 beneficiary of a will or trust or as a result of intestate

1 succession.

2 (iv) A person who owns or is purchasing a dwelling on leased
3 land.

4 (v) A person holding a life lease in property previously sold
5 or transferred to another.

6 (vi) A grantor who has placed the property in a revocable trust
7 or a qualified personal residence trust.

8 (vii) The sole present beneficiary of a trust if the trust
9 purchased or acquired the property as a principal residence for the
10 sole present beneficiary of the trust, and the sole present
11 beneficiary of the trust is totally and permanently disabled. As
12 used in this subparagraph, "totally and permanently disabled" means
13 disability as defined in section 216 of title II of the social
14 security act, 42 USC 416, without regard as to whether the sole
15 present beneficiary of the trust has reached the age of retirement.

16 (viii) A cooperative housing corporation.

17 (ix) A facility registered under the living care disclosure
18 act, 1976 PA 440, MCL 554.801 to 554.844.

19 (C) ~~(b)~~—"Person", for purposes of defining owner as used in
20 section 7cc, means an individual and for purposes of defining owner
21 as used in section 7ee means an individual, partnership,
22 corporation, limited liability company, association, or other legal
23 entity.

24 (D) ~~(e)~~—"Principal residence" means the 1 place where an owner
25 of the property has his or her true, fixed, and permanent home to
26 which, whenever absent, he or she intends to return and that shall
27 continue as a principal residence until another principal residence

1 is established. Except as otherwise provided in this subdivision,
2 principal residence includes only that portion of a dwelling or
3 unit in a multiple-unit dwelling that is subject to ad valorem
4 taxes and that is owned and occupied by an owner of the dwelling or
5 unit. Principal residence also includes all of an owner's
6 unoccupied property classified as residential that is adjoining or
7 contiguous to the dwelling subject to ad valorem taxes and that is
8 owned and occupied by the owner. Contiguity is not broken by a
9 road, a right-of-way, or property purchased or taken under
10 condemnation proceedings by a public utility for power transmission
11 lines if the 2 parcels separated by the purchased or condemned
12 property were a single parcel prior to the sale or condemnation.
13 Except as otherwise provided in this subdivision, principal
14 residence also includes any portion of a dwelling or unit of an
15 owner that is rented or leased to another person as a residence as
16 long as that portion of the dwelling or unit that is rented or
17 leased is less than 50% of the total square footage of living space
18 in that dwelling or unit. Principal residence also includes a life
19 care facility registered under the living care disclosure act, 1976
20 PA 440, MCL 554.801 to 554.844. Principal residence also includes
21 property owned by a cooperative housing corporation and occupied by
22 tenant stockholders. Property that qualified as a principal
23 residence shall continue to qualify as a principal residence for 3
24 years after all or any portion of the dwelling or unit included in
25 or constituting the principal residence is rented or leased to
26 another person as a residence if all of the following conditions
27 are satisfied:

1 (i) The owner of the dwelling or unit is absent while on active
2 duty in the armed forces of the United States.

3 (ii) The dwelling or unit would otherwise qualify as the
4 owner's principal residence.

5 (iii) Except as otherwise provided in this subparagraph, the
6 owner files an affidavit with the assessor of the local tax
7 collecting unit on or before May 1 attesting that it is his or her
8 intent to occupy the dwelling or unit as a principal residence upon
9 completion of active duty in the armed forces of the United States.

10 In 2008 only, the owner may file an affidavit under this
11 subparagraph on or before December 31. A copy of an affidavit filed
12 under this subparagraph shall be forwarded to the department of
13 treasury pursuant to a schedule prescribed by the department of
14 treasury.

15 **(E)** ~~(d)~~—"Qualified agricultural property" means unoccupied
16 property and related buildings classified as agricultural, or other
17 unoccupied property and related buildings located on that property
18 devoted primarily to agricultural use as defined in section 36101
19 of the natural resources and environmental protection act, 1994 PA
20 451, MCL 324.36101. Related buildings include a residence occupied
21 by a person employed in or actively involved in the agricultural
22 use and who has not claimed a principal residence exemption on
23 other property. Property used for commercial storage, commercial
24 processing, commercial distribution, commercial marketing, or
25 commercial shipping operations or other commercial or industrial
26 purposes is not qualified agricultural property. A parcel of
27 property is devoted primarily to agricultural use only if more than

1 50% of the parcel's acreage is devoted to agricultural use. An
2 owner shall not receive an exemption for that portion of the total
3 state equalized valuation of the property that is used for a
4 commercial or industrial purpose or that is a residence that is not
5 a related building.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. 282

8 of the 95th Legislature is enacted into law.