

Changes in Property Tax Appeals

February 13, 2007

Recent amendments to the Tax Tribunal Act have dramatically changed the legal requirements concerning property tax assessment/valuation and exemption disputes. 174 PA 2006 added section 35a to the Tax Tribunal Act (MCL 205.735a), with an effective date of January 1, 2007. Beginning with the 2007 tax year, Section 35a:

1. Makes the requirement to protest to the March local Board of Review (and/or to the February assessor's review board for Detroit, Grand Rapids and Wyoming) optional for certain classifications of property.

2. Sets new deadlines for the filing of appeals/petitions depending on the classification of the property at issue. More specifically:

1. Appeals relating to the valuation or exemption of property classified (not to be confused with zoning) as **commercial, industrial, or developmental real property** do NOT require a protest to the March Board of Review (or February Assessor's Review for Detroit, Grand Rapids and Wyoming). Petitions must be filed with the Tax Tribunal on or before **May 31** of the tax year involved. (Deadline was previously June 30.)

2. Appeals relating to the valuation or exemption of property classified as **commercial, industrial or utility personal property** do NOT require a protest to the March Board of Review (or February Assessor's Review for Detroit, Grand Rapids and Wyoming) **provided** the taxpayer files the required personal property report with the local units of government prior to the commencement of the March Board of Review. Petitions must be filed with the Tax Tribunal on or before **May 31** of the tax year involved. (Deadline was previously June 30.)

3. Appeals relating to the valuation or exemption of property classified as **residential and agricultural real property or agricultural personal property DO** require a protest to the March Board of Review (and/or February assessor's review for Detroit, Grand Rapids and Wyoming). The deadline for filing petitions with the Tribunal is now **July 31** of the tax year involved. (Deadline was previously June 30.)

4. Appeals contesting the levying of a special assessment must be filed within **35 days** (previously 30 days) of the date of the hearing held to confirm the special assessment roll.

5. Appeals relating to action taken by a July or December Board of Review must be filed within **35 days** (previously 30 days) of the issuance of the actual notice of the Board's action.

In addition to eliminating requirement of protest to March Board of Review and establishing new filing deadlines, Section 35a also:

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1. Abolishes the requirement to file Entire Tribunal petitions/appeals by certified mail.
2. Provides for the filing of petitions/appeals by a "designated delivery service."

More specifically:

1. Appeals are deemed to be timely filed by appropriate deadline date if,
 - received on or before deadline,
 - mailed by first class mail provided envelope is postmarked by U.S. Postal Service on or before deadline date, or
 - delivered by one of the designated delivery services if petition was given to the delivery service on or before deadline date.
2. Tribunal has designated the following delivery services currently designated by the United States Tax Court for the filing of appeals with that Court:
 - DHL Express: Same day service, DHL next day 10:30 a.m., DHL Next Day 12 p.m., DHL Next Day 3:00 p.m. and DHL 2nd day service.
 - Federal Express (FedEx): priority overnight, standard overnight, 2 day, international priority and international first.
 - United Parcel Service (UPS): next day air, next day air saver, 2nd day, 2nd day air a.m., worldwide express plus and UPS worldwide express.