

RESOLUTION #23-03

WAIVE COLLECTION FEES/SENIOR CITIZENS

BE IT RESOLVED that the Alpena County Board of Commissioners waive, through April 30, 2023 the collection fees and interest in excess of those charged prior to February 15, 2023, on the 2022 property taxes currently being collected. This exemption applies only to qualified senior citizens – 62 years or older, paraplegics, eligible servicemen, and eligible veterans, and blind and totally and permanently disabled as defined in the State Income Tax Act who have filed Homestead Property Tax Credit prior to February 15, 2023.

THE GENERAL PROPERTY TAX ACT (EXCERPT)
Act 206 of 1893

211.51 Failure of township treasurer to file bond with county treasurer; failure to appoint treasurer to give bond and deliver receipt; delivery of tax roll and warrant; collection and return of taxes; adding property tax administration fee, late penalty charge, and interest; return of excess amount; powers of county treasurer; persons eligible for deferment of summer property taxes; deferred taxes not subject to penalties or interest; filing and form of intent to defer; duties of treasurer; statement of taxes deferred; levy and collection of summer property taxes by local taxing unit; definitions.

Sec. 51. (1) If a township treasurer does not file his or her bond with the county treasurer as prescribed by law and the township board fails to appoint a treasurer to give the bond and deliver a receipt for the bond to the supervisor by December 10, the supervisor shall deliver the tax roll with the necessary warrant directed to the county treasurer, who shall make the collection and return of taxes. The county treasurer, pursuant to the adoption of a resolution by the county board of commissioners, has the same powers and duties to add a property tax administration fee, a late penalty charge, and interest to all taxes collected as conferred upon a township treasurer under section 44. The excess of the amount of property tax administration fees over the expense to the county in collecting the taxes shall be returned to the township, and the remainder of the property tax administration fees and any late penalty charges imposed shall be credited to the county general fund. For the purpose of collecting the taxes, the county treasurer is vested with all the powers conferred upon the township treasurer and an action may be brought on the county treasurer's bond under the same circumstances as on those of a township treasurer.

(2) A local tax collecting unit that collects a summer property tax shall defer the collection of summer property taxes against the following property for which a deferment is claimed until the following February 15:

(a) The principal residence of a taxpayer who meets both of the following conditions:

(i) Meets 1 or more of the following conditions:

(A) Is a totally and permanently disabled person, blind person, paraplegic, quadriplegic, eligible serviceperson, eligible veteran, or eligible widow or widower, as these persons are defined in chapter 9 of the income tax act of 1967, 1967 PA 281, MCL 206.501 to 206.532.

(B) Is 62 years of age or older, including the unremarried surviving spouse of a person who was 62 years of age or older at the time of death.

(ii) For the prior taxable year had a total household income of the following:

(A) For taxes levied before January 1, 2005, \$25,000.00, or less.

(B) For taxes levied after December 31, 2004 and before January 1, 2006, \$35,000.00, or less.

(C) For taxes levied after December 31, 2005 and before January 1, 2007, \$37,500.00, or less.

(D) For taxes levied after December 31, 2006, \$40,000.00, or less.

(b) Property classified or used as agricultural real property if the gross receipts of the agricultural or horticultural operations in the previous year or the average gross receipts of the operations in the previous 3 years are not less than the household income of the owner in the previous year or the combined household incomes in the previous year of the individual members of a limited liability company or partners of a partnership that owns the agricultural real property. A limited liability company or partnership may claim the deferment under this section only if the individual members of the limited liability company or partners of the partnership qualified for the deferment under this section before the individual members or partners formed the limited liability company or partnership.

(3) A taxpayer may claim a deferment provided by subsection (2) by filing with the treasurer of the local property tax collecting unit an intent to defer the summer property taxes that are due and payable in that year without penalty or interest. Taxes deferred under subsection (2) that are not paid by the following February 15 are not subject to penalties or interest for the period of deferment.

(4) The intent statement required by subsection (3) shall be on a form prescribed and provided by the department of treasury to the treasurer of the local property tax collecting unit.

(5) The treasurer of the local property tax collecting unit that collects a summer property tax shall do the following:

(a) Cause a notice of the availability of the deferment to be published in a newspaper of general circulation within the local property tax collecting unit or to be included as an insertion with the tax bill.

(b) Assist persons in completing the deferment form.

(6) If a local property tax collecting unit that collects a summer property tax also collects a winter property

tax in the same year, a statement of the amount of taxes deferred pursuant to subsection (2) shall be in the December tax statement mailed by the local property tax collecting unit for each summer property tax payment that was deferred from collection. If a local property tax collecting unit that collects a summer property tax does not collect a winter property tax in the same year, it shall mail a statement of the amount of taxes deferred under subsection (2) at the same time December tax statements are required to be mailed under section 44.

(7) Persons eligible for deferment of summer property taxes under subsection (2) may file their intent to defer until September 15 or the time the tax would otherwise become subject to interest or a late penalty charge for late payment, whichever is later.

(8) To the extent permitted by the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or the charter of a local property tax collecting unit, a local property tax collecting unit may provide for the levy and collection of summer property taxes. The terms and conditions of collection established by or under an agreement executed pursuant to the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or the charter of a local tax collecting unit govern a summer property tax levy.

(9) As used in this section:

(a) "Principal residence" means property exempt under section 7cc.

(b) "Summer property tax" means a levy of ad valorem property taxes that first becomes a lien before December 1 of any calendar year.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3874;—CL 1915, 4047;—CL 1929, 3442;—CL 1948, 211.51;—Am. 1975, Act 294, Imd. Eff. Dec. 10, 1975;—Am. 1978, Act 274, Imd. Eff. June 29, 1978;—Am. 1982, Act 386, Imd. Eff. Dec. 28, 1982;—Am. 1982, Act 503, Imd. Eff. Dec. 31, 1982;—Am. 1983, Act 191, Imd. Eff. Nov. 1, 1983;—Am. 1984, Act 31, Imd. Eff. Mar. 12, 1984;—Am. 1984, Act 205, Eff. Mar. 29, 1985;—Am. 1992, Act 97, Imd. Eff. June 19, 1992;—Am. 2005, Act 24, Imd. Eff. May 23, 2005;—Am. 2005, Act 114, Imd. Eff. Sept. 22, 2005;—Am. 2009, Act 189, Imd. Eff. Dec. 22, 2009;—Am. 2012, Act 57, Imd. Eff. Mar. 22, 2012.

Popular name: Act 206

THE GENERAL PROPERTY TAX ACT (EXCERPT)
Act 206 of 1893

211.59 Payment of taxes on property returned as delinquent; interest and county property tax administration fee; allocation and distribution of taxes and interest; additional charge as lien on property; crediting expense charge to land reutilization fund and to general fund; reimbursement of state and county; disposition and use of county property tax administration fee; claim by certain persons for credit on taxes paid for principal property; indicating fee on delinquent tax roll; disposition and use of fees.

Sec. 59. (1) A person may pay the taxes, any 1 of the taxes, a portion of the taxes specified by resolution of the county board of commissioners, or if a specification is not made by a resolution of the county board of commissioners, a portion of the taxes approved by the county treasurer on a parcel or description of property returned as delinquent, or on an undivided share of a parcel or description of property returned as delinquent. For taxes levied on real property before January 1, 1999 and for taxes levied on personal property, the amount paid under this subsection shall include interest computed from the March 1 after the taxes were assessed at the rate of 1% per month or fraction of a month, except as provided in section 89, and 4% of the delinquent taxes as a county property tax administration fee that shall be a minimum of \$1.00 per payment of delinquent taxes, except as provided in section 89. Payment under this subsection shall be made to the county treasurer of the county in which the property is forfeited to a county treasurer pursuant to section 78g. The county treasurer and the treasurer for the local tax collecting unit shall allocate and distribute the taxes and interest paid proportionately among the county or local tax collecting unit funds and the property tax administration fee returned as delinquent under section 44(6) to the treasurer of the local tax collecting unit who transmitted the taxes returned as delinquent. For taxes levied before January 1, 1999, on all descriptions of property with unpaid taxes on the October 1 before the time prescribed for the sale of a tax lien on the property, an additional \$10.00 shall be charged for expenses, which shall be a lien on the property. If collected, before January 1, 2006, \$5.00 of this expense charge shall be credited to a restricted revenue fund of this state, to be known as the delinquent property tax administration fund, and after December 31, 2005 \$5.00 of this expense charge shall be deposited in the land reutilization fund created in section 78n, to reimburse this state for the cost of publishing the lists of property and other expenses, and \$5.00 shall belong to the general fund of the county to reimburse the county for the expense incurred in preparing the list of delinquent property for sale or forfeiture.

(2) For taxes levied before January 1, 1999, the property tax administration fee paid to the county treasurer shall be credited to the general fund of the county and the property tax administration fee paid to the state treasurer shall be credited to the land reutilization fund created in section 78n. Amounts credited to the general fund of the county shall be used only for the purposes specified in subsection (6).

(3) For taxes levied before January 1, 1999, and for taxes levied after December 31, 1998, a county board of commissioners, by resolution, may provide all of the following for taxes paid before May 1 in the first year of delinquency for the principal residence of a senior citizen, paraplegic, hemiplegic, quadriplegic, eligible serviceman, eligible veteran, eligible widow, totally and permanently disabled person, or blind person, as those persons are defined in chapter 9 of the income tax act of 1967, 1967 PA 281, MCL 206.501 to 206.532, if either a claim is made before February 15 for the credit provided by chapter 9 of the income tax act of 1967, 1967 PA 281, MCL 206.501 to 206.532, if that claimant presents a copy of the form filed for that credit to the county treasurer, and if that claimant has not received the credit before March 1; or if a claim was made in the immediately preceding tax year for the credit provided by chapter 9 of the income tax act of 1967, 1967 PA 281, MCL 206.501 to 206.532, and if that claimant resides at the same principal residence as claimed in the immediately preceding tax year:

(a) Any interest, fee, or penalty in excess of the interest, fee, or penalty that would have been added if the tax had been paid before February 15 is waived.

(b) Interest paid under subsection (1) or section 89(1)(a) is waived unless the interest is pledged to the repayment of delinquent tax revolving fund notes or payable to the county delinquent tax revolving fund, in which case the interest shall be refunded from the general fund of the county.

(c) The county property tax administration fee is waived.

(4) The treasurer of the local tax collecting unit shall indicate on the delinquent tax roll if a 1% property tax administration fee was added to taxes collected before February 15.

(5) The fees authorized and collected under this section and credited to the delinquent property tax administration fund shall be used by the department of treasury to pay expenses incurred in the administration of this act.

(6) The county property tax administration fee shall be used by the county to offset the costs incurred in and ancillary to collecting delinquent property taxes and for purposes authorized by sections 87b and 87d.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3882;—Am. 1899, Act 262, Eff. Sept. 23, 1899;—CL 1915, 4055;—Am. 1921, Act 129, Eff. Aug. 18, 1921;—CL 1929, 3450;—Am. 1932, 1st Ex. Sess., Act 30, Imd. Eff. May 12, 1932;—Am. 1933, Act 267, Imd. Eff. July 21, 1933;—Am. 1934, 1st Ex. Sess., Act 21, Imd. Eff. Mar. 28, 1934;—Am. 1937, Act 91, Imd. Eff. June 18, 1937;—Am. 1939, Act 37, Imd. Eff. Apr. 13, 1939;—Am. 1941, Act 234, Imd. Eff. June 16, 1941;—CL 1948, 211.59;—Am. 1954, Act 55, Eff. Aug. 13, 1954;—Am. 1966, Act 244, Imd. Eff. July 11, 1966;—Am. 1975, Act 334, Imd. Eff. Jan. 12, 1976;—Am. 1976, Act 292, Imd. Eff. Oct. 25, 1976;—Am. 1977, Act 166, Imd. Eff. Nov. 16, 1977;—Am. 1980, Act 48, Imd. Eff. Mar. 21, 1980;—Am. 1981, Act 162, Eff. Dec. 1, 1981;—Am. 1982, Act 503, Imd. Eff. Dec. 31, 1982;—Am. 1983, Act 254, Imd. Eff. Dec. 29, 1983;—Am. 1999, Act 123, Eff. Oct. 1, 1999;—Am. 2001, Act 97, Imd. Eff. July 30, 2001;—Am. 2006, Act 626, Imd. Eff. Jan. 3, 2007;—Am. 2010, Act 311, Imd. Eff. Dec. 21, 2010.

Compiler's note: Section 2 of Act 503 of 1982 provides: "The designation, by this amendatory act, of collection fees as property tax administration fees is intended to clarify the legislative intent and cure any misinterpretation surrounding the fact that a "collection fee" is imposed to cover all costs necessary and incident to the collection of property taxes, including the costs of assessing property values and in the review and appeal processes."

Popular name: Act 206

Frequently Asked Questions (FAQs) About Summer Tax Deferment

1. Can I defer payment of my summer property tax?

An owner of eligible property may file a completed summer property tax deferment form with his or her city or township treasurer before September 15, or before the date your summer taxes are due, whichever is later. A valid deferment permits summer property taxes to be paid on or before February 14 without any additional penalty and interest.

Taxpayers may defer their summer property tax if they meet the following criteria. Payment may be deferred until February 15 (payment must be received on or before February 14 in order to avoid penalties and interest) for principal residence property owned by a taxpayer who:

- Has a total gross household income of \$40,000 or less for the preceding tax year, **AND**
- Is totally and permanently disabled, blind, paraplegic, hemiplegic, quadriplegic, **OR**
- Is an eligible serviceperson, eligible veteran, or eligible widow or widower, **OR**
- Is at least age 62

2. What type of property is eligible for property tax deferment?

- Residential real property that is the principal residence of the taxpayer seeking deferment of summer taxes
- Agricultural real property, if the gross receipts of the agricultural or horticultural operations in the previous year, or the average gross receipts of the operations from the previous three years, are not less than the total household income of the owner in the previous year or the combined household incomes in the previous year of the individual members of a limited liability company or partners in a partnership that owns the agricultural real property. A limited liability company or partnership may claim the deferment under this section only if the individual members of the limited liability company or partnership qualified for the deferment under this section before the individual members formed the limited liability company or partnership.

3. Who defines the terms disabled, blind, paraplegic, hemiplegic, quadriplegic; or an eligible serviceperson, eligible veteran, or eligible widow or widower?

The terms are defined in the Income Tax Act of 1967, P. A. 281 of 1967. The definitions are as follows:

- *Blind*: A person with a permanent impairment of both eyes of the following status: central visual acuity of 20/200 or less in the better eye with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20 degrees in the better eye.
- *Eligible serviceperson, eligible veteran, and eligible widow or widower*: A serviceperson, veteran, or widow or widower whose income (outside of compensation paid by the veterans administration or the armed forces of the United States for service-incurred disabilities), as defined in this act, is not more than \$7,500 per year and who meets the requirements of the following schedule:

War	Person	Service in War	Disability %
Indian, Civil, Spanish-American, Mexican	Veteran or veteran's widow(er)	3 months, or 1 day with discharge for service-connected disability	No requirement
World War I, World War II, Korean	Widow(er) of non disabled or non pensioned veteran	3 months, or 1 day with discharge for service-connected disability	No requirement
All wars or presidential executive order or presidential proclamation	Pensioned veteran or veteran's widow(er)	Any	No requirement
All wars or presidential executive order or presidential proclamation	Veteran with service-connected disability or veteran's widow(er)	Any	10–100
All wars or presidential executive order or presidential proclamation	Widow(er) of veteran dying in service	Any	No requirement
Current service	Serviceperson or serviceperson's widow(er)	Any	No requirement

- *Paraplegic, hemiplegic, or quadriplegic*: An individual, or either 1 of 2 persons filing a joint tax return under this act, who is a paraplegic, hemiplegic, or quadriplegic at the end of the tax year.

4. What is included in total household income for the purposes of summer property tax deferment?

Household Income is the total income (taxable and nontaxable) of both spouses or of a single person maintaining a household and other sources of income for all individuals living in the household.

It is your Adjusted Gross Income (AGI) plus all income exempt or excluded from your AGI. Total household income includes wages, salaries, tips; net income from a business, rent, or farm; Social Security less the amount deducted for Medicare premiums; SSI (Supplemental Security Income), DHS (Department of Human Services), and FIP (Family Independence Program) benefits; child support; alimony; unemployment, workers' and veterans' disability compensation; pension benefits; interest income; gifts and winnings in excess of \$300, and other sources of income. Total household income includes gains realized on the sale of your residence regardless of your age or whether or not these gains are exempt from federal income tax.

Household income does NOT include:

- Federal economic stimulus payments (rebates) issued by the Internal Revenue Service.
- Payments received by participants in the foster grandparent or senior companion program.
- Energy assistance grants.
- Government payments to a third party (e.g., a doctor) *Note:* If payment is made from money withheld from your benefit, the payment is part of household income. (For example, the DHS may pay your rent directly to the landlord.)
- Money received from a governmental unit to repair or improve your homestead.
- Surplus food or food stamps.
- State and city income tax refunds and homestead property tax credits.
- Chore service payments (these payments are income to the provider of the service).
- The first \$300 from gambling, bingo, lottery, awards, or prizes.
- The first \$300 in gifts, cash, or expenses paid on your behalf by a family member or friend.
- Amounts deducted from Social Security or Railroad Retirement benefits for Medicare premiums.
- Life, health, and accident insurance premiums paid by your employer. However, if you pay medical insurance or Health Maintenance Organization (HMO) premiums for you or your family, you may deduct the cost from household income.
- Loan proceeds.
- Inheritance from a spouse.
- Life insurance benefits from a spouse.
- Payments from a longterm care policy made to a nursing home or other care facility.

5. Can I get a summer tax deferment for all properties that I own?

You can defer the summer taxes on only your principal residence. You are required to pay the summer taxes for all other properties that you own in a timely manner. All property classified agricultural under your ownership and contributing to the household income can be deferred.

6. Where do I file a summer property tax deferment form?

As the property owner, you must file your deferment form with your local treasurer. You should keep a copy for your records.

7. Who reviews and approves the tax deferment this summer?

Your local treasurer will review the submitted tax deferment forms for completeness. If, as the property owner, you are requesting a summer tax deferment, you will be responsible for determining that you qualify for the deferment. If the deferment form contains any misleading or false statements, as the property owner, you may be subject to penalties and late payments on the taxes deferred.

8. Can a corporation, LLC, or partnership defer summer taxes?

A limited liability company may claim the deferment under this section if the individual members of the limited liability company qualified for the deferment under this section before the individual members formed the limited liability company, and the gross receipts of the agricultural or horticultural operations in the previous year, or the average gross receipts of the operations from the previous three years, are not less than the combined household incomes in the previous year of the individual members of a limited liability company that owns the agricultural real property..

9. When do I have to pay the deferred summer taxes?

Payment is due by no later than February 14. Interest and penalty payments are not assessed for the deferment period. Cities and townships may allow certain homeowners and farmers to pay deferred property taxes in the last two weeks of February without penalty or interest (see MCL 211.44(3)). County boards of commissioners may allow certain homeowners to pay deferred property taxes before May 1 without penalty or interest (see MCL 211.59(3)). Contact your local collecting treasurers for more information.

Application for Deferment of Summer Taxes

Issued under the authority of Public Act 206 of 1893; MCL 211.51

INSTRUCTIONS: File this application with the treasurer of your city, village, or township. You may file your intent to defer before September 15, or before the date your summer taxes are due, whichever is later. **Do NOT file this application with the Michigan Department of Treasury.**

NOTE: Though filing this form is voluntary, your tax due date will not be extended unless this form is filed. The local treasurer may require additional documentation to verify your claim.

PART 1: APPLICANT INFORMATION

Last Name	First Name	M.I.
Telephone Number	Property Identification Number	
Address of Principal Residence (street number and name, city, state, ZIP code)	Name of City, Township, or Village (taxing authority)	
	<input type="checkbox"/> City	<input type="checkbox"/> Township <input type="checkbox"/> Village

PART 2: DEFERMENT INFORMATION

I hereby request that the Treasurer of the above-noted municipality defer the due date of the summer taxes on the property identified above, without penalty or interest charges, until February 15 (payment must be received on or before February 14 to avoid penalty and interest) based on the following qualification:

(Check 1 or 2 below to identify your basis for this application. Select one choice only.)

☐ 1. **Principal Residence:**

I certify that my gross household income for the preceding calendar year did not exceed \$40,000 and that I qualify for the deferment provided for in the General Property Tax Act under the classification marked below:

- ☐ 62 years of age or older, including the unmarried surviving spouse of a person who was 62 years of age or older at the time of death
- ☐ Paraplegic, Hemiplegic, or Quadriplegic
- ☐ Eligible Serviceperson, Eligible Veteran, Eligible Widow or Widower
- ☐ Blind Person
- ☐ Totally and Permanently Disabled

☐ 2. **Agricultural Real Property:**

I certify that I own the above property, which is classified or used as agricultural real property, and that the gross receipts of agricultural or horticultural operations in the previous year (or the average gross receipts for such operations in the previous three years) are not less than my household income for the preceding calendar year or the combined household incomes in the previous year of the individual members of a limited liability company or partners of a partnership that owns the agricultural real property.

PART 3: CERTIFICATION

I understand that if this deferment is approved, the deferred taxes must be paid on or before February 14 in order to avoid penalty and interest. I also understand that misleading or false statements on this application may subject me to penalties and interest for late payments of taxes.

Applicant's Signature	Date
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FOR CITY, VILLAGE, OR TOWNSHIP USE ONLY

Deferment Approval Signature	Date
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