

# HOUSE BILL NO. 5124

October 17, 2019, Introduced by Reps. Byrd, Tate, Robinson, Neeley, Wittenberg, Hertel, Cambensy, Chirkun, Peterson, Elder, Sneller, Sabo, Cherry, Brixie, Lasinski, Coleman, Ellison, Hope, Anthony, Gay-Dagnogo, Cynthia Johnson, Witwer, Kuppa, Yancey, LaGrand, Hood, Love, Bolden and Jones 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 sections 78g and 78q (MCL 211.78g and 211.78q), section  
78g as amended by 2014 PA 500 and section 78q as amended by 2019 PA  
35.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 78g. (1) Except as otherwise provided in this subsection,
- 2 on March 1 in each tax year, certified abandoned property and
- 3 property that is delinquent for taxes, interest, penalties, and
- 4 fees for the immediately preceding 12 months or more is forfeited



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1 to the county treasurer for the total amount of those unpaid  
2 delinquent taxes, interest, penalties, and fees. If property is  
3 forfeited to a county treasurer under this subsection, the  
4 foreclosing governmental unit does not have a right to possession  
5 of the property until the April 1 immediately succeeding the entry  
6 of a judgment foreclosing the property under section 78k or in a  
7 contested case until 22 days after the entry of a judgment  
8 foreclosing the property under section 78k. If property is  
9 forfeited to a county treasurer under this subsection, the county  
10 treasurer shall add a \$175.00 fee to each parcel of property for  
11 which those delinquent taxes, interest, penalties, and fees remain  
12 unpaid. A county treasurer shall withhold a parcel of property from  
13 forfeiture for any reason determined by the state tax commission.  
14 The **state tax commission shall determine the** procedure for  
15 withholding a parcel of property from forfeiture under this  
16 subsection. ~~shall be determined by the state tax commission.~~

17 (2) Not more than 45 days after property is forfeited under  
18 subsection (1), the county treasurer shall record with the county  
19 register of deeds a certificate in a form determined by the  
20 department of treasury for each parcel of property forfeited to the  
21 county treasurer, specifying that the property has been forfeited  
22 to the county treasurer and not redeemed and that absolute title to  
23 the property ~~shall~~**will** vest in the county treasurer on the March  
24 31 immediately succeeding the entry of a judgment foreclosing the  
25 property under section 78k or in a contested case 21 days after the  
26 entry of a judgment foreclosing the property under section 78k. If  
27 a certificate of forfeiture is recorded in error, the county  
28 treasurer shall record with the county register of deeds a  
29 certificate of error in a form prescribed by the department of



1 treasury. A certificate submitted to the county register of deeds  
2 for recording under this subsection need not be notarized and may  
3 be authenticated by a digital signature of the county treasurer or  
4 by other electronic means. If the county has elected under section  
5 78 to have this state foreclose property under this act forfeited  
6 to the county treasurer under this section, the county treasurer  
7 shall immediately transmit to the department of treasury a copy of  
8 each certificate recorded under this subsection. The county  
9 treasurer shall upon collection transmit to the department of  
10 treasury within 30 days the fee added to each parcel under  
11 subsection (1), which may be paid from the county's delinquent tax  
12 revolving fund and ~~shall~~**must** be deposited in the land  
13 reutilization fund created under section 78n.

14 (3) Property forfeited to the county treasurer under  
15 subsection (1) may be redeemed at any time on or before the March  
16 31 immediately succeeding the entry of a judgment foreclosing the  
17 property under section 78k or in a contested case within 21 days of  
18 the entry of a judgment foreclosing the property under section 78k  
19 upon payment to the county treasurer of all of the following:

20 (a) The total amount of unpaid delinquent taxes, interest,  
21 penalties, and fees for which the property was forfeited or the  
22 reduced amount of unpaid delinquent taxes, interest, penalties, and  
23 fees payable under subsection (8), if applicable.

24 (b) Except as otherwise provided in this subdivision and  
25 subdivision (c), in addition to the interest calculated under  
26 sections 60a(1) or (2) and 78a(3), additional interest computed at  
27 a noncompounded rate of 1/2% per month or fraction of a month on  
28 the taxes that were originally returned as delinquent, computed  
29 from the March 1 preceding the forfeiture. The county treasurer may



1 waive the additional interest under this subdivision if the  
2 property is withheld from the petition for foreclosure under  
3 section 78h(3) (c).

4 (c) If the property is classified as residential real property  
5 under section 34c, the property is a principal residence exempt  
6 from the tax levied by a local school district for school operating  
7 purposes under section 7cc, and a tax foreclosure avoidance  
8 agreement is in effect for the property under section 78q(5), while  
9 the tax foreclosure avoidance agreement is effective, all of the  
10 following ~~shall~~ apply:

11 (i) The property ~~shall~~**must** be withheld from the petition for  
12 foreclosure under section 78h.

13 (ii) The additional interest under subdivision (b) ~~shall~~**does**  
14 not apply and interest computed at a noncompounded rate of 1/2% per  
15 month or fraction of a month on the taxes that were originally  
16 returned as delinquent, computed from the date that the taxes  
17 originally were returned as delinquent, ~~shall apply~~**applies** to the  
18 property.

19 (d) All recording fees and all fees for service of process or  
20 notice.

21 (4) If property is redeemed by a person with a legal interest  
22 as provided under subsection (3), any unpaid taxes not returned as  
23 delinquent to the county treasurer under section 78a are not  
24 extinguished.

25 (5) If property is redeemed by a person with a legal interest  
26 as provided under subsection (3), the person redeeming does not  
27 acquire a title or interest in the property greater than that  
28 person would have had if the property had not been forfeited to the  
29 county treasurer, but the person redeeming, other than the owner,



1 is entitled to a lien for the amount paid to redeem the property in  
2 addition to any other lien or interest the person may have, which  
3 ~~shall~~**must** be recorded within 30 days with the register of deeds by  
4 the person entitled to the lien. The lien acquired ~~shall have~~**has**  
5 the same priority as the existing lien, title, or interest.

6 (6) If property is redeemed as provided under subsection (3),  
7 the county treasurer shall issue a redemption certificate in  
8 quadruplicate in a form prescribed by the department of treasury.  
9 One of the quadruplicate certificates ~~shall~~**must** be delivered to  
10 the person making the redemption payment, 1 ~~shall~~**must** be filed in  
11 the office of the county treasurer, 1 ~~shall~~**must** be recorded in the  
12 office of the county register of deeds, and 1 ~~shall~~**must** be  
13 immediately transmitted to the department of treasury if this state  
14 is the foreclosing governmental unit. The county treasurer shall  
15 also make a note of the redemption certificate in the tax record  
16 kept in his or her office, with the name of the person making the  
17 final redemption payment, the date of the payment, and the amount  
18 paid. If the county treasurer accepts partial redemption payments,  
19 the county treasurer shall include in the tax record kept in his or  
20 her office the name of the person or persons making each partial  
21 redemption payment, the date of each partial redemption payment,  
22 the amount of each partial redemption payment, and the total amount  
23 of all redemption payments. A certificate and the entry of the  
24 certificate in the tax record by the county treasurer is prima  
25 facie evidence of a redemption payment in the courts of this state.  
26 A certificate submitted to the county register of deeds for  
27 recording under this subsection need not be notarized and may be  
28 authenticated by a digital signature of the county treasurer or by  
29 other electronic means. If a redemption certificate is recorded in



1 error, the county treasurer shall record with the county register  
2 of deeds a certificate of error in a form prescribed by the  
3 department of treasury. A copy of a certificate of error recorded  
4 under this section shall ~~must~~ be immediately transmitted to the  
5 department of treasury if this state is the foreclosing  
6 governmental unit.

7 (7) If a foreclosing governmental unit has reason to believe  
8 that a property forfeited under this section may be the site of  
9 environmental contamination, the foreclosing governmental unit  
10 shall provide the department of environmental quality with any  
11 information in the possession of the foreclosing governmental unit  
12 that suggests the property may be the site of environmental  
13 contamination.

14 ~~(8) Before July 1, 2016, if the amount of unpaid delinquent~~  
15 ~~taxes, interest, penalties, and fees for which a property was~~  
16 ~~forfeited is greater than 50% of the state equalized valuation of~~  
17 ~~the property and the property is subject to and in compliance with~~  
18 ~~a delinquent property tax installment payment plan under section~~  
19 ~~78q(1) or a tax foreclosure avoidance agreement under section~~  
20 ~~78q(5), or both, the foreclosing governmental unit may reduce the~~  
21 ~~amount of taxes, interest, penalties, and fees required to be paid~~  
22 ~~to redeem the property under subdivision (3)(a) to an amount equal~~  
23 ~~to 50% of the state equalized valuation of the property. If a~~  
24 ~~property is redeemed by payment of the reduced amount under this~~  
25 ~~subsection, any remaining unpaid taxes, interest, penalties, and~~  
26 ~~fees for which the property was forfeited and otherwise payable~~  
27 ~~shall be canceled by the county treasurer. A foreclosing~~  
28 ~~governmental unit may not approve a reduction in the amount~~  
29 ~~necessary to redeem property under this subsection if the reduction~~



1 ~~would cause noncompliance with section 87c(7) or otherwise~~  
 2 ~~impermissibly impair an outstanding debt of the county.~~

3 (8) Notwithstanding any provision of this act or charter to  
 4 the contrary, until July 1, 2023, all of the following apply to  
 5 property forfeited under this section:

6 (a) If the property is subject to an exemption under section  
 7 7b or 7u, the foreclosing governmental unit may do 1 or more of the  
 8 following:

9 (i) If the total amount of unpaid delinquent taxes for which  
 10 the property was forfeited is greater than 10% of the most recent  
 11 taxable valuation of the property immediately prior to the date  
 12 that the property obtained exempt status under section 7b or 7u,  
 13 reduce the amount required to be paid to redeem the property under  
 14 subsection (3) (a) to 10% of the most recent taxable valuation of  
 15 the property immediately prior to the date that the property  
 16 obtained exempt status under section 7b or 7u. A reduction under  
 17 this subparagraph must be allocated to each taxing unit based on  
 18 the proportion that its unpaid delinquent taxes certified to the  
 19 county treasurer bear to the total amount of unpaid delinquent  
 20 taxes certified to the county treasurer in connection with the  
 21 property.

22 (ii) Cancel some or all of any unpaid delinquent taxes that  
 23 represent charges for services that have become delinquent and have  
 24 been certified to the county treasurer for collection of taxes and  
 25 enforcement of the lien for the taxes under section 21(3) of the  
 26 revenue bond act of 1933, 1933 PA 94, MCL 141.121.

27 (iii) Cancel some or all of the interest, penalties, and fees  
 28 required to be paid to redeem the property.

29 (b) If the amount required to redeem the property is reduced



1 under subdivision (a), the foreclosing governmental unit may  
2 further reduce the redemption amount by an amount not to exceed 10%  
3 of the unpaid delinquent taxes required to be paid to redeem the  
4 property if the property is redeemed by a single lump-sum payment  
5 made within a period to be determined by the foreclosing  
6 governmental unit.

7 (c) A foreclosing governmental unit may apply the provisions  
8 of this subsection to property subject to and in compliance with a  
9 delinquent property tax installment payment plan under section  
10 78q(1) or a tax foreclosure avoidance agreement under section  
11 78q(5).

12 (d) If property is redeemed by payment of a reduced amount  
13 under this subsection in accordance with the terms, conditions, and  
14 time period established by the county treasurer, any remaining  
15 unpaid taxes, interest, penalties, and fees for which the property  
16 was forfeited and otherwise payable shall be canceled by the county  
17 treasurer, including, but not limited to, any interest, fee, or  
18 penalty payment requirements set forth in a delinquent property tax  
19 installment payment plan under section 78q(1) or a tax foreclosure  
20 avoidance agreement under section 78q(5) with respect to the  
21 property. A county treasurer shall not impose any additional  
22 interest, penalties, fees, or other charges of any kind in  
23 connection with a payment reduction program under this subsection.

24 (e) If the owner of property subject to a payment reduction  
25 under this subsection fails to pay the full reduced amount of  
26 delinquent taxes, penalties, and fees under this subsection in  
27 accordance with the terms, conditions, and time period established  
28 by the county treasurer, all of the following apply:

29 (i) The amount required to be paid to redeem the property is





1 the sum of both of the following:

2 (A) The full amount of any unpaid delinquent taxes on the  
3 property.

4 (B) Interest under section 78g(3) (b) and any additional  
5 interest, fees, charges, and penalties otherwise applicable to any  
6 unpaid taxes on the property, including, but not limited to,  
7 interest, fees, charges, and penalties canceled under subdivision  
8 (d).

9 (ii) The property must be included in the immediately  
10 succeeding petition for foreclosure under section 78h.

11 (f) A foreclosing governmental unit may not approve a  
12 reduction in the amount required to redeem property under this  
13 subsection if the reduction would cause noncompliance with section  
14 87c(7) or otherwise impermissibly impair an outstanding debt of the  
15 county or any taxing unit.

16 (g) All payments collected in connection with property under  
17 this subsection must be distributed to each taxing unit that has  
18 certified to the county treasurer unpaid delinquent taxes for the  
19 property in an amount based on the proportion that the taxing  
20 unit's unpaid delinquent taxes certified to the county treasurer  
21 bear to the total amount of unpaid delinquent taxes certified to  
22 the county treasurer in connection with the property.

23 (h) A county treasurer shall set forth the terms and benefits  
24 of a payment reduction program available under this subsection in a  
25 plan published on the foreclosing governmental unit's website. The  
26 plan must set forth which of the reductions described in  
27 subdivisions (a) and (b) are available under the program and must  
28 include any other information determined to be necessary or  
29 appropriate in the discretion of the county treasurer.



1           (9) If a payment reduction under subsection (8) is in effect  
2 for property for which a county has issued notes under this act  
3 that are secured by the delinquent taxes and interest on that  
4 property, at any time within 2 years after the date that those  
5 taxes were returned as delinquent, the county treasurer may charge  
6 back to any taxing unit the face amount of the delinquent taxes  
7 that were owed to that taxing unit on the date those taxes were  
8 returned as delinquent, less the amount of any payments received by  
9 the county treasurer on that property. All subsequent payments of  
10 delinquent taxes and interest on that property must be retained by  
11 the county treasurer in a separate account and either paid to or  
12 credited to the account of that taxing unit.

13           Sec. 78q. (1) Notwithstanding any provision of this act or  
14 charter to the contrary, a foreclosing governmental unit may create  
15 a delinquent property tax installment payment plan for eligible  
16 property, the title to which is held by a financially distressed  
17 person. **A delinquent property tax installment payment plan created**  
18 **under this subsection may be combined with and made subject to a**  
19 **delinquent property tax payment reduction under section 78g(8)(c).**

20           (2) If a financially distressed person agrees to participate  
21 in a delinquent property tax installment payment plan created under  
22 subsection (1) and makes the initial payment required under that  
23 delinquent property tax installment payment plan, the foreclosing  
24 governmental unit may remove eligible property the title to which  
25 is held by that financially distressed person from the petition for  
26 foreclosure as provided in section 78h(3)(c).

27           (3) If a financially distressed person successfully completes  
28 a delinquent property tax installment payment plan created under  
29 subsection (1), interest under section 78g(3)(b) and any additional



1 interest otherwise applicable ~~shall~~**must** be waived.

2 (4) If a financially distressed person does not successfully  
3 complete a delinquent property tax installment payment plan created  
4 under subsection (1), both of the following apply:

5 (a) Interest under section 78g(3)(b) and any additional  
6 interest otherwise applicable apply to any unpaid taxes on the  
7 property.

8 (b) The eligible property ~~shall~~**must** be included in the  
9 immediately succeeding petition for foreclosure under section 78h.

10 (5) Notwithstanding any provision of this act or charter to  
11 the contrary, until June 30, 2026, a county treasurer may enter  
12 into a tax foreclosure avoidance agreement for a term of up to 5  
13 years with an owner of property returned as delinquent to the  
14 county treasurer under this act or forfeited to the county  
15 treasurer under section 78g if the property is classified as  
16 residential real property under section 34c, if the property is  
17 eligible property, and if the owner makes an initial payment of ~~at~~  
18 ~~least 10% of the delinquent taxes owed on the property~~ **in an amount**  
19 **determined by the county treasurer. A tax foreclosure avoidance**  
20 **agreement entered into under this subsection may be combined with**  
21 **and made subject to a delinquent property tax payment reduction**  
22 **under section 78g(8)(c).** While a tax foreclosure avoidance  
23 agreement is effective, the property ~~shall~~**must** be withheld or  
24 removed from the petition for foreclosure as provided under section  
25 78h(3)(c), interest at the rate provided in section 78g(3)(c) *(ii)*  
26 applies, and the owner shall make timely payments as provided under  
27 the tax foreclosure avoidance agreement, including timely payment  
28 of all nondelinquent taxes on the property. A tax foreclosure  
29 avoidance agreement must require regular periodic installment



1 payments. The final payment must not be disproportionately larger  
2 than a regular periodic installment payment and regular periodic  
3 installment payments in the final year must not be  
4 disproportionately larger than regular periodic installment  
5 payments in prior years. A county treasurer may refuse to enter  
6 into a tax foreclosure avoidance agreement with an owner under this  
7 subsection if that owner is not in compliance with another tax  
8 foreclosure avoidance agreement with the county treasurer or with a  
9 delinquent property tax installment plan with the county treasurer  
10 under this section. A county treasurer may not enter into more than  
11 2 tax foreclosure avoidance agreements with an owner. If an owner  
12 fails to comply with a tax foreclosure avoidance agreement or if  
13 the tax foreclosure avoidance agreement is no longer effective, all  
14 of the following apply:

15 (a) Interest under section 78g(3)(b) and any additional  
16 interest otherwise applicable apply to any unpaid taxes on the  
17 property.

18 (b) The property ~~shall~~**must** be included in the immediately  
19 succeeding petition for foreclosure under section 78h.

20 (c) The owner shall not bid on property subject to sale under  
21 section 78m, if that property was subject to the tax foreclosure  
22 avoidance agreement.

23 (6) A delinquent property tax installment payment plan or a  
24 tax foreclosure avoidance agreement may not be approved under this  
25 section if the delinquent property tax installment payment plan or  
26 tax foreclosure avoidance agreement would impermissibly impair an  
27 outstanding debt of the county.

28 (7) If a foreclosing governmental unit has created a  
29 delinquent property tax installment payment plan under this



1 section, the department of treasury may audit the books and records  
 2 of that foreclosing governmental unit concerning the details of  
 3 that delinquent property tax installment payment plan.

4 (8) Property classified as industrial real property under  
 5 section 34c that is occupied at less than 10% of its facility  
 6 capacity for more than 3 years and that is located in a county with  
 7 a population of more than 1,500,000 according to the most recent  
 8 federal decennial census is not eligible to participate in a  
 9 delinquent property tax installment payment plan and is subject to  
 10 section 78m, including sale under section 78m(2) to the person  
 11 bidding the highest amount above the minimum bid.

12 (9) If a delinquent property tax installment payment plan is  
 13 in effect for property for which a county has issued notes under  
 14 this act that are secured by the delinquent taxes and interest on  
 15 that property, at any time 2 years after the date that those taxes  
 16 were returned as delinquent, the county treasurer may charge back  
 17 to any taxing unit the face amount of the delinquent taxes that  
 18 were owed to that taxing unit on the date those taxes were returned  
 19 as delinquent, less the amount of any principal installments  
 20 received by the county treasurer on that property under the  
 21 delinquent property tax installment payment plan. All subsequent  
 22 payments of delinquent taxes and interest on that property ~~shall~~  
 23 **must** be retained by the county treasurer in a separate account and  
 24 either paid to or credited to the account of that taxing unit.

25 (10) As used in this section:

26 (a) "Eligible property" means property that is a principal  
 27 residence exempt from the tax levied by a local school district for  
 28 school operating purposes under section 7cc.

29 (b) "Financially distressed person" means a person who meets



1 all of the following conditions:

2 (i) Is eligible to have property to which he or she holds title  
3 withheld from a petition for foreclosure under section 78h(3) (b).

4 (ii) Is not delinquent in satisfying a delinquent property tax  
5 installment payment plan or tax foreclosure avoidance agreement  
6 under this section for any other property within the foreclosing  
7 governmental unit.

