

CITY OF FENTON
RESOLUTION AMENDING
POVERTY EXEMPTION POLICY & GUIDELINES

RESOLUTION NO. 24-20

At a regular meeting of the City Council of the City of Fenton, Genesee County, held at Fenton City Hall 301 S. Leroy St, Fenton, MI 48430, on the 28th day of May, 2024 at 7:30 p.m., Eastern Standard Time.

PRESENT: Bottecelli, Grossmeyer, Jacob, Lockwood, McDermott, Osborn, Sage.

ABSENT: None.

The following resolution was offered by Lockwood and supported by Sage:

WHEREAS, pursuant to the General Property Tax Act, Public Act 206 of 1893 (“Act”), MCL 211.7u (“Section 7u”), a person unable to contribute toward the public charges by reason of poverty is eligible for exemption in whole or in part from the collection of taxes under the Act; and

WHEREAS, the City passed Resolution No. 19-3 on January 28, 2019 for the purpose of adopting a policy and guidelines for the Board of Review to follow when reviewing and granting poverty exemptions provided by MCL 211.7u under the Act (“City of Fenton Poverty Exemption Policy”); and

WHEREAS, Public Act No. 253 of 2020 was signed into law on December 23, 2020, making several changes to MCL 211.7u thereby impacting the review and granting of poverty exemptions;

WHEREAS, the City desires to authorize the City Assessor to revise the City of Fenton Poverty Exemption Policy and any other related forms at any time to be consistent with state and federal law, so long as the revisions are not inconsistent with the determinations of the Board of Review.

WHEREAS, Section 7 of the City of Fenton Poverty Exemption Policy allows the Policy to be reviewed by the City Council annually and revised accordingly;

NOW, THEREFORE, BE IT RESOLVED the City of Fenton desires to amend the City of Fenton Poverty Exemption Policy as follows:

POLICY AMENDMENT. The City of Fenton Poverty Exemption Policy shall be revised to read as follows:

CITY OF FENTON POVERTY EXEMPTION POLICY

The following policy and guidelines, adopted by the City Council, shall be followed by the City of Fenton Board of Review when considering poverty exemptions according to P.A. 206 of 1893, MCL 211.7u.

Section 1. Eligibility

To be eligible for a poverty exemption in the City of Fenton, Genesee County, an applicant must do the following on an annual basis:

- a. Own and occupy the principal residence for which an exemption is requested. The person shall affirm this ownership and occupancy status in writing by filing a form prescribed by the state tax commission with the City;
- b. File a claim with the Board of Review on a form prescribed by the state tax commission and provided by the City, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year. Federal and state income tax returns are not required for a person residing in the principal residence if that person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year. If a person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year, an affidavit in a form prescribed by the state tax commission may be accepted in place of the federal or state income tax return.
- c. Asset level, excluding the principal residence, may not exceed the federal poverty income guidelines published in the prior calendar year in the Federal Register. Applicant must file documentation for all income and asset sources. The following list is non-exhaustive, and includes potential asset sources:
 - Land, vehicles;
 - Second home;
 - Recreational vehicles such as campers, motor-homes, boats and ATV's;
 - Buildings other than the residence;
 - Jewelry, antiques, artworks;
 - Equipment, other personal property of value;
 - Bank accounts (over a specified amount), stocks;
 - Money received from the sale of property, such as, stocks, bonds, a house or car (unless a person is in the specific business of selling such property);

- Withdrawals of bank deposits and borrowed money;
- Gifts, loans, lump-sum inheritances and one-time insurance payments;
- Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms;
- Federal non-cash benefits programs such as Medicare, Medicaid, food stamps and school lunches.

d. Produce a valid driver license or other form of identification if requested by the City Assessor or Board of Review;

e. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested by the City Assessor or Board of Review;

f. Meet the federal poverty income guidelines published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services.

Section 2. Application Review

The City Assessor shall make a recommendation regarding the claimant's petition and the Board of Review shall consider, review and then approve or deny the exemption request. The Board of Review shall follow the policy and guidelines of the City in granting or denying an exemption under this section. When reviewing an application, the Board of Review should consider all information available to them at that time. They should consider all documentation originally submitted by the taxpayer and any additional relevant information that is available to the Board of Review.

The Board of Review **shall** grant an exemption either in whole or in part as follows to a person qualified under Section 1 of this Policy based on the Board of Review's review of the application:

- (a) A full exemption equal to a 100% reduction in taxable value for the tax year in which the exemption is granted; or
- (b) A partial exemption equal to 1 of the following:
 - a. A 75%, 50% or 25% reduction in taxable value for the tax year in which the exemption is granted.
 - b. As approved by the state tax commission, any other percentage reduction in taxable value for the tax year in which the exemption is granted, applied in a form and manner prescribed by the state tax commission.

Section 3. Timeline

The completed application for a poverty exemption must be filed after January 1 but before the day prior to the last day of the December Board of Review in the year for which the exemption is sought.

Section 4. Assessment

A person who files a poverty exemption application under this policy is not prohibited from also appealing the assessment on the property for which that claim is made before the Board of Review in the same year.

Section 5. Audit Program

The City, by and through the City Assessor, shall develop and implement an audit program that includes the audit of all information filed pursuant to this Policy, such as but not limited to all forms prescribed by the state tax commission, any and all other documentation submitted by the taxpayer, and any additional relevant information made available to the Board of Review. If property is determined to be ineligible for exemption as a result of an audit, the person who filed for the exemption under this Policy and/or Section 7u of the Act shall be subject to repayment of taxes pursuant to those procedures as outlined in the Audit Program.

Section 6. Appeal Rights

A property owner or City Assessor may appeal a decision of the March Board of Review by completing and submitting a petition to the Michigan Tax Tribunal no later than July 31 of the same year. A property owner or City Assessor may appeal a decision of the July or December Board of Review by completing and submitting a petition to the Michigan Tax Tribunal within 35 days of the July or December Board of Review's denial of the poverty exemption.

An application for poverty exemption, for a specific principal residence, may only be acted upon by the Board of Review once a year. If an application is denied at the March Board of Review, it may not be reheard by the July or December Board of Review during the same calendar year. Similarly, if an application is denied at the July Board of Review, the December Board cannot rehear that application. An appeal of the Board of Review's decision must be filed with the Michigan Tax Tribunal in accordance with the deadlines listed above in this Section.

A person who files a claim for poverty exemption is not prohibited from also appealing the assessment on the same property in the same year.

Section 7. Review of Policy

This Policy may be reviewed by the City Council annually and be revised accordingly. This Policy and any other related forms may be revised by the City Assessor at any time to be consistent with state and federal law, so long as the revisions are not inconsistent with the determinations of the Board of Review.

Section 8. Posting of Policy.

The City shall make this Policy, as well as the form prescribed by the state tax commission used to file a claim pursuant to this Policy under its Section 1(b), available to the public on the City's website at <http://cityoffenton.org/>.

Section 9. Validity and Severability

If any part of this Policy is declared by any court of competent jurisdiction to be invalid, that declaration does not affect the validity of the remainder of this Policy.

Section 10. Repealer

This Policy repeals all prior policies or any parts of prior policies of the City that conflict with this Policy.

Section 11. Effective Date

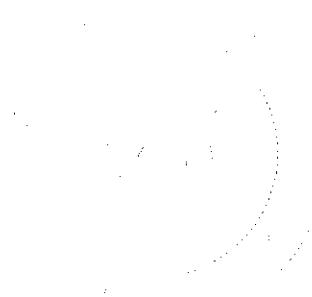
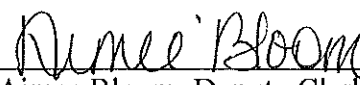
This Policy is effective the day after the City Council adopts it.

Upon roll call vote, the following voted:

“Aye”: Bottecelli, Grossmeyer, Jacob, Lockwood, McDermott, Osborn, Sage.

“Nay”: None.

declared the resolution ADOPTED.

Aimee Bloom, Deputy Clerk
Date: May 28, 2024