

Michigan Tax Tribunal

Guide to Small Claims Informal Settlement Conferences

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MTT Guide to Small Claims Informal Settlement Conferences

This guide is designed to provide information to petitioner and local tax collecting units (often referred to by the Tribunal as units of government) for their participation in informal settlement conferences. MCL 205.762b provides that parties may request a conference of the other party in most Small Claims cases.

1. What is an informal settlement conference?

An informal settlement conference is a meeting between the parties to discuss issues in an effort to settle the case.

2. What cases may be discussed at an informal settlement conference?

The parties may not request an informal settlement conference to discuss an appeal of a principal residence exemption that was denied by either the Michigan Department of Treasury or a County. Additionally, the informal settlement conference provision of the Tax Tribunal Act does not apply to state taxes levied by the Michigan Department of Treasury.

All other case types are eligible for an informal settlement conference.

3. Are informal settlement conferences required to be held in every Small Claims case?

No. This is a voluntary process that may be requested by a party to the opposing party.

4. When can an informal settlement conference be requested?

An informal settlement conference may be requested after the petition has been filed and the Tribunal has issued a Notice of Docket Number.

The informal settlement conference must be requested before a Small Claims hearing has been scheduled.

5. Who can request an informal settlement conference?

A petitioner or a local tax collecting unit may request an informal settlement conference.

6. How do I request an informal settlement conference?

The request must be made in writing, served on the opposing party, and a copy of the request must also be filed with the Tribunal.

The request must include a statement attesting to the service of the request on the petitioner or local tax collecting unit.

The statement must also identify the name of the person upon whom the request was served and the date and method that the request was served on that person.

For the parties' convenience, the Tribunal has created a **Request for Informal Conference** form that may be used to request an informal settlement conference.

7. What is the process if a *petitioner* requests the informal settlement conference?

The local tax collecting unit **must** schedule and hold the conference within 60 days after receipt of the written request.

The conference must be held by either telephone or at the offices of the local tax collecting unit.

If the local tax collecting unit does not schedule and hold the conference within 60 days after receipt of the written request, the petitioner may file a motion to compel the informal settlement conference with the Tribunal.

If the Tribunal issues an order to compel the conference, and the local tax collecting unit does not schedule and hold it, an expedited default hearing* will be scheduled.

*A default hearing is a hearing where the respondent is prohibited from providing any testimony or documentary evidence.

8. What is the process if the *local tax collecting unit* requests the informal settlement conference?

The local tax collecting unit must schedule and hold the conference within 60 days after delivery of the written request on petitioner.

The conference may be held by telephone or at the offices of the local tax collecting unit.

A petitioner is not required to respond to the request for an informal settlement conference and is not required to attend the informal settlement conference.

If petitioner does not respond to the request or attend the conference, the petitioner's appeal will still continue to hearing where both parties may present testimony and evidence.

9. What is the informal settlement conference if successful and the parties have

come to an agreement?

The parties may enter into a **Stipulation for Entry of Consent Judgment**. The Stipulation must be filed with the Tribunal and a \$25.00 filing fee paid, if a fee is required. A fee is required if the petitioner did not have at least a 50% principal residence exemption at the time the petition was filed.

The Tribunal will review the Stipulation and if it is acceptable to the Tribunal, it will enter it as the final order by issuing a Consent Judgment. The Consent Judgment adopts the parties Stipulation and closes the case.

If the Tribunal reviews the Stipulation and determines it is not proper, it will deny it by order. If the Stipulation is denied, the petitioner appeal will continue to a Small Claims hearing before a Tribunal Member or Administrative Law Judge.

10. What is the informal settlement conference is not successful and the parties could not come to an agreement?

If the parties cannot negotiate an agreement, the appeal will continue to a Small Claims hearing before a Tribunal Member or Administrative Law Judge.