

## Wayne County Treasurer



Division: Taxpayer Assistance

Review:

Name of Policy: Financial Hardship

Revision: 11/10/08

Date: 12/13/01

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Approved By: Raymond J. Wojtowicz, Treasurer

**I. POLICY**

Under Public Act 123 of 1999, as amended (Act 123), it is the policy of the Wayne County Treasurer (Treasurer) to withhold property from the petition for foreclosure that is owned by a person undergoing substantial financial hardship as determined in accordance with the standards stated below.

**II. PURPOSE**

To provide the standards and procedures to be followed for the determination of whether a person owning property is eligible for a deferment of their property from a petition for foreclosure filed by the Treasurer to recover delinquent property taxes.

**III. APPLICATION**

This policy applies to all properties for which the Treasurer is charged with the statutory responsibility for the collection of delinquent taxes and for which the Office is the foreclosing governmental unit under Act 123.

**IV. DEFINITIONS**

**Income Standards** – Income Standards as defined, determined and published annually by the Wayne County Treasurer.

**Household Income** – means all combined income received by all persons of a household in a tax year while members of a household. Household means a claimant and spouse. MCL 206.508 (3) and (4).

**Principal Residence** – The one place where a person has his or her true, fixed and permanent home to which, whenever absent he or she intends to return and that shall continue as a principal residence until another principal residence is established.

**V. GENERAL PROVISIONS**

This policy should be read in conjunction with other policies and applicable laws, with specific reference to Public Act 123 of 1999, as amended. The Wayne County Treasurer and staff of the Office of the Wayne County Treasurer are bound by all applicable county, state and federal law, rules, regulations and policies, contractual requirements, and any administrative directives in effect at the time of the writing of this policy, or as amended.

**VI. STANDARDS**

A. A person requesting the withholding of their property from a foreclosure petition for reason of substantial hardship must:



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1. Submit a completed application to the Office of the Wayne County Treasurer, 400 Monroe, Ste. 530, Detroit, MI 48226, Attention: Taxpayer Assistance, no later than **March 16, 2009**.
  2. The application must be notarized and state that the person applying:
    - a. Holds title to the property
    - b. Occupies the property as their **principal residence**, and
    - c. Their household income meets the income standards of the Wayne County Treasurer for the tax year as attached to the application.
    - d. Unless otherwise deferred, all prior year taxes have been paid.
  3. Appear, as agreed and scheduled by the Taxpayer Assistance Department, for an interview on the application and bring the following documents for review:
    - a. A current Michigan driver's license or state identification card;
    - b. Evidence that the applicant holds title to the property, such as a deed; and
    - c. Evidence that the applicant occupies the property as their principal residence; and
    - d. Federal income tax returns filed for the current year (if prepared) and the prior year.
    - e. If no income tax returns have been filed, a notarized statement of the applicant's household income and that the applicant was not required to file a federal income tax return as their filing status, age and amount of gross income did not meet the standards set by the U. S. Internal Revenue Service for the tax year(s) along with proof of income will be accepted.
    - f. To be considered, a completed application must be submitted to the Office of the Wayne County Treasurer, 400 Monroe, Ste. 530, Detroit, MI 48226, no later than **March 16, 2009**.
- B. The Treasurer's authorized representative, a member of the staff of the Office of the Wayne County Treasurer shall:
1. Review the application to ensure it has been completed and notarized;
  2. Schedule an appointment with the applicant to review the application and supporting documentation.
  3. If the applicant substantiates that they hold title to the property, occupy the property as their principal residence and that their household income meets the income standards of the Wayne County Treasurer, the application will be recommended for approval for withholding of the property from the petition for foreclosure. **The approval of the application does not waive payment of the taxes. Additional interest, penalties and fees will continue to be applied.**



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**VII. QUALITY ASSURANCE**

The Taxpayer Assistance Department shall monitor adherence to the policy as an element of its business practices.

**VIII. LEGAL AUTHORITY AND REFERENCE**

- A. Michigan Income Tax Act, MCL 206.508
- B. Michigan Public Act 123 of 1999, MCL 211.78 et seq.