

Hamburg Township

PO Box 157
Hamburg, Michigan 48139
Phone (810) 231-1000

Application for Exemption from Property Taxes

Instructions: File this application with copies of documents listed on page two (2) of this form. Property must be owned and used for the stated exemption purpose as of December 31.

REQUESTED EXEMPTION:

Property Type (check applicable):

Real Property Parcel Number(s) _____

Personal Property Parcel Number(s) _____

Property Location: _____

Current Use of Property: _____

Organization or Church: _____

Mailing Address: _____

Contact Person: _____ Phone No: _____

Email Address: _____

TYPE OF EXEMPTION REQUESTED: (check applicable)

Library

Charitable

Educational

Scientific

Religious

Other (define) _____

Property tax law section (MCL) under which you are claiming exemption: _____

(Note: Internal Revenue Code Sec. 501 (c) 3 is NOT a property tax exemption law, but rather deals with exemption from Federal Income Tax)

MICHIGAN TAX TRIBUNAL FOUR-PART TEST:

1. The real estate or personal property must be owned, occupied, and used by the exemption claimant as of December 31st of each year.
2. The exemption claimant must be a library, charitable, educational, scientific, or religious institution.
3. The claimant must be incorporated under the laws of the State of Michigan or any other state in U.S.
4. The exemption only exists when the buildings or other property thereon are occupied by the claimant solely for the purpose for which it was incorporated, or as further limited by the applicable statute.

Our policies are set by State of Michigan law and court decisions, and not by Hamburg Township. These criteria will be used to determine your tax status. If you have any questions, please feel free to contact the Township Assessor.

Attach copies of the following documents with the application.

Processing the exemption request application is facilitated by providing copies of as many of the following documents as possible. If unable to provide the documents, please state the reason why.

- 1) Articles of incorporation and all amendments, which should include the following information:
 - a. The names of directors of the corporation
 - b. Whether the applicant operates on a profit or non-profit status
 - c. The purpose of corporation
 - d. A copy of the articles of incorporation
 - e. Assumed name(s), if applicable, along with the name of governmental agency where the assumed name is recorded with
 - f. A copy of the annual non-profit corporation report or for organizations other than corporations, and the most recent balance sheet.
- 2) Exemption applicant entity's by-laws and constitution if these items exist.
- 3) Evidence of ownership of (or interest in) subject property
 - a. Transfer instrument to applicant; typically warranty deed or land contract
 - b. Lease
- 4) Internal Revenue Service Code 501(c)(3) status
- 5) Internal Revenue Service Code 990, 990n, 990ez
- 6) Governmental approval/certification (if applicable) to operate for stated purpose
 - a. IRS exemption determination for assessment years in question
 - b. State/County license if any
 - c. Township approval form: Permits_____ License_____ Other_____
 - d. License from Attorney General to solicit or receive contributions
- 7) Budget documents for either
 - a. The operation of charitable, educational, religious organization
 - b. The operation of real estate and/or personal property for which exemption is sought.
- 8) Signed statement as to actual use(s). If more than one use exists, please state percentage each use is to a total 100%.
- 9) Inclusive list of **ALL** salaries, fees, payments, rent, repayments of loans, etc., as well as transfers, current or deferred, from the exemption applicant to its directors, officers, consultants, agents, and/or employees.
- 10) List of all clients served that are in any way related to: any director, officers, consultant, agent and/or employees of applicant. Please include an explanation of any above relationships.

ADDITIONAL INFORMATION: (answer all questions if question does not apply state n/a)

How will the property be occupied on December 31st?

How was the property occupied on December 31st of the prior year?

Is any part of this property rented or occupied by someone other than the exemption claimant?

- Yes
- No

If yes, list the names of tenants or occupants, and rent paid below:

Reason(s) for the exemption of this property:

What services are or will be provided at this location?

What is the fee schedule for your services? Do you have a sliding fee schedule based on income?
[Please attach copies of your fee schedule.]

What happens if a person seeking your services has no way of paying?

How do your services relieve the burden of government in providing like services?

What other exempt property does your organization have located in the Township of Hamburg?

In the event of dissolution, to whom would the property revert?

THIS APPLICATION IS FOR EXEMPTION BEGINNING WTH YEAR _____.

THE INFORMATION ON THIS APPLICATION IS, TO THE BEST OF MY KNOWLEDGE AND JUDGEMENT, A TRUE AND CORRECT STATEMENT OF FACTS CONCERNING THE ABOVE DESCRIBED PROPERTY AND ITS USE

CERTIFICATION:

I hereby certify the preceding statements are true and correct.

Signed _____ Date _____

Name _____ Phone _____

Email _____

Position with Organization or Church _____

FILING REQUEST:

For the Assessor to review your application for the next year's assessment roll, please file no later than December 31. You will be notified in writing of the Assessor's decision and your appeal rights to the local Board of Review.

If you are unable to meet the December 31 deadline, you must file your application prior to the adjournment of the March Board of Review. This Board meets during the second week in March, each year. The Board can act on your exemption request and you are protecting your right to appeal their decision. You will be notified in writing of the Board's decision.

Mail or deliver your application to:

Township of Hamburg
Assessor's Office
PO Box 157
10405 Merrill Road
Hamburg, Michigan 48139-0157

If you need help or have questions, please call (810)231-1000

Hamburg Township Guidelines for the Assessor's Review of Ad Valorem Property Tax Exemptions

Pursuant the Michigan General Property Tax Law and the Township of Hamburg, the Township Assessor is responsible for completing the annual assessment roll and determining the properties subject to taxation. As part of this duty, the Township Assessor grants or denies exemption requests. In reviewing exemptions requests, the Township Assessor considers Michigan law and court decisions.

PLEASE NOTE:

1. An organization does not qualify for a property tax exemption do to being structured as a nonprofit organization.
2. An organization's income tax status does not affect or predetermine the taxable status of its property under the Michigan general property tax law.
3. The exemption claimant must meet criteria to be eligible for a property tax exemption under Michigan law.
4. While a 501(c)(3) ruling from the Internal Revenue Service may indicate an organization is charitable, religious, scientific, or educational, it does not by itself determine eligibility for a property tax exemption.
5. Property must be actively in use for the purpose stated as the reason for the exemption.

Application Process:

1. Applicant files a request for exemption using the Property Tax Exemption Request form. Forms can be obtained by calling the Township of Hamburg Assessor's Office at (810) 231-1000
2. Applicant identifies the type of exemption being requested
 - a. Library
 - b. Charitable
 - c. Educational
 - d. Scientific
 - e. Religious
3. Applicant must own the property for which the applicant is requesting an exemption. Proof of ownership must be provided if the applicant is not shown as owner on the Assessor's current records. Proof of ownership includes a copy of a deed or land contract.
4. Applicant must attach a copy of its by-laws and articles of incorporation to the exemption request form.
5. Applicant must answer the questions on the form about how the property is occupied and used, the services provided, the criteria for receiving service, the benefits received, how the services are paid, and what happens to the property if the institution dissolves.

Exemption Review – Michigan Law and Court Decisions

The Michigan Constitution provides for exemption of property owned and occupied by nonprofit religious or educational organizations and used for religious or educational purposes.

Michigan law provides for various exemptions for charitable, religious, educational, and scientific nonprofit organizations. Property tax exemptions are found in General Property Tax Law at 211.7 (real property) and 211.9 (personal property).

In addition to reviewing Michigan law, the Township Assessor considers court decisions when determining eligibility for exemption. The following test is used to determine eligibility:

1. The real estate must be owned and occupied by the exemption claimant.
2. The exemption claimant must be a library, charitable, educational, or scientific, or religious institution.
3. The claimant must have been incorporated under the laws of this state or any other state in the U.S.
4. The exemption exists only when the building and the property it is on are occupied by the claimant solely for the purposes for which it was incorporation.

Consultation with Township Attorney

The Township Attorney is available to both the Assessor and the Board of Review for advice and counsel about exemption issues.

Criteria for Exemption

1. Does the applicant own the property for which the applicant is requesting an exemption?
 - Is the applicant requesting exemption for land and attached buildings or structures (real property)?
 - Is the applicant requesting an exemption for its furniture, fixtures, and equipment (personal property)?
2. Does the applicant physically use the property solely for the applicants incorporated purposes?
 - Does the applicant occupy a building on the property or the property vacant land?
 - If vacant land, how is the applicant occupying and using the land?
 - Is the land held for a future building site or for future development?
 - Does the actual use of the property match the purposes listed in the applicant's articles of incorporation?
 - Does the applicant occupy and use 100% of the property under consideration? If not, who occupies the remaining portion of the property?
3. Did the applicant legally occupy (having a physically use of or a regular presence on the property) for exempt purposes?
4. Is the applicant a nonprofit religious, charitable, educational, or scientific organization?
5. If the applicant is a nonprofit religious organization, is the property a church or parsonage?
 - If the property is a church, does the applicant hold regular religious services at the property that are open to the public without restriction or discrimination as to race, color, or creed?
 - If the property is a parsonage, does the applicant's ordained minister occupy and use the property as his/her personal residence?

6. If the applicant is a nonprofit charitable organization does the applicant benefit an indefinite number of persons either by:
 - Bringing their minds or hearts under the influence of education or religion?
 - Relieving their bodies from disease, suffering or constraint?
 - Assisting them to establish themselves for life?
 - Erecting or maintaining public buildings or works, or otherwise lessening the burdens of government?

7. If the applicant is a nonprofit charitable organization does the applicant provide a gift that benefits an indefinite number of persons?
 - Does the applicant provide its gift without restriction as to the ability to pay?
 - Does the applicant provide its gift without discrimination as to race, color, or creed?

8. If the applicant is a nonprofit educational organization, does the applicant fit into the general scheme of education provided by the state and supported by public taxation?
 - If the organization didn't exist would the burden on the state to provide an educational system be appreciably increased?
 - Do the applicant's activities sufficiently relieve the government's educational burden?

9. If the applicant is a nonprofit scientific organization, is the applicant's work done in the public interest?
 - Do the applicant's activities serve to advance knowledge?
 - Does the applicant's work substantially relieve the burden of government in producing scientific research or information?

10. Did the applicant clearly establish its right to an exemption? If the applicant didn't clearly establish its right, the Board must rule in favor of the taxing unit and deny the exemption.

11. Does the applicant qualify under Michigan law?
 - Real property exemptions are found in General Property Tax Law at 211.7.
 - Personal property exemptions are found in General Property Tax Law at 211.9.

12. Does the applicant qualify based on Michigan court decisions?

Notification and Appeal Process

1. The Assessor sends a letter to the applicant letting the applicant know if the exemption was granted or denied. If denied, the letter includes a brief reason for the denial. The letter also includes instructions for appealing the decision.
2. Official assessment change notices are mailed no later than fourteen (14) days before the first day of appeals for the March Board of Review. If a property is no longer exempt, the change notice will show the current values and the appeal process.
3. Applicants must first appeal to the March Board of Review. For properties classified as commercial real or personal, industrial real or personal, developmental real, or utility personal the applicant may appeal directly to the Michigan Tax Tribunal by May 31st. Appeals can be done in person or by letter. Applicants must be prepared to support their request for exemption under Michigan law.
4. If the March Board of Review denies the exemption, the next step is an appeal to the Michigan Tax Tribunal. The deadline for filing an appeal is July 31st each year for residential and agricultural classed properties and May 31st for commercial, industrial, developmental, and utility classed properties.