

## **PROPERTY SUBJECT TO TAXATION**

**Section 211.1 of The Michigan Compiled Laws provides, "Sec. 1. That all Property, real and personal, within the jurisdiction of this state, not expressly exempted, shall be subject to taxation."**

### **WHAT IS PERSONAL PROPERTY?**

Personal Property may include machinery and equipment, furniture and fixtures, computer equipment, leasehold or building improvements not assessed as real property, lease or rental inventory, buildings and improvements located on leased land, and, all other personal property which is not expressly exempted by law. In summary, personal property could be anything that is not assessable as real property and not exempt by law.

In determining what is considered personal property versus real property, the courts have often resolved the issue by applying the following 3-part test:

1. How is the item attached to the real estate? Will its removal destroy or substantially injure the building?
2. What is the purpose of the item? Was it intended to function as part of the building?
3. Was the item intended to become a permanent part of the real estate when it was installed?

### **WHO IS ASSESSED?**

#### **WHERE IS PROPERTY ASSESSED?**

Section 211.13 of The Michigan Compiled Laws states that all personal property is to be assessed to the owner, if known. If the owner is not known, the property must be assessed to the person, firm, or corporation who is beneficially entitled to the property, or who has charge or possession of the property.

Sections 211.13 and 211.14 provide that all personal property will be assessed in the city or township where it is located on tax day, even if the owner resides elsewhere.

Tax Day for the current year is always December 31 of the previous year.

### **WHAT IF I HAVE MOVED OR SOLD MY PERSONAL PROPERTY DURING THE CURRENT TAX YEAR?**

The status of personal property on December 31st will determine what is assessed and where it is assessed in the following year. According to MCL 211.17, any changes in location or ownership of the personal property after tax day will not affect the assessment. Many taxpayers question whether they are still liable for the current tax bill since they have recently sold equipment or have moved. The answer is yes. For example: *The current tax year is 2015, tax day was December 31, 2014. The ABC Co. was assessed for personal property located in Clawson on tax day. In June 2015, the taxpayer moved its personal property to Troy. Because the personal property was located in Clawson on tax day, ABC Co. is still liable for all 2015 personal property taxes to Clawson. ABC Co. will not be liable for personal property taxes in Troy until the 2016 tax year, based on tax day December 31, 2015.*

## HOW AM I ASSESSED?

All owners of personal property are required by law to prepare and file a Personal Property Statement to each city or township in which they had personal property on December 31 of the previous year. The Personal Property Statement is required to be filed whether or not the taxpayer received a blank form from the assessor. If a taxpayer has property in more than one location (situs), separate statements are required for each city or township reporting only the equipment located in that city or township.

MCL 211.19 provides that the Personal Property Statement “. . . shall be completed and delivered to the supervisor or assessor on or before **February 20** of each year.” The Personal Property Statement must be received by the assessor no later than February 20 in order to be considered timely filed. If a Personal Property Statement is not filed, the assessor is required by MCL 211.22 to estimate the current assessment. All Personal Property Statements received by the assessor are confidential according to MCL 211.23, and will only be used for the administration of property taxes.

## NOTICE OF ASSESSMENT

Usually in the last week of February you are sent a notice of the assessment. The law requires that it be sent at least ten days prior to the public meeting of the March Board of Review, usually the last week of February. This assessment notice will compare your current tentative state equalized value (taxable value) to the prior year's state equalized value. The assessment notice also provides you with information regarding the March Board of Review dates and times. A phone number is given for you to call if you wish to make an appointment to appeal your assessment before the March Board of Review.

## MARCH BOARD OF REVIEW

As indicated on your assessment notice, the March Board of Review is your opportunity to appeal the assessment. The first step is to contact your local assessor regarding your assessment. Often, the assessor is able to directly answer your questions or clarify any specific concerns. If the assessor is unable to satisfactorily address your questions or concerns, you may wish to protest your assessment at the March Board of Review. At that point, the assessor can assist in making an appointment to appeal your assessment.

The March Board of Review is only open for the specific times indicated on the assessment notice. Once the Board of Review has closed your opportunity to appeal is limited. It is important for you to contact your local assessor as soon as possible with any concerns regarding your assessment.

## CAN I APPEAL THE BOARD OF REVIEW'S DECISION?

If you disagree with the decision of the March Board of Review, you may further appeal your assessment to the Michigan Tax Tribunal (MTT). The MTT was established to hear appeals of Board of Review decisions. **You must protest your assessment through the March Board of Review prior to appealing to the MTT.** To appeal the decision of the Board of Review, you must contact the MTT by **June 30** during the year in which you initiated your appeal to the March Board of Review. The address is: Michigan Tax Tribunal, PO Box 30232, Lansing, MI 48913; Telephone (517)373-4712.

## HOW MUCH DO I PAY?

In most cities and townships you will receive two tax bills, each for a portion of the total tax. These are commonly known as the summer tax bill, which is mailed about July 1, and the winter tax bill, which is mailed about December 1. **Please note, if you had personal property in the city or township on tax day, you are liable for both the summer and winter tax bills.**

The amount that you owe is calculated using a millage rate per 1,000 of taxable value. For example: If your assessment was \$10,000 and the millage rate collected on the tax bill was 50 mills, the amount of tax owed would be \$500 ( $10,000/1,000 \times 50 = \$500$ )