

RESOLUTION NO. 01-24
CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN

**RESOLUTION ESTABLISHING POLICIES AND GUIDELINES FOR GRANTING
POVERTY EXEMPTION FROM PAYMENT OF PROPERTY TAXES**

WHEREAS, the adoption of guidelines for poverty exemptions is required of the City Council;
and

WHEREAS, the principal residence of person, who the Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 253 of 2020 (MCL.211.7u): and

WHEREAS, pursuant to Public Act 253 of 2020, the City of South Lyon, Oakland County, adopts the following policies and guidelines for the Board of Review to implement. The policies and guidelines shall be applied to the information provided in a Michigan Department of Treasury Form 5737, application for MCL.211.7u poverty exemption, which application includes, but is not limited to, the disclosure of the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns filed in the current or immediately preceding year;

AND WHEREAS, P.A 253 of 2020 also amended section 7u of Act No. 206 of Public Act of 1893, as amended by Act. No. 313 of the Public Acts of 1993, being section 211.7u of the Michigan Compiled Laws and required the use of state prescribed forms and limited to certain percentages the exemption amount which could be granted.

WHEREAS, to be eligible, a person shall do all the following on an annual basis:

1. Be the “sole” owner(s) of and occupy, as a principal residence, the property for which an exemption is requested
2. The subject property must be classified as an “improved single family residential” or “residential condominium” property with a valid Homeowner’s Principal Residence Exmption currently in effect.
3. File the Michigan Department of Treasury Form 5737, application for MCL.211.7u Poverty Exemption with the Board of Review by returning it to the City Assessor’s office, accompanied by all documents required by the form including Form 5739, Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty. If the applicant or the other household members have not filed tax returns, a Form 4988- Poverty Exemption Affidavit and a statement from the Social Security Administration and/or Michigan Social Services as to monies paid to applicant(s) during the previous year must be completed and submitted. Disabled applicants may call the Assessor’s office to make arrangements for assistance with filing the application.

4. File an application reporting that the assets of all persons in the household do not exceed two times the federal poverty income guidelines amount for the affective household size. Assets generally include: all other real estate, motor vehicles, recreational vehicles and equipment, insurance, retirement funds, trust assets, checking accounts, savings accounts, certificates of deposit, cash, stocks, bonds, time share units, artworks, antiques, coins, precious metals or stones, jewelry, guns, equipment, tax refunds, gifts, loans, other investments, or personal property value.
 5. Applicants must meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services established by the State Tax Commission to be updated annually. All applicants must own and occupy the property as a homestead on the property for which the exemption is being requested. All applicants may be asked to verify ownership of the property and provide personal identification upon request of the Board of Review.
 6. Produce a valid driver's license or other form of identification, if requested.
 7. Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
 8. All property taxes must be paid and current.
 9. The application for an exemption shall be filed after January 1, and at least one day prior to the last day of the Board of Review. The filing of the application constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.
 10. Applicants need not appear before the Board of Review, but are encouraged to do so to be available to provide further information or clarification to the Board of Review. Applicants who do not initially appear may be required to appear at the Board of Review to respond to questions. Applicants should understand that the failure to appear at the Board of Review, if requested by the Board of Review may result in denial of the application. If the applicant is disabled, alternate procedures may be allowed pursuant to the city's obligation in the application of the Americans with Disabilities Act.
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11. The Board of Review shall in no instance require an applicant to have less household income than the applicable poverty income level for the household.
12. The Board of Review may award full and/or partial exemptions as permitted under law

WHEREAS, the federal poverty income guidelines are updated annually by the United States Department of Health and Human Services, and the annual allowable income guidelines include income for all persons residing in the principal residence.

NOW, THEREOFRE, BE IT HEREBY RESOLVED that the Board of Review shall follow the above stated policies guidelines in granting or denying an exemption. The same standards shall apply to each taxpayer within the city claiming the poverty exemption for the assessment year.

BE IT FURTHER RESOLVED that in order to ease the burden of taxpayers, the assessor and the Board of Review and to ensure that all taxpayers have an equal opportunity to be heard by the Board of Review, the City of South Lyon hereby resolves, according to provisions of MCL.211.30(8) of the General Property Tax Act, that the Board of Review shall receive letters of protest regarding assessments from resident taxpayers from the first Tuesday in March until it adjourns from the public hearings for which it meets to hear such protests. All notice of assessment change and all advertisements of the Board of Review meetings are to include a statement that the resident taxpayers may protest by letter to the Board, be it further resolved that this resolution is hereby given immediate effect and will stay in effect for subsequent years until amended or voided.

The forgoing resolution was offered by City Council Member Kurtzweil and supported by City Council Member Ditz

Upon roll call vote, the following voted:

"Aye": 7
"Nay": 0

The City Clerk declared the resolution 01-24 passed/failed

Lisa Deaton 2/12/24
Lisa Deaton, Clerk Date