

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

**Section 1.** Amendment Chapter 44 of the 2019 Detroit City Code, Taxation; by amending Article IV, Personal Property Taxes, Real Property taxes, and Special Assessments, to read as follows:

**CHAPTER 44, TAXATION**

**ARTICLE IV. PERSONAL PROPERTY TAXES, REAL PROPERTY TAXES,  
AND SPECIAL ASSESSMENTS**

**DIVISION 1, GENERALLY**

**Sec. 44-4-1. - Tax day.**

December 31st shall be deemed tax day in the City. The taxable status of real property and of persons with respect to personal property shall be determined as of such date. All general City taxes levied upon real property and against persons with respect to personal property shall become a debt against the owner on December 31st of each year.

**Sec. 44-4-2. - Notice of availability of assessment roll.**

**(a) General notice to taxpayers that the City of Detroit published the Assessment Roll:**

Notice that the assessment rolls are prepared as of December 31st and will be completed and available for inspection beginning on ~~February 1st~~January 15th ensuing after tax day shall be given as provided for in this section. Upon receipt of the tax rolls from the Chief Financial Officer, the City Treasurer shall give six days' notice by publication in the official daily paper of the City, ~~and~~ by posting in at least six public places in each assessment district such notice, and by posting a notice on the City of Detroit's website, which shall be a sufficient demand for the payment of all taxes on such rolls. Such notice shall state fully but concisely the provisions relative to the time and manner of payment of such taxes and the penalties prescribed for the nonpayment thereof.

**(b) Notices provided to taxpayers shall contain the following information:**

Every year, the City must mail all property owners and taxpayers an Assessment Notice. This Assessment Notice must:

- (1) Be printed in 12-point font or larger throughout the entire notice.
- (2) Provide the date that the Assessor mailed the notice.
- (3) Be written in plain English, in language accessible to someone with an 8<sup>th</sup> grade reading level.
- (4) Include the market value that the Assessment Division assigned to the property.
- (5) Define and provide explanation of the formulas used for the:
  - a. State Equalized Value,
  - b. Taxable Value,
  - c. Assessed Value, and
  - d. Market Value.
- (6) State a reason for any change in the property's Assessed Value between the current and preceding tax years.
- (7) Provide clear instructions for appealing to the Assessor's Review and the Board of Review, including what the taxpayer or owner must include in the appeal, how they can file the appeal, and the deadline for filing the appeal.
- (8) List the percentage of the Poverty Tax Exemption, MCL 211.7u, that the taxpayer is receiving, as of January 15th, in the current year.
- (9) Exclude any language improperly limiting who can file an appeal; any language on the assessment notice describing who has standing to appeal cannot be at odds with the standards established in Section 44-4-6(b) of the City of Detroit Ordinance. The assessment notice may not state that "only the taxpayer of record or an authorized agent can file an appeal" or make

any reference to a “taxpayer of record.”

(10) Include the property’s legal description as listed on the Assessment Roll, to assist taxpayers in obtaining a copy of the deed at the Wayne County Register of Deeds.

(11) Provide a link to the City of Detroit’s Frequently Asked Question (FAQ) page, which must include at least the following questions: “How do I calculate if the City is over assessing my property;” “What is a property tax assessment appeal;” “When and how can I file a property tax appeal for residential real property;” “What types of arguments can I include in my property tax appeal;” “What is Detroit’s millage rate;” “How can I estimate my property tax bill;” and “What are free property tax assistance resources available in Detroit.”

(12) Include a form to Petition to the Board of Review in the same envelope as the Assessment Notice.

**(c) Publicly Accessible Data.**

The Assessor shall make available all data that was utilized in preparing the assessment roll beginning January 15th ensuing after Tax Day on the City of Detroit’s website. This data must at least include:

- (1) All of the City of Detroit property sales data, including an indication of which property sales the Assessment Division treated as arms-length transactions and which property sales it treated as outliers.
- (2) The City of Detroit’s Economic Condition Factor neighborhood map, with a list of neighborhood codes.
- (3) A sales study for each Economic Condition Factor, including an indication of which data points the Assessment Division treated as outliers.
- (4) Property record cards for each property, including an indicator of how much the property’s value was reduced for physical deterioration, functional obsolescence, and economic

obsolescence.

- (5) The full preliminary assessment roll including property class, address, taxable value, assessed value, exemptions, and any obsolescence or property characteristics used in modeling.

**(d) Free Property Record Database.**

The City of Detroit's property search data system, either BS&A or a similar electronic search system that provides the same property information, shall be available without fee to the general public. The free system must at least include all the information about each property that is listed on its property record card.

**Sec. 44-4-3. - Appeals from assessments; hearing by Board of Assessors; signing and returning to Board of Review of auxiliary book.**

(a) Any person considering themselves aggrieved by reason of any assessment may make complaint on or before February ~~15th~~22nd, either orally or in writing, in person or by ~~an agent authorized by such person in writing~~their authorized agent, specifying the grounds of such complaint before the Board of Assessors. The City of Detroit's City Council may also make complaint through Resolution, passed by a majority of its members, individually listing each property that the Council believes is over assessed; the Resolution must include evidence that the properties it lists are over assessed. On, and on sufficient cause being shown ~~by the affidavit of such complainant, by oral proof, or by other evidence requested from such person to the satisfaction of such Board,~~ the Board of Assessors~~it~~ shall review the assessment complained of and may alter or correct the same to the person charged thereby, the property described therein, and the estimated value thereof. Individuals can prove that they are aggrieved by the assessment of a property by providing any of the following documents:

(1) A deed listing the individual as, at least, a partial owner;

(2) A lease agreement assigning responsibility for paying the property taxes to the individual;

(3) An order from probate court assigning the individual a property interest in the parcel;

(4) A receipt showing that the individual paid any portion of the property's taxes in a preceding year;

(5) A filed property transfer affidavit in the individual's name;

(6) A City of Detroit assessment notice addressed to the individual;

(7) A land contract in the individual's name;

(8) An affidavit signed by the individual attesting under penalty of perjury that they have paid the property's taxes in preceding years or intend to pay the taxes in the current year; or

(9) Any other document that proves an individual has a financial or legal interest in the property.

(b) The City of Detroit's Assessment Division shall produce a Letter of Authorization form that taxpayers can complete to authorize a representative to file and present a property tax assessment appeal on the taxpayer's behalf. The Letter of Authorization form must be approved by a majority vote of the City of Detroit City Council. Any changes to the Letter of Authorization forum must also be approved by a majority vote of the City of Detroit City Council. In addition to a City of Detroit Letter of Authorization the Board of Assessors shall accept the following as evidence of authorization of representation:

(1) an attorney's appearance signed by the attorney;

(2) the representative's retainer agreement signed by the taxpayer;

(3) an email between the homeowner and representative with a copy submitted to the Board, granting permission for the advocate to file documents on the homeowner's behalf, or

(4) a Letter of Authorization form signed by the taxpayer.

~~(c)~~ The concurrence of a majority of the Board of Assessors shall be sufficient to decide the question of altering or correcting any assessment complained of. The Board of Assessors shall notify all persons complaining of the action of the Board of Assessors with reference to the assessment complained of. The period for the review by the Board of Assessors shall be ~~February 1st~~ January 15th to February ~~22nd~~ 15th, inclusive, each year. The period for revision and correction of the rolls by the Board of Assessors shall begin February ~~23rd~~ 16th and shall conclude on the first Monday in March each year.

(c) The Board of Assessors, having completed the review, revision and correction of such assessment rolls,

shall sign and on the first Tuesday next following the first Monday in March each year, return the same to the Board of Review. The completion and signing of the auxiliary book of the Board of Assessors' office shall be deemed a completion of the rolls, and the receipt by the Board of Review of a communication from the Board of Assessors announcing the completion of the rolls shall be deemed a delivery of such rolls to the Board of Review.

**Sec. 44-4-4. - Sworn statement as to personal property owned.**

Any person owning taxable personal property may file a sworn statement as required by law at any time prior to February 20th each year. Such statement shall list all the personal property of such person, whether owned by such person or held for the use of another, on December 31st immediately preceding, provided, that inventories of goods, wares, materials, merchandise and supplies such as are commonly used in trade or commerce or manufacture, upon the filing by the owner thereof a sworn statement with the Board of Assessors showing the total of such inventories for each of the 12 months preceding such December 31st, shall be assessed on the basis of the average monthly period, provided further, that the average monthly inventory shall be computed on the basis of the number of months during which such inventories of goods, wares, merchandise, and supplies had a taxable situs in the assessing district.

**Sec. 44-4-5. - Board of Review.**

(a) The Board of Review shall be comprised of nine residents of the City, who shall be appointed by a majority of the City Council members serving. The Board of Review members shall not be members of any City agency, department, commission or other board of City government. The Board of Review members also shall not be currently employed by the City of Detroit.

(b) The nine members of the Board of Review shall serve for terms of two years, beginning January 1st of each odd-numbered year. Board of Review members may be removed from office, without cause, by a majority of City Council members serving. Any vacancy on the Board of Review shall be filled for the remainder of the unexpired term by a majority vote of the City Council members serving.

(c) In order to be considered and appointed, Board of Review members:

- (1) Should possess, when possible, a quantitative background, including but not limited to familiarity with fields ~~related to~~ such as construction, real estate, real estate appraisal, economics, accounting, or taxation; and, at least five of the Board of Review members must have training and certification in those fields.
- (2) Shall not have been convicted of any felony involving fraud or theft. ~~;~~ and
- (3) Shall complete orientation and training regarding the Board of Review before assuming duties as a member of the Board.
- (4) Shall complete and pass the State Tax Commission's Michigan Certified Assessing Technician course, if the Board member does not have training or certification in a quantitative field, before being appointed to a second term as a member of the Board; the City must cover the cost of the course for Board of Review members.

(d) The City Council shall set, by resolution, the *per diem* compensation of the members of the Board of Review for each day that the Board meets to conduct business.

~~(e)~~ The Office of Chief Financial Officer, Assessments Division, shall provide a secretary and all necessary staff and equipment for the Board of Review.

(f) Meetings of the Board of Review shall convene in a location that is convenient to the public and the Office of Chief Financial Officer, Assessments Division, in accordance with the Michigan Open Meetings Act, being MCL 15.261 *et seq.*

(1) Every year, the Board of Review shall select two locations to hold appointments, one in the City of Detroit's municipal building and another outside of the downtown district. The second location must have accessible free parking and be within walking distance of a bus stop. In their appeal letter, individuals must indicate at which location they want to present their case and the Board of Review must make every attempt to honor their location preference.

(2) The hearing room in both locations must be able to accommodate at least 50 people, so that individuals

can hear the cases called before theirs and observe the Board of Review's deliberations. The Board of Review staff must tell homeowners waiting outside the hearing room that they are welcome to sit inside the hearing room while others present their cases, unless the hearing room has reached maximum capacity.

(3) The Board of Review must conduct its meetings at all times in compliance with the Open Meetings Act which requires that "A person must not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting." MCL 15.293(6). When hearings are held through online video conferencing, the City of Detroit may not use any function designed to exclude members of the public from the online platform, such as the "waiting room" function. However the Board can take steps to prevent disruption by, for example, not allowing individuals to unmute their microphones until the Board is calling their case.

(g) As required by the Open Meetings Act, being MCL 15.261 *et seq.*, all Board of Review deliberations must happen at a meeting open to the public. MCL 15.263(3)("All deliberations of a public body constituting a quorum of its members must take place at a meeting open to the public except as provided in this section and sections 7 and 8."). If the Board of Review does not conduct its deliberations and make a determination directly following a hearing, it must notify the complainant of the date and time of the public meeting during which it will deliberate, vote, and issue a final determination on the issue.

(hg) During the first meeting of the year, the Board of Review shall select a chairperson and vice-chairperson from among its members. A majority of the Board members serving shall constitute a quorum to conduct business, but a lesser number may adjourn and may cause the secretary of the Board to notify each absent member to return to the meeting. After notification to appear, said member shall return to the meeting without delay. A majority vote of Board members present shall decide all questions.

(ih) The Board of Review shall appoint special subcommittees to review and submit recommendations to the Body regarding poverty exemptions from taxation. Property valuation appeals, and property classification appeals may be heard by the full Board. The Board may divide into three committees composed of three members to conduct valuation and classification hearings.



(~~ji~~) All decisions made by the Board of Review relative to assessment, valuation, and property classification exemptions under property tax laws are subject to review by the Michigan Tax Tribunal in accordance with Section 31 of the Michigan Tax Tribunal Act, being MCL 205.731. The Board of Review must issue a decision letter for each petition filed with the Board. The Board must explain its particular reasoning for granting, denying, or partially granting or denying each petition. The Board must also issue a decision letter for each petition that it does not believe it has authority or jurisdiction to review and explain its reasoning. Each decision letter must include finding of fact, reason for determination, a statement of the Petitioner's appeal rights to the Michigan Tax Tribunal and state the deadline to file an appeal with the Michigan Tax Tribunal.

(~~kj~~) In accordance with Sections [2-110](#) and [2-111](#) of the Charter, the Board of Review shall promulgate its rules of procedure and policy, which are consistent with the Michigan General Property Tax Act, being MCL 211.1 *et seq.* These rules of procedure and policy must be published on the Board of Review's page on the City of Detroit's website.

(~~lk~~) In accordance with [Section 4-104](#) of the Charter, the City Council President, or the President's designee, shall have administrative responsibility on behalf of, and oversight pertaining to, the operations of the Board of Review.

(~~ml~~) The Board of Review shall comply with provisions of Chapter 2, Article V of this Code, *Ethics*.

(n) The Board of Review shall establish an electronic filing system for parties appealing a property tax assessment. The electronic filing system shall include a docket-search function that allows the public to search all of the cases submitted to the Board. The Electronic Filing system shall include a hearing calendar available to the public to identify all the cases that the Board will hear each day. The Board of Review's electronic filing system, docket-search function, and hearing calendar shall substantially conform to the systems used by the State of Michigan's Department of Licensing and Regulatory Affairs for the Michigan Tax Tribunal's Small Claims Division.

(o) On the City of Detroit's website, it must publish a page listing the members of the Board of Review, the date that each Board member's term began and expires, the number of terms that each member has served, the elected representatives that voted to appoint the member to the Board, the Board member's resume, and the Board member's direct City of Detroit email address. The page must also include a brief description of the Board of Review's duties.

(p) The Board of Review hearings must conform with the following requirements:

(1) The Board of Review must schedule every individual that files an appeal a hearing before the Board.

(2) If time allows, the Board of Review must conduct its deliberations and make a determination during the hearing.

(3) If a hearing ends early and the parties for another hearing are present, the Board may hear that case.

(4) If an individual's hearing has not been called within one hour of their scheduled hearing time, the Board must allow the individual the opportunity to schedule their hearing at a different time, unless no additional times are available.

(5) Both outside the Board of Review hearing room and on the Board of Review's website it must post a list of the order in which the Board will call cases that day. At least every 30 minutes, the Board of Review must update the list to indicate which cases the Board of Review has already heard and what cases it will likely call in the next 30 minutes.

#### **Sec. 44-4-6. - Review of assessment rolls; appeals to Board of Review.**

(a) The Board of Review shall convene at 9:00 a.m. on the Tuesday immediately following the first Monday in March of each year to examine and review the assessment rolls. The Office of Chief Financial Officer, Assessments Division shall publish notice of the date, time and place of the meeting, at least one week prior to the meeting date, in at least one newspaper of general circulation in the City for three successive issues

of such newspaper and on the Board of Review's page on the City of Detroit's website. The Board of Review shall continue in session for as many days thereafter as may be necessary to complete the examination and review, and make necessary revisions or corrections to the assessment rolls in the manner provided by law applicable to township boards of review except as otherwise herein provided. When the Board of Review makes a change in the assessment of property or adds property to the assessment roll, the person chargeable with the assessment shall be promptly notified so as to ensure that person opportunity to file an appeal for a hearing in a manner as is provided in Subsection (b) of this section.

(b) Any person ~~who has previously complained to the Board of Assessors as provided for in Section 44-4-3 of this Code,~~ considering themselves aggrieved by the assessment of such person's a property ~~with respect to the grounds specified thereon,~~ may appeal to the Board of Review in person or by such person's ~~legal~~ representative. Individuals can prove that they are aggrieved by the assessment of a property by providing any of the documents listed in Section 44-4-3(a)(1)-(9). The City of Detroit's City Council may also make complaint to the Board of Review through Resolution, passed by a majority of its members, individually listing each property that the Council believes is over assessed; the Resolution must include evidence that the properties it lists are over assessed.

(c) The Board of Review shall accept any of the documents listed in Section 44-4-3(c) as evidence that the taxpayer authorized an agent or representative to represent them before the Board of Review.-

(de) Such appeal shall be in writing by the complainant on sufficient cause being shown by the affidavit of such complainant, by oral proof, or by other evidence requested from such person to the satisfaction of the Board of Review, it shall review the assessment complained of and may alter or correct the same to the person charged thereby, the property described therein, and the estimated value thereof. and shall state, specifically, the grounds previously presented to the Board of Assessors and the matter complained of together with the address of the complainant. No other matter in connection therewith shall be considered by the Board of Review.-

~~(ed)~~ Such appeal shall be filed on or before the second Monday in March and may not be filed thereafter.

The Board of Review shall give notice to any person who has filed an appeal, as provided for in Subsection (b) of this section, of the time and place of the meeting for the hearing thereof, which notice shall be made in writing, by delivering the same to such person or leaving the same at such person's place of residence or place of business with a person of proper age and discretion, or by mail to the address of such complainant.

If the Board of Review determines that an appeal was not filed as required by Subsection (b) of this section, it shall issue and mail a determination letter explaining why the appeal is deficient and notifying the complainant of their right to protest the determination to the Michigan Tax Tribunal. If the individual is represented, the Board must also provide this notice to the individual's representative. Individuals and their representatives must be given notice at least 72 hours before the scheduled hearing. While acting upon such appeals, any member or employee of the Board of Assessors may request to meet with the Board of Review and make such explanations as needed in any case, or, where requested by the Board of Review, a member or employee of the Board of Assessors shall meet with, and provide information to, the Board of Review.

- (i) Any decision by the Board of Review shall include a finding of fact specific to the subject property and reason for determination specific to the subject property. The Board of Review determination letter shall include a statement of the individual's right to appeal to the Michigan Tax Tribunal, including the deadline for filing a petition with the Tribunal and the electronic and physical address for filing the Tribunal petition.

#### **Sec. 44-4-7. - Correction and confirmation of assessment rolls.**

(a) The Board of Review shall hear and determine all appeals in a summary manner and correct any errors which the Body may discover in the assessment rolls, shall place thereon the names of any persons and the descriptions of any property not already assessed and assess the same and may increase or diminish any assessment as the Body sees fit, provided, that the Board of Review shall not increase any assessment without giving a reasonable opportunity to persons owning or having charge of the same, if known, to appear and object thereto. Hearings on appeals shall be held at such time, date and place as the Board of

Review shall specify as soon as practicable after the appeal has been filed. The Board of Review may adopt, change, or amend the same assessment rolls in whole or in part.

(b) After due consideration thereof, such rolls shall, on or before the first Monday in April, or such other date as may be subsequently required by law, be fully and finally confirmed by the Board of Review, and shall remain as the basis, according to property valuation, of all taxes to be levied and collected in the City until another assessment shall have been made and confirmed as provided for in this division. In the event that any date set forth in this division falls on a Sunday or legal holiday, such time shall be extended to the next succeeding business day.

(c) The secretary shall keep a permanent record of the proceedings of the Board of Review and all resolutions and decisions of the Board. The record shall be filed with the City Clerk following the final meeting of the Board specified in Subsection (b) of this section.

(d) The Board of Review assessed value determinations must be the basis for the City of Detroit's Assessment Division when calculating that property's assessed value in the subsequent year. For example, if the Board of Review reduces a property's assessed value because of its condition, the Assessment Division must apply an appropriate obsolescence factor to account for the Board of Review's determination.

**Sec. 44-4-8. - Refund or vacation of taxes—Unjust or erroneous assessments.**

(a) Whenever it shall appear to the satisfaction of the City Council that any tax assessment is unjust or placed upon any property not owned by the person to whom it is assessed, the Council may repay, by a two-thirds vote of all the members-elect, the same out of the contingent fund, if collected or, if not collected, vacate the assessment, in whole or in part, and fix upon an amount to be received in full of such tax or assessment.

(b) Where any tax assessment is found to be unjust or placed upon property not owned by the person to whom it is assessed, the City Council shall authorize and direct the Chief Financial Officer to issue a warrant and to provide for a refund of such taxes to the person paying the same if such taxes have been

collected.

(c) No action had under this section shall in any way affect or invalidate any other tax or assessment assessed, levied or collected in the City.

**Sec. 44-4-9. - Same—Illegal assessments.**

(a) Whenever it shall appear to the satisfaction of the City Council that any City tax has been illegally assessed or collected, the City Council may direct, by a vote of two-thirds of all members elected, and cause such tax or assessment, if collected, to be repaid, in whole or in part, to the person from whom collected, out of the contingent fund. If such tax or assessment has not been collected, the City Council may direct, by a like vote of two-thirds, and cause the same to be vacated or stricken from the rolls. When so vacating any tax or assessment, the City Council may require, as a condition precedent, the payment to the City Treasurer of a sum to be fixed by the City Council. Any sum so paid shall be credited to the same fund into which such tax or assessment would have been paid if collected in full.

(b) No action under this section shall in any way affect or invalidate any other tax or assessment assessed, levied or collected in the City.

**Section 44-4-10. Property Tax Fairness Task Force to advise City Council.**

(a) The City Council must appoint, by a majority vote, a Property Tax Fairness Task Force of three individuals. Members of the Task Force must:

(1) have quantitative research expertise;

(2) have experience with property taxation; and

(3) not serve on any other City Board, be employed by the City of Detroit, or participate in the Wayne County Treasurer's tax foreclosure auction in any capacity.

(b) Every year, the Assessment Division must provide the Task Force with all of its sales data no later than January 15<sup>th</sup> following tax day. The Task Force must use this data to conduct a sales ratio study. The sales ratio study must include the average assessment ratio for each sales decile and for each Economic Condition Factor, as drawn by the City's Assessment Division for the current tax year. An assessment ratio

is a property's assessed value divided by its sales price. A sales decile refers to a division of all arms-length sales into ten (10) groups based on sales price. The sales ratio study must calculate the following:

(1) Coefficient of Dispersion, which is a measure of uniformity based on the average percentage deviation of the ratios from the median, expressed as a percentage of the median. For example, given a COD of 15%, a property worth \$100,000 has a 50% chance to be assessed between \$85,000 and \$115,000. Higher values indicate less uniformity;

(2) Price-Related Differential, which is a measure of regressivity (also known as vertical equity) calculated by dividing the mean sales ratio by the price-weighted mean ratio. For example, if a jurisdiction contained two homes, one worth \$100,000 assessed at 12% of the sale price and a second worth \$1,000,000 assessed at 8% of the sale price, the mean ratio would be 10% ( $12\% + 8\% * 1,000,000$  divided by  $1,100,000$ ). The PRD would be 1.20 (10% divided by 8.4%). Higher values of PRD indicate greater regressivity;

(3) Coefficient of Price-Related Bias, which is a regression-based measure that estimates the relationship between the sales ratio and a given proxy for actual property value determined by giving equal weight to sale price and assessed value. It measures the change in the assessment ratio that can be expected to result from a 100% change in this value proxy. For example, a coefficient of price-related bias of 0.031 indicates that assessment ratios increase by 3.1% when the home value increases by 100%. Lower (more negative) values of price-related bias indicate greater regressivity;

(4) The percentage of properties where the assessed value exceeds 50 percent of the market value, in violation of the Michigan Constitution and the General Property Tax Act, within each sales decile.

(c) The Task Force must publish the results of its study, the formula and code it used to conduct its analysis, and the data used to reach its determination on the City of Detroit's website no later than February 15 of each year. The Task Force must also be available to answer any questions from any member of Council related to its annual study.

(d) The City of Detroit assessments should have a:

(1) Coefficient of Dispersion between 5.0 and 15.0;

(2) Price-Related Differential between 0.98 and 1.03; and

(3) Price-Related Bias between -0.05 and 0.05.

(4) A statistically insignificant number of properties where the assessed value exceeds 50 percent of the market value, in violation of the Michigan Constitution, within each sales decile.

(e) If the City of Detroit assessments do not fall within the guidelines established in Section 44-4-10(d)(1)-(4), the City Council can individually appeal the valuation of every property within a class of properties to the March Board of Review through a single resolution naming each property within the class.

(1) The City Council resolution must attach the Task Force data and findings to its resolution as evidence that the Board of Review can consider in determining the property's assessed value.

(+)(2) The Board of Review can rely on data from the property's record card, the Economic Condition Factor's sales study, the Task Force's study, and any evidence presented by a person with standing to appeal to make an assessed value determination.

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#### **Sec. 44-4-151. - Purpose.**

To set forth the procedures and standards for the submission, ~~and review~~, and retention of applications for property tax exemptions, in whole or in part, for persons who, in the judgment of the Board of Review by reason of poverty, are unable to contribute toward the public charges.

#### **Sec. 44-4-152. - Ownership and occupancy required.**

The applicant must be an owner and occupy as a principal residence the property for which the exemption is requested.

#### **Sec. 44-4-153. - Annual application required; time of submission.**

(a) The applicant must submit a new application each year to qualify for the exemption provided for in the Homeowners Property Tax Assistance Program.

(b) The application for an exemption shall be filed after January 1st but prior to the last day of the



December Board of Review.

**Sec. 44-4-154. - Application for Homeowners Property Tax Assistance Program; availability.**

(a) Homeowners Property Tax Assistance Program applications shall be available to the general public at the Office of the Assessor, City of Detroit Recreation Centers, Department of Neighborhood Offices and on the City's website under all webpages that reference property taxes or the payment of property taxes. In addition:

(1) The Office of the Assessor shall post a notice near the Homeowners Property Tax Assistance Program applications and on the Property Assessment Documents Page that advises residents that the applicant may speak with a representative of the Board of Review if they have any questions about the application; and

(2) The Board of Review shall maintain and provide, upon request, a resource list of organizations that will assist in the completion of the Homeowners Property Assistance Program application.

(b) An application for Homeowners Property Tax Assistance Program made pursuant to Section 7u of the Michigan General Property Tax Act, being MCL 211.7u, shall be made by the property owner on a form that is provided by the Office of the Assessor as set forth in Subsection (a) of this section. In addition to other required information, the application shall include a place to identify the following:

(1) Information regarding ownership of the property including:

- a. Name of applicant;
- b. All names listed on the recorded document;
- c. Address of the property; and
- d. Parcel number of the property;

(2) All members of the household, including minor children residing at the address;

(3) Marital status of applicant;

(4) All sources of income;

(5) Itemized assets;

- (6) Itemized debts;
- (7) A list of all tax credits and rebates; and
- (8) An alternative contact person.

(c) The applicant shall produce with the application:

- (1) A deed, land contract, or any other recorded proof of ownership, including, but not limited to, a probate order or judgment of divorce;
- (2) A valid driver's license, or any unexpired government issued identification so long as it includes the applicant's photograph and address;
- (3) Documentation providing proof of marital status which may include a judgment of divorce, order of separation, order of desertion, or a statement made by the applicant attesting to the fact of the divorce, separation or desertion and that the spouse no longer resides with the applicant. The Board of Review retains the right to request additional information from the applicant in support of this statement of divorce, separation, or desertion;
- (4) Documentation that establishes the residency for all minors at the address, including, but not limited to, federal or state tax returns, Department of Health and Human Services statements, Friend of the Court statements, school report cards, school transcripts, and Social Security Administration statements; and
- (5) Complete federal and state income tax returns, including schedules, for all adults for the current year, provided, that:

- a. Tax returns are not required for a person residing in the principal residence if that person was not required to file a federal tax return in the tax year in which at the exemption is claimed or in the immediately preceding tax year, instead, an affidavit on a form provided for by the State Tax Commission may be accepted;
- b. The Board of Review retains the right to request additional documentation if there is a reasonable basis to believe certain income is not reflected on the tax return; and

c. For applicants who are not required to file a tax return, the Board of Review shall accept W2 forms, Social Security Administration statements, or any other reasonable proof, including, but not limited to, documents showing current enrollment in any government program that has the same or lower income requirements.

(6) Documents providing proof of property tax credits. For those applicants who are not required to file tax returns, the Board of Review reserves the right to request that the applicant list all prior year tax rebates or tax credits.

(d) The applicant shall not be required to provide utility bills to support the claim of occupancy of the subject property.

(e) The Board of Review may require that the application be notarized, with the exception of the Short Form Affidavit provided for in [Section 44-4-155](#) of this Code.

(1) Notarization may be fulfilled by either:

a. Having the application notarized; or

b. Declaring, under penalty of perjury, that having the application notarized presents a hardship because of advanced age, limited physical mobility, or because the applicant provides caretaker services for a dependent, a person of advanced age, or a person with limited physical mobility.

(2) In the instance of extreme hardship, the Board of Review may be contacted to pick up the application and provide notary service to the applicant at his or her residence.

(f) The application shall not include a deadline for submission, but shall state that all applications will be considered if postmarked or submitted in person prior to the last day of the December Board of Review. The application shall state that the Board of Review "strongly encourages homeowners to apply as soon as possible and that any application not submitted prior to the last day of the December Board of Review cannot be considered for the current year."

(g) The application shall include a document checklist of all items needed for the application to be considered by the Board of Review.

(h) The application shall include a space for the applicant to document extraordinary circumstances and explain why they are seeking an exemption.

(i) No later than July 31, 2023, the Board of Review shall implement a software, initially funded through Detroit City Council Contract No. 6003180, that allows applicants to electornically complete and submit applications. This software must:

(1) Allow applicants to complete all portions of the application electronically;

(2) Allow applicants to upload and submit all necessary documents electronically;

(3) Retain all applicant data and documents in a secure database;

(4) Automatically adjudicate whether an applicant is eligible for the property tax exemption; and

(5) Generate a determination letter explaining whether an applicant's exemption is granted or denied and, if denied, the particular reason for denial.

#### **Sec. 44-4-155. - Short Form Affidavit.**

*(a) Eligibility.*

(1) An applicant may submit a short form affidavit if all the following requirements are met:

a. The applicant has received a property tax exemption for three consecutive years; and

b. The applicant's income for the most recent tax year did not increase from the previous tax year beyond the applicable income guideline for the type of property tax exemption that was granted; and

c. The applicant's assets for the most recent tax year did not increase from the previous tax year beyond the applicable asset threshold for the type of property tax exemption that was granted; and

d. The applicant's ownership of the residential property has not changed from the previous tax year for which the property tax exemption was granted; and

e. The applicant is either unable to complete the Board of Review's Homeowner Property Tax Assistance Application or doing so would be an undue hardship for the applicant; or

(2) An applicant may submit a short form affidavit if the following requirements are met:

- a. The applicant is 65 years of age or older; and
  - b. The applicant is on a fixed income that does not exceed the federal poverty limits; and
  - c. The applicant received the property tax exemption in the previous year; or
- (3) An applicant, or their caregiver, may submit a short form affidavit if the following requirements are met:

- a. The applicant is a person with special needs as defined by federal or state guidelines; or
- b. The applicant is a caregiver of a person with special needs as defined by federal or state guidelines; and
- c. The applicant received the property tax exemption in the previous year.

(b) *Required information.* In addition to other requested information, the short form affidavit shall require:

- (1) The applicant's name and address;
- (2) A copy of the applicant's current identification;
- (3) A copy of the recorded proof of ownership; and
- (4) An attestation that the information that the information on the short form affidavit is accurate.

(c) *Filing.* The short form affidavit shall be filed with the Office of the Assessor along with the petition prior to the last day of the December Board of Review for consideration for the current tax year.

**Sec. 44-4-156. - Guidelines.**

(a) City Council shall determine and make available to the public the policy and guidelines that the City uses for the granting of exemptions. These guidelines must be posted on the City of Detroit's website.

(b) (1) The guidelines shall include, but not be limited to, specific income levels for property tax exemption for the applicant as set forth in this table:

Household Size	Full Exemption 100%	Partial Exemption 50%	<u>Partial Exemption</u> <u>25%</u>	<u>Partial Exemption</u> <u>10%</u>

1	138% of federal poverty level	159% of federal poverty level	<u>179% of federal poverty level</u>	<u>269% of federal poverty level</u>
2	123% of federal poverty level	138% of federal poverty level	<u>152% of federal poverty level</u>	<u>240% of federal poverty level</u>
3	108% of federal poverty level	120% of federal poverty level	<u>131% of federal poverty level</u>	<u>210% of federal poverty level</u>
4	104% of federal poverty level	114% of federal poverty level	<u>124% of federal poverty level</u>	<u>203% of federal poverty level</u>
5	100% of federal poverty level	109% of federal poverty level	<u>117% of federal poverty level</u>	<u>195% of federal poverty level</u>
6	100% of federal poverty level	108% of federal poverty level	<u>115% of federal poverty level</u>	<u>195% of federal poverty level</u>
7	100% of federal poverty level	107% of federal poverty level	<u>113% of federal poverty level</u>	<u>195% of federal poverty level</u>
8 or greater	100% of federal poverty level	106% of federal poverty level	<u>112% of federal poverty level</u>	<u>195% of federal poverty level</u>

(2) For the purposes of this section, "federal poverty level" means the most recently available release of the federal poverty guidelines applicable to the State of Michigan that are published and adjusted annually by the United States Department of Health and Human Services.

(3) The guidelines shall include asset levels of the claimant and total household income to be considered in the granting of a property tax exemption, applicants who have less than \$12,000.00 in assets need not list assets, instead, they can provide an affirmative statement attesting to the value of assets owned.

Assets do not include the value of the property for which the applicant is seeking an exemption or the

value of any food or medical benefits or assistance.

- (c) The Board of Review shall submit the proposed guidelines to City Council by October 15th for consideration and adoption via resolution for the next tax year.
- (d) The policy and guidelines shall include the appeal process for applicants that are denied relief.
- (e) The Board of Review shall not require applicants whose income falls below the eligible threshold to document their expenses or debts. Those whose income is above the eligible threshold may list debts and expenses to offset their higher income.
- (f) As provided for in the Michigan General Property Tax Act, being MCL 211.1 *et seq.*, the Board of Review shall follow the policy and guidelines of the City in granting or denying an exemption unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and guidelines and the substantial and compelling reasons are communicated in writing to the claimant.

#### **Sec. 44-4-157. - Relief.**

The Board of Review shall provide a partial, ~~50-10~~ percent tax, 25 percent, or 50 percent exemption and up to a full, 100 percent tax exemption, based on the guidelines referenced in [Section 44-4-156](#) of this Code.

#### **Sec. 44-4-158. - Notice of the Homeowners Property Tax Assistance Program; outreach.**

- (a) The City shall include on the Notice of Assessment mailed to homeowners the second week in January that the Homeowners Property Tax Assistance Program help is available and contact information to request or obtain an application.
- (b) The City shall provide and maintain easily accessible information on its website that describes the Homeowners Property Tax Assistance Program, the program guidelines and the process to apply, including the link to the electronic application system.

#### **Sec. 44-4-159. - Decision letter.**

- (a) All applicants for the Homeowners Property Tax Assistance Program shall receive a written notification of the Board of Review's decision within ten days after the close of the Board of Review.

(b) If the Board of Review denies an application the notice shall include the reasons for denial and provide the process and timeline for the appeal. All of this information must be included in a single notice.

(c) If the Board of Review fails to consider an application the notice shall include information as to the inadequacy or untimeliness of the application and provide the process and timeline for the appeal. All of this information must be included in a single notice.-

**Sec. 44-4-160. - Appeal of assessment preserved.**

If they are an applicant for the Homeowners Property Tax Assistance Program, a person is not prohibited from also appealing the assessment on the same property before the Board of Review in the same year.

**Sec. 44-4-161. - Tax bill.**

(a) Tax payers that receive a partial or complete property tax exemption will be issued a revised tax bill within 30 days after the close of the July or December Board of Review, whichever is applicable.

(b) Except for a partial exemption, the revised tax bill will reflect the amount of the reduced solid waste fee.

**Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

**Section 3.** This ordinance is declared necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Detroit.

**Section 4.** If this ordinance is passed by a two-thirds (2/3) majority of City Council members serving, it shall be given immediate effect and shall become effective upon publication in accordance with Section 4-118 of the 2012 Detroit City Charter; if passed by less than a two-thirds (2/3) majority of City Council members serving, it shall become effective no later than thirty (30) days after publication in accordance with Section 4-118 of the 2012 Detroit City Charter; if this ordinance specifies a certain date to become effective, it shall become effective in accordance with the date