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## Required BOR Protest Eliminated For Many Properties Beginning in 2007

New Michigan legislation has eliminated the requirement for commercial and industrial (as well as developmental) classified real property that, before a Tax Tribunal appeal may be filed, the disputed assessed and/or taxable value had to be protested to the local Board of Review ("BOR"). Although appeals to the BOR for such property are permitted, they are no longer a prerequisite to a Tax Tribunal appeal. This elimination of the BOR prerequisite also applies to commercial, industrial and utility personal property but only if a personal property statement was filed before the commencement of the BOR.

This change in Michigan law does not eliminate the requirement that an assessed and/or taxable value of other property be appealed to the BOR before a Tax Tribunal appeal is filed. For example, assuming property is properly classified, a Tax Tribunal appeal for an apartment complex would not have to be preceded by a BOR appeal because such property is classified as commercial. Yet, a Tax Tribunal appeal for a physically identical condominium project would have to be preceded by a BOR appeal because such property is classified as residential.

Substantially all of the properties we review for clients are classified as commercial or industrial. As a result, beginning with the 2007 tax year, we will not be routinely appealing assessments to the BOR (or the Assessor's Review Board in Detroit or Grand Rapids). If you have property that is not classified as commercial or industrial or have personal property for which a personal property statement is not being timely filed and you want a Tax Tribunal appeal to be filed, arrangements will have to be made for an appeal to the BOR (which requires action beginning in February and/or March, 2007). We can assist you with preparing

the necessary forms or provide you other advice regarding such BOR appeals.

### Change In Tax Tribunal Filing Date

For property for which a BOR appeal is no longer a prerequisite to a Tax Tribunal appeal, the new filing deadline for the Tax Tribunal for assessment and taxable value appeals are May 31, rather than June 30 as it has been for more than thirty years. Thus, for such new appeals for the 2007 tax year, (December 31, 2006 assessment date), the Tax Tribunal filing deadline is May 31, 2007.

The Tax Tribunal filing dates involving other types of property have also been changed. For many other types of property the filing deadline will be July 31 as opposed to the deadline of June 30 applicable for the 2006 and earlier tax years.

Honigman is the Michigan member firm of the American Property Tax Counsel, The National Affiliation of Property Tax Attorneys. For more information about this organization, visit [www.aptcnet.com](http://www.aptcnet.com).

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