STATE OF MICHIGAN

COURT OF APPEALS

NATIONAL CHURCH RESIDENCES OF WIN YPSILANTI, f/k/a JOSEPH KASBERG,	UNPUBLISHED May 22, 2012
Petitioner-Appellee,	
v	No. 303444 Tax Tribunal LC No. 00-338289
YPSILANTI TOWNSHIP,	
Respondent-Appellant.	

Before: OWENS, P.J., and TALBOT and METER, JJ.

PER CURIAM.

Appellant Ypsilanti Township (Township) appeals as of right an order denying its motion for summary disposition and granting summary disposition to appellee National Church Residences of Win Ypsilanti (National) entered on March 18, 2011, by the Michigan Tax Tribunal (MTT) in this tax liability action. On appeal, the township argues that the MTT erred in granting National's motion for summary disposition because the MTT incorrectly interpreted MCL 125.1415a. We affirm.

The proper interpretation and application of a statute raises a question of law reviewed de novo. *Ford Motor Co v City of Woodhaven*, 475 Mich 425, 438; 716 NW2d 247 (2006).

Respondent argues that the MTT erred in granting National's motion for summary disposition. We disagree, because the mere transfer of tax-exempt property from one owner to another does not require the new owner to file a notification of the exemption under MCL 125.1415a(1).

The primary goal of statutory interpretation is to give effect to the intent of the Legislature. *In re MCI Telecom Complaint*, 460 Mich 396, 411; 596 NW2d 164 (1999). To determine legislative intent, this Court "begin[s] by examining the plain language of the statute. Where that language is unambiguous, we presume that the Legislature intended the meaning clearly expressed – no further judicial construction is required or permitted, and the statute must be enforced as written." *DiBenedetto v West Shore Hosp*, 461 Mich 394, 402; 605 NW2d 300 (2000). Where the meaning of statutory language is ambiguous, judicial construction is necessary and courts must accord statutory words their ordinary and generally accepted meaning. *Turner v Auto Club Ins Ass'n*, 448 Mich 22, 27; 528 NW2d 681 (1995). Also, "when courts

interpret a particular phrase in a statute, they must, whenever possible, construe the phrase in such a way that the interpretation does not conflict with, or deny effect to, other portions of the statute." *Id.* at 28. In other words, statutory provisions are not read in isolation; they should be read as a whole. *Robinson v City of Lansing,* 486 Mich 1, 15; 782 NW2d 171 (2010).

> Here, the applicable statute, MCL 125.1415a, provides in relevant part:
> (1) If a housing project owned by a nonprofit housing corporation, consumer housing cooperative, limited dividend housing corporation, mobile home park corporation, or mobile home park association is financed with a federally-aided or authority-aided mortgage or advance or grant from the authority[1], then, except as provided in this section, the housing project is exempt from all ad valorem property taxes imposed by this state or by any political subdivision, public body, or taxing district in which the project is located. The owner of a housing project eligible for the exemption shall file with the local assessing officer a notification of the exemption, which shall be in an affidavit form as provided by the authority. The completed affidavit form first shall be submitted to the authority for certification by the authority that the project is eligible for the exemption. The owner then shall file the certified notification of the exemption with the local assessing officer before November 1 of the year preceding the tax year in which the exemption is to begin.
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> (3) The exemption from taxation granted by this section shall remain in effect for as long as the federally-aided or authority-aided mortgage or advance or grant from the authority is outstanding, but not more than 50 years. The municipality may establish by ordinance a different period of time for the exemption to remain in effect. [MCL 125.1415a(1), (3).]

The issue here is whether the requirement in section (1) that the owner of a housing project file the "certified notification of the exemption with the local assessing officer before November 1" applies only to the initial grant of a tax exemption for a piece of property or whether each successive owner of the property must re-file the notification of the exemption. The only language in section (1) concerning when the notification of the exemption must be filed is that "[t]he owner then shall file the certified notification of the exemption with the local assessing officer before November 1 of the year preceding the tax year in which the exemption is to begin." MCL 125.1415a(1). Section (1) only requires the notification of the exemption to be filed before the exemption begins. Once the exemption begins under the plain language of MCL 125.1415a(1), there is no further requirement of any kind to file a subsequent notification of the exemption.

[1] "Authority" in this statute means the MSHDA. MCL 125.1411(a)

In this case, however, the township argues that when the property's ownership transferred, the tax exemption on the property did not automatically transfer, and National was required to file a notification of the exemption before a new tax exemption could begin. The township's argument implicitly requires this Court to find that when tax-exempt property under MCL 125.1415a is transferred from one owner to another, the tax exemption is terminated and a new notification must be filed. This interpretation requires this Court to read language into the statute that is simply not there. This Court "may not read into the statute what is not within the Legislature's intent as derived from the language of the statute." *AFSCME v Detroit,* 468 Mich 388, 400; 662 NW2d 695 (2003) (citation omitted).

Moreover, as previously noted, the statute's provisions must be construed together. *Turner,* 448 Mich at 27; *Robinson,* 486 Mich at 15. Section (1) must therefore be interpreted in the context of section (3). Section (3) provides that the "exemption from taxation granted by this section shall remain in effect" until one of three circumstances occur: where federally-aided or authority-aided mortgage or advance or grant from the authority is no longer outstanding, after a period of 50 years, or after a different period of time established by a municipal ordinance. MCL 125.1415a(3). Under the plain language of section (3), the transfer of tax-exempt property from one owner to another does not terminate a tax exemption under MCL 125.1415a. The township's interpretation of section (1) would thus conflict with section (3)'s explicit list of circumstances that terminate a tax exemption. This would violate this Court's rule of construction that requires it to construe a phrase in such a way that does not conflict with another portion of a statute. *Turner*, 448 Mich at 28. Accordingly, we hold that the mere transfer of tax-exempt property from one owner to another does not create an obligation for the new owner to file a notification of the exemption under MCL 125.1415a(1).

However, because MCL 125.1415a(3) permits a municipality to establish a different period of time for the termination of a tax exemption, an examination of the township's ordinance governing the tax exemption in this case is required for a complete analysis. The township's ordinance governing the tax exemption for the property states that:

> [T]he contractual effect of this Ordinance shall remain in effect and shall not terminate so long as [the property] is covered by a Federally Assisted Mortgage, receiving benefits under federal law designated specifically for low and moderate income housing, consisted with the Act. In no event, however, shall the contractual effect of this Ordinance extend beyond the date of February 28, 2028.

The township's ordinance imposes a termination date of February 28, 2028, but is otherwise consistent with circumstances of termination found in MCL 125.1415a(3). The ordinance did not terminate the property's tax exemption when ownership was transferred. It also did not impose a requirement that National file a new notification of the exemption under MCL 125.1415a(1). Thus, the MTT did not err in granting National's motion for summary disposition, holding that the property was exempt from ad valorem property taxes for the year 2007 because National was not required to file a new notification of the exemption with the Township under either MCL 125.1415a(1) or the township's ordinance.

We find that the MTT did not err in granting National's motion for summary disposition because the mere transfer of tax-exempt property from one owner to another does not require the new owner to file a notification of the exemption under MCL 125.1415a(1).

Affirmed.

/s/ Donald S. Owens
/s/ Michael J. Talbot
/s/ Patrick M. Meter