



Garfield

Charter Township

SERVING THE CITIZENS OF NORTHERN MICHIGAN

The March Board of Review

**What can the
Board of Review do?**

February 2024

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NOTICE OF ASSESSMENT

By mid-February each year, prior to the March meetings of the local board of review, informational notices are mailed to each taxpayer. This “Notice of Assessment” includes Assessed Value, Taxable Value and Property Classification. Also included is the State Equalized Value; the percent of exemption as a Principal Residence, Michigan Business Tax or Qualified Agricultural Property, and if there was or was not a Transfer of Ownership in the previous year. March Board of Review meetings, times and locations are also noted on the Notice of Assessment. Taxpayers may also find an estimate of the change that may occur in their tax bills on this notice.

MARCH BOARD OF REVIEW

If you believe the Assessed Value is more than half the value of your property, you may appeal the Assessed Value at the March Board of Review. You can obtain information about the specific meeting dates and schedule an appearance with the Board of Review by contacting the Assessor’s Office.

What are the authorities of the March Board of Review?

The March Board of Review (MBOR) has the authority to change the current year assessment. The MBOR may review and/or consider the following matters relating to the current assessment year:

- 1.*** Current Year Assessed or Tentative Taxable Value. If the Board of Review (BOR) changes an Assessed Value, it must also consider whether these changes have caused the Tentative Taxable Value to change. This could happen because the Tentative Taxable Value is the lower of the Assessed Value and the Capped Value.
- 2.*** Appeal of a denial by the Assessor of a timely and completely filed Small Business Taxpayer Exemption (MCL 211.9o, Form 5076).
- 3.*** Appeal of a denial by the Assessor of a timely and completely filed Eligible Manufacturing Personal Property Exemption (MCL 211.9p, Form 5278).
- 4.*** Appeal of a denial by the Assessor of a timely and completely filed Qualified Heavy Equipment Rental Personal Property Exemption (MCL 211.9p, Form 5819).
- 5.*** A late filed Small Business Taxpayer Exemption (Form 5076), Eligible Manufacturing Personal Property Exemption (Form 5278), or Heavy Equipment Rental Personal Property Exemption (Form 5819). Taxpayers who miss the filing deadline (February 20th each year) for these exemptions can file directly with the March Board of Review.
- 6.*** Property Classification.
- 7.*** Appeal of a denial by the Assessor of a continuation of a qualified agricultural exemption that was on the roll in the previous year.
- 8.*** Appeal of a denial by the Assessor of a continuation of the eligible development property exemption that was on the roll in the previous year.
- 9.*** Taxable value corrections due to the incorrect calculation of taxable value. This may be due to an uncapping issue.
- 10.*** Poverty Exemptions.
- 11.*** The land assessment for a property with an Industrial Facilities Tax Roll Certificate. The March Board of Review may adjust the IFT roll assessment of a “New” Industrial Facilities Tax Certificate.

The March Board of Review has NO authority to do the following:

- 1.*** The BOR may not reject or prepare an assessment roll but must consider only the assessment roll prepared by the Assessor.

2. The BOR cannot act on millage rates or because a tax is too high. Taxpayers may raise these issues during an appeal, but the BOR has no authority to act.
3. A BOR cannot make wholesale or across the board adjustments to assessments. A BOR must consider each parcel and act upon it individually.
4. A BOR does not have the authority to make changes to alter, evade, or defeat an equalization factor assigned by the county or the state.
5. A BOR cannot raise or lower the Tentative Taxable Value unless they also raise or lower the Assessed Value and/or the Capped Value. An exception could occur if there was a “transfer of ownership” on a property in the prior year and the Assessor had not uncapped the Taxable Value or if the opposite occurred.
6. The BOR has no authority to consider protests or appeal of the Principal Residence Exemption (PRE).
7. The BOR has no authority to alter an Industrial Facilities Tax assessment where a “Rehabilitation” certificate or a “Replacement” certificate has been issued.
8. The BOR does not have the authority to review the denial of a Qualified Forest Exemption by the Department of Agriculture and Rural Development.
9. The Board does not have authority to change the DNR PILT roll. This roll is solely under the authority of the State Tax Commission.
10. The Board has no authority to grant Disabled Veteran Exemptions.

Can the March Board of Review make changes without a protest from a taxpayer?

Yes. The BOR may change a value or add a value to the roll by its own motion, provided that the taxpayer whose property has been changed is promptly notified and has an opportunity to be heard at the meeting where the change was made or at a subsequent meeting. The notification must be provided by the best means available. The BOR should immediately notify the Assessor or other staff in the assessing office of a proposed change so that notice to the taxpayer can be made.

Does the Board of Review have any authority over Taxable Value?

The law requires that the assessment roll must show the Tentative Taxable Value for each parcel of property. Once the Capped Value and the Assessed Value are properly calculated, the Tentative Taxable value is the lower of the two (assuming there has not been a “transfer of ownership” in the previous year.

What are the Board of Review’s Authorities related to Assessed Value?

Property must be assessed at 50% of True Cash Value, and the Assessed Value must be uniform with the assessments of other similar properties.

Can a Board set the SEV or Assessed Value at the sales price of the property?

No, this practice is illegal in Michigan. An individual sale price IS NOT the same as True Cash Value (similar to market value) due to a variety of reasons, including: an uninformed buyer, an uninformed seller, insufficient marketing time, buyer and seller are relatives, as well as other reasons. Actual price is seldom equal to value.

Section 27(5) of the General Property Tax Act states the following: “Beginning December 31, 1994, the purchase price paid in a transfer of property is not the presumptive True Cash Value (TCV) of the property transferred. In determining the TCV, an assessing officer shall assess that property using the same valuation method used to value all other property of the same classification in the assessing jurisdiction.”

Therefore, a BOR does NOT have the authority to change an assessment solely on the sales price.

Property Tax Exemptions

What is the Board of Review’s authority over Property Tax Exemptions?

Property tax exemptions are to be granted only according to authorizing provisions of the law. Generally, it holds true that the Courts require a NARROW interpretation of exemptions. To qualify for an exemption, a property must have the qualifications required by the specific authorizing statute.

Poverty exemptions may be heard at the March, July, or December Boards of Review. However, once a poverty exemption is considered by a Board of Review, it may not be reconsidered by a later BOR in the same year.

For instance, if a poverty exemption is denied at the July BOR, it may not be reconsidered at the December BOR—even if new information is presented.

MCL 211.7u(5) states:

(5) The Board of Review shall follow the policy and guidelines of the local assessing unit in granting or denying an exemption under this section.

Does the Board have any authority over Principal Residence Exemptions?

As of July 11, 2022, when PA 141 of 2022 amended section 211.7cc of the General Property Tax Act, the July and December BOR no longer have the authority to hear appeals regarding a principal residence exemption (PRE) that was not on the property for the current and up to three (3) previous years; and the July and December BOR has no authority to grant a PRE.

The March BOR has NEVER had any authority over PREs.

For more information, please visit: www.garfield-twp.com/assessing.asp.