

# HOUSE BILL No. 4227

February 7, 2007, Introduced by Reps. Condino, Bieda, Spade, Vagnozzi, Leland, Constan, Byrnes, Rick Jones, Angerer and Hood and referred to the Committee on Tax Policy.

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 2000 PA 41.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 520. (1) Subject to the limitations and the definitions  
2 in this chapter, a claimant may claim against the tax due under  
3 this act for the tax year a credit for the property taxes on the  
4 taxpayer's homestead deductible for federal income tax purposes  
5 pursuant to section 164 of the internal revenue code, or that  
6 would have been deductible if the claimant had not elected the  
7 zero bracket amount or if the claimant had been subject to the

1 federal income tax. The property taxes used for the credit  
2 computation shall not be greater than the amount levied for 1 tax  
3 year.

4 (2) A person who rents or leases a homestead may claim a  
5 similar credit computed under this section and section 522 based  
6 upon 17% of the gross rent paid for tax years before the 1994 tax  
7 year, or 20% of the gross rent paid for tax years after the 1993  
8 tax year. A person who rents or leases a homestead subject to a  
9 service charge in lieu of ad valorem taxes as provided by section  
10 15a of the state housing development authority act of 1966, ~~Act~~  
11 ~~No. 346 of the Public Acts of 1966, being section 125.1415a of~~  
12 ~~the Michigan Compiled Laws 1966 PA 346, MCL 125.1415A,~~ may claim  
13 a similar credit computed under this section and section 522  
14 based upon 10% of the gross rent paid.

15 (3) If the credit claimed under this section and section 522  
16 exceeds the tax liability for the tax year or if there is no tax  
17 liability for the tax year, the amount of the claim not used as  
18 an offset against the tax liability shall, after examination and  
19 review, be approved for payment, without interest, to the  
20 claimant. In determining the amount of the payment under this  
21 subsection, withholdings and other credits shall be used first to  
22 offset any tax liabilities.

23 (4) If the homestead is an integral part of a multipurpose  
24 or multidwelling building that is federally aided housing or  
25 state aided housing, a claimant who is a senior citizen entitled  
26 to a payment under subsection (2) may assign the right to that  
27 payment to a mortgagor if the mortgagor reduces the rent charged

1 and collected on the claimant's homestead in an amount equal to  
2 the tax credit payment provided in this chapter. The assignment  
3 of the claim is valid only if the Michigan state housing  
4 development authority, by affidavit, verifies that the claimant's  
5 rent has been so reduced.

6 (5) Only the renter or lessee shall claim a credit on  
7 property that is rented or leased as a homestead.

8 (6) A person who discriminates in the charging or collection  
9 of rent on a homestead by increasing the rent charged or  
10 collected because the renter or lessee claims and receives a  
11 credit or payment under this chapter is guilty of a misdemeanor.  
12 Discrimination against a renter who claims and receives the  
13 credit under this section and section 522 by a reduction of the  
14 rent on the homestead of a person who does not claim and receive  
15 the credit is a misdemeanor. If discriminatory rents are charged  
16 or collected, each charge or collection of the higher or lower  
17 payment is a separate offense. Each acceptance of a payment of  
18 rent is a separate offense.

19 (7) A person who received ~~aid to families with dependent~~  
20 ~~children, state family assistance, or state disability assistance~~  
21 **THROUGH DEPARTMENT OF HUMAN SERVICES PROGRAMS** pursuant to the  
22 social welfare act, ~~Act No. 280 of the Public Acts of 1939, as~~  
23 ~~amended, being sections 400.1 to 400.119b of the Michigan~~  
24 ~~Compiled Laws 1939 PA 280, MCL 400.1 TO 400.119B~~, in the tax year  
25 for which the person is filing a return shall have a credit that  
26 is authorized and computed under this section and section 522  
27 reduced by an amount equal to the product of the claimant's

1 credit multiplied by the quotient of the sum of the claimant's  
2 ~~aid to families with dependent children, state family assistance,~~  
3 ~~and state disability assistance~~ **THROUGH DEPARTMENT OF HUMAN**  
4 **SERVICES PROGRAMS PURSUANT TO THE SOCIAL WELFARE ACT, 1939 PA**  
5 **280, MCL 400.1 TO 400.119B,** for the tax year divided by the  
6 claimant's household income. The reduction of credit shall not  
7 exceed the sum of the ~~aid to families with dependent children,~~  
8 ~~state family assistance, and state disability assistance~~ **THROUGH**  
9 **DEPARTMENT OF HUMAN SERVICES PROGRAMS PURSUANT TO THE SOCIAL**  
10 **WELFARE ACT, 1939 PA 280, MCL 400.1 TO 400.119B,** for the tax  
11 year. For the purposes of this subsection, ~~aid to families with~~  
12 ~~dependent children~~ **ANY ASSISTANCE THROUGH DEPARTMENT OF HUMAN**  
13 **SERVICES PROGRAMS** does not include child support payments that  
14 offset or reduce payments made to the claimant.

15 (8) A credit under subsection (1) or (2) shall be reduced by  
16 10% for each claimant whose household income exceeds \$73,650.00  
17 and by an additional 10% for each increment of \$1,000.00 of  
18 household income in excess of \$73,650.00.

19 (9) If the credit authorized and calculated under this  
20 section and section 522 and adjusted under subsection (7) or (8)  
21 does not provide to a senior citizen who rents or leases a  
22 homestead that amount attributable to rent that constitutes more  
23 than 40% of the household income of the senior citizen, the  
24 senior citizen may claim a credit based upon the amount of  
25 household income attributable to rent as provided by this  
26 section.

27 (10) A senior citizen whose gross rent paid for the tax year

1 is more than the percentage of household income specified in  
2 subsection (9) for the respective tax year may claim a credit for  
3 the amount of rent paid that constitutes more than the percentage  
4 of the household income of the senior citizen specified in  
5 subsection (9) and that was not provided to the senior citizen by  
6 the credit computed pursuant to this section and section 522 and  
7 adjusted pursuant to subsection (7) or (8).

8 (11) The department may promulgate rules to implement  
9 subsections (9) to ~~(16)~~-(14) and may prescribe a table to allow a  
10 claimant to determine the credit provided under this section and  
11 section 522 in the instruction booklet that accompanies the  
12 respective income tax or property tax credit forms used by  
13 claimants.

14 (12) A senior citizen may claim the credit under subsections  
15 (9) to ~~(16)~~-(14) on the same form as the property tax credit  
16 permitted by subsection (2). The department shall adjust the  
17 forms accordingly.

18 (13) A senior citizen who moves to a different rented or  
19 leased homestead shall determine, for 2 tax years after the move,  
20 both his or her qualification to claim a credit under subsections  
21 (9) to ~~(16)~~-(14) and the amount of a credit under subsections (9)  
22 to ~~(16)~~-(14) on the basis of the annualized final monthly rental  
23 payment at his or her previous homestead, if this annualized  
24 rental is less than the senior citizen's actual annual rental  
25 payments.

26 (14) For a return of less than 12 months, the claim for a  
27 credit under subsections (9) to ~~(16)~~-(13) shall be reduced

1 proportionately.

2 (15) The Michigan state housing development authority shall  
3 report on the effect of the credit provided by subsections (9) to  
4 ~~(16)~~-(14) on the price of rented and leased homesteads. If the  
5 authority determines that the price of rented and leased  
6 homesteads has increased as a result of the credit provided by  
7 subsections (9) to ~~(16)~~-(14), the authority shall make  
8 recommendations to the legislature to remedy this situation. The  
9 report shall be made to the chairpersons of the house and senate  
10 committees that have primary responsibility for taxation  
11 legislation 2 years after the credit provided by subsections (9)  
12 to ~~(16)~~-(14) is in effect.

13 (16) The total credit allowed by this section and section  
14 522 shall not exceed \$1,200.00 ~~per year~~ **FOR TAX YEARS THAT BEGIN**  
15 **BEFORE JANUARY 1, 2007 AND \$2,400.00 FOR TAX YEARS THAT BEGIN**  
16 **AFTER DECEMBER 31, 2006.**

17 Sec. 522. (1) The amount of a claim made pursuant to this  
18 chapter shall be determined as follows:

19 (a) A claimant is entitled to a credit against the state  
20 income tax liability equal to 60% of the amount by which the  
21 property taxes on the homestead, or the credit for rental of the  
22 homestead for the tax year, exceeds 3.5% of the claimant's  
23 household income for that tax year.

24 (b) A claimant who is a senior citizen or a paraplegic,  
25 hemiplegic, or quadriplegic and for tax years that begin after  
26 December 31, 1999, a claimant who is totally and permanently  
27 disabled or deaf is entitled to a credit against the state income

1 tax liability for the amount by which the property taxes on the  
 2 homestead, the credit for rental of the homestead, or a service  
 3 charge in lieu of ad valorem taxes as provided by section 15a of  
 4 the state housing development authority act of 1966, 1966 PA 346,  
 5 MCL 125.1415a, for the tax year exceeds the percentage of the  
 6 claimant's household income for that tax year computed as  
 7 follows:

8	Household income	Percentage
9	Not over \$3,000.00	.0%
10	Over \$3,000.00 but not over \$4,000.00	1.0%
11	Over \$4,000.00 but not over \$5,000.00	2.0%
12	Over \$5,000.00 but not over \$6,000.00	3.0%
13	Over \$6,000.00	3.5%

14 (c) For a tax year that begins before January 1, 2000, a  
 15 claimant who is totally and permanently disabled is entitled to a  
 16 credit against the state income tax liability equal to 60% of the  
 17 amount by which the property taxes on the homestead, or the  
 18 credit for rental of the homestead or for a service charge in  
 19 lieu of ad valorem taxes as provided in section 15a of the state  
 20 housing development authority act of 1966, 1966 PA 346, MCL  
 21 125.1415a, for the tax year, exceeds the percentage of the  
 22 claimant's household income for that tax year based on the  
 23 schedule in subdivision (b).

24 (d) A claimant who is an eligible serviceperson, eligible  
 25 veteran, or eligible widow or widower is entitled to a credit  
 26 against the state income tax liability for a percentage of the

1 property taxes on the homestead for the tax year not in excess of  
2 100% determined as follows:

3 (i) Divide the taxable value allowance specified in section  
4 506 by the taxable value of the homestead or, if the eligible  
5 serviceperson, eligible veteran, or eligible widow or widower  
6 leases or rents a homestead, divide 17% of the total annual rent  
7 paid for tax years before the 1994 tax year, or 20% of the total  
8 annual rent paid for tax years after the 1993 tax year on the  
9 property by the property tax rate on the property.

10 (ii) Multiply the property taxes on the homestead by the  
11 percentage computed in subparagraph (i).

12 (e) A claimant who is blind is entitled to a credit against  
13 the state income tax liability for a percentage of the property  
14 taxes on the homestead for the tax year determined as follows:

15 (i) If the taxable value of the homestead is \$3,500.00 or  
16 less, 100% of the property taxes.

17 (ii) If the taxable value of the homestead is more than  
18 \$3,500.00, the percentage that \$3,500.00 bears to the taxable  
19 value of the homestead.

20 (2) A person who is qualified to make a claim under more  
21 than 1 classification shall elect the classification under which  
22 the claim is made.

23 (3) Only 1 claimant per household for a tax year is entitled  
24 to the credit, unless both the husband and wife filing a joint  
25 return are blind, then each shall be considered a claimant.

26 (4) As used in this section, "totally and permanently  
27 disabled" means disability as defined in section 216 of title II



1 of the social security act, 42 U.S.C.—USC 416.

2 (5) A senior citizen who has a total household income for  
3 the tax year of \$6,000.00 or less and who for 1973 received a  
4 senior citizen homestead exemption under former section 7c of the  
5 general property tax act, ~~Act No. 206 of the Public Acts of 1893~~  
6 **1893 PA 206**, may compute the credit against the state income tax  
7 liability for a percentage of the property taxes on the homestead  
8 for the tax year determined as follows:

9 (a) If the taxable value of the homestead is \$2,500.00 or  
10 less, 100% of the property taxes.

11 (b) If the taxable value of the homestead is more than  
12 \$2,500.00, the percentage that \$2,500.00 bears to the taxable  
13 value of the homestead.

14 (6) For a return of less than 12 months, the claim shall be  
15 reduced proportionately.

16 (7) The commissioner may prescribe tables that may be used  
17 to determine the amount of the claim.

18 (8) The total credit allowed in this section for each year  
19 ~~after December 31, 1975 shall not exceed \$1,200.00 per year~~ **THE**  
20 **AMOUNT DETERMINED UNDER SECTION 520.**

21 (9) The total credit allowable under this act and part 361  
22 of the natural resources and environmental protection act, 1994  
23 PA 451, MCL 324.36101 to 324.36117, shall not exceed the total  
24 property tax due and payable by the claimant in that year. The  
25 amount by which the credit exceeds the property tax due and  
26 payable shall be deducted from the credit claimed under part 361  
27 of the natural resources and environmental protection act, 1994

1 PA 451, MCL 324.36101 to 324.36117.