

HOUSE BILL No. 4410

February 28, 1991, Introduced by Reps. Olshove, Palamara, Byrum, DeBeaussaert, Gire, Harder, Baade, Weeks, Hertel, Dobronski, Kosteva, Yokich, Profit, DeMars, Porreca, Pitoniak, Jondahl and Ciaramitaro and referred to the Committee on Taxation.

A bill to amend sections 520 and 522 of Act No. 281 of the Public Acts of 1967, entitled "Income tax act of 1967," section 520 as amended by Act No. 283 of the Public Acts of 1990 and section 522 as amended by Act No. 254 of the Public Acts of 1987, being sections 206.520 and 206.522 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 520 and 522 of Act No. 281 of the
2 Public Acts of 1967, section 520 as amended by Act No. 283 of the
3 Public Acts of 1990 and section 522 as amended by Act No. 254 of
4 the Public Acts of 1987, being sections 206.520 and 206.522 of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 520. (1) Subject to the limitations and the
7 definitions set out in this chapter, a claimant may claim against

1 his or her state income tax otherwise due for the tax year a
2 credit for the property taxes on the homestead deductible for
3 federal income taxes pursuant to section 164 of the internal rev-
4 enue code, or that would have been deductible if the claimant had
5 not elected the zero bracket amount or if the claimant had been
6 subject to the federal income tax. The property taxes used for
7 the credit computation shall not be greater than the amount
8 levied for 1 tax year.

9 (2) A person who is renting or leasing a homestead may claim
10 a similar credit, computed pursuant to section 522, that shall be
11 based upon ~~17%~~ 20% of the gross rent paid. A person renting or
12 leasing a homestead subject to a service charge in lieu of ad
13 valorem taxes as provided by section 15a of the state housing
14 development authority act of 1966, Act No. 346 of the Public Acts
15 of 1966, as amended, being section 125.1415a of the Michigan
16 Compiled Laws, may claim a similar credit, computed pursuant to
17 section 522, that shall be based upon 10% of the gross rent
18 paid.

19 (3) If the allowable amount of the credit claimed under this
20 section exceeds the state income tax otherwise due for the tax
21 year or if there is no state income tax due for the tax year, the
22 amount of the claim not used as an offset against the state
23 income tax shall, after examination and review, be approved for
24 payment, without interest, to the claimant. A payment approved
25 pursuant to this subsection to a claimant eligible for a credit
26 under subsection (1) shall be made in a check or warrant
27 exclusive of refunds due for withholdings or other credits

1 allowed by this act. In determining the amount of this check or
2 warrant, withholdings and other credits shall be used first to
3 offset any tax liabilities.

4 (4) If the homestead is an integral part of a multipurpose
5 or multidwelling building that is federally aided housing or
6 state aided housing, a claimant who is a senior citizen entitled
7 to a payment under subsection (2) may assign the right to that
8 payment to a mortgagor who reduces the rent charged and collected
9 on the claimant's homestead in an amount equal to the tax credit
10 payment provided in this chapter. The assignment of the claim
11 shall be valid only if the Michigan state housing development
12 authority, by affidavit, verifies that the claimant's rent has
13 been so reduced.

14 (5) Only the renter or lessee shall claim a credit on prop-
15 erty that is rented or leased as a homestead.

16 (6) A person who discriminates in the charging or collection
17 of rent on a homestead by increasing the rent charged or col-
18 lected because the renter or lessee is claiming and receiving a
19 credit or payment under this chapter is guilty of a misdemeanor.
20 Discrimination against a renter claiming and receiving the credit
21 by reduction of rent on the homestead of a person not claiming or
22 receiving the credit is a misdemeanor. If discriminatory rents
23 are charged or collected, each charge and collection of both the
24 higher and lower payment ~~shall be considered~~ IS a separate
25 offense. Each acceptance of a payment of rent ~~shall be~~
26 ~~considered~~ IS a separate offense.

1 (7) A person who received aid to dependent children payments
2 pursuant to section 56 of the social welfare act, Act No. 280 of
3 the Public Acts of 1939, as amended, being section 400.56 of the
4 Michigan Compiled Laws, or general assistance pursuant to
5 sections 55 and 55a of the social welfare act, Act No. 280 of the
6 Public Acts of 1939, as amended, being sections 400.55
7 and 400.55a of the Michigan Compiled Laws, in the tax year for
8 which the person is filing a return shall have a credit that is
9 authorized pursuant to this section and computed pursuant to
10 section 522 reduced by an amount equal to the product of the
11 claimant's credit, as computed pursuant to section 522, multi-
12 plied by the quotient of the sum of the claimant's aid to depen-
13 dent children payments and general assistance for the tax year
14 divided by the claimant's household income. The reduction of
15 credit shall not exceed the sum of the aid to dependent children
16 payments and general assistance for the tax year. For the pur-
17 poses of this subsection, aid to dependent children payments do
18 not include child support payments that offset or reduce payments
19 made to the claimant. This subsection applies only to the 1980
20 through the 1991 tax years.

21 (8) For tax years commencing after December 31, 1984, a
22 credit under subsection (1) or (2) shall be reduced by 10% for
23 each claimant whose household income exceeds \$73,650.00 and by an
24 additional 10% for each increment of \$1,000.00 of household
25 income in excess of \$73,650.00.

26 (9) If the credit permitted by subsection (2), that is
27 calculated pursuant to section 522 and adjusted pursuant to

1 subsection (7) or (8), does not provide to a senior citizen who
2 is renting or leasing a homestead that amount attributable to
3 rent that constitutes more than the following percentage of the
4 household income of the senior citizen, the senior citizen may
5 claim a credit based upon the amount of household income attrib-
6 utable to rent as provided by this section, subject to the limi-
7 tations of this section:

8 (a) 50% for a credit claimed for the 1982 tax year.

9 (b) 45% for a credit claimed for the 1983 tax year.

10 (c) 40% for a credit claimed for the 1984 tax year or a tax
11 year after the 1984 tax year.

12 (10) For tax years commencing after December 31, 1981, a
13 senior citizen whose gross rent paid for the tax year is more
14 than the percentage of household income specified in subsection
15 (9) for the respective tax year may claim a credit for the amount
16 of rent paid that constitutes more than the percentage of the
17 household income of the senior citizen specified in subsection
18 (9) for the respective tax year and that was not provided to the
19 senior citizen by the credit computed pursuant to section 522 and
20 adjusted pursuant to subsection (7) or (8).

21 (11) The department may promulgate rules to implement sub-
22 sections (9) to (16) and may prescribe a table to allow a claim-
23 ant to determine the credit provided under subsections (9) to
24 (16) and section 522 in the instruction booklet that accompanies
25 the respective income tax or property tax credit forms used by
26 claimants.

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

5 (13) A senior citizen who, after December 31, 1981, moves to
6 a different rented or leased homestead shall determine, for 2 tax
7 years after the move, both his or her qualification to claim a
8 credit under subsections (9) to (16) and the amount of a credit
9 under subsections (9) to (16) on the basis of the annualized
10 final monthly rental payment at his or her previous homestead, if
11 this annualized rental is less than the senior citizen's actual
12 annual rental payments.

13 (14) For a return of less than 12 months, the claim for a
14 credit under subsections (9) to (16) shall be reduced
15 proportionately.

16 (15) The Michigan state housing development authority shall
17 report on the effect of the credit provided by subsections (9) to
18 (16) on the price of rented and leased homesteads. If the
19 authority determines that the price of rented and leased home-
20 steads has increased as a result of the credit provided by sub-
21 sections (9) to (16), the authority shall make recommendations to
22 the legislature to remedy this situation. The report shall be
23 made to the chairpersons of the house and senate committees that
24 have primary responsibility for taxation legislation 2 years
25 after the credit provided by subsections (9) to (16) is in
26 effect.

1 (16) The total credit allowed by ~~subsections (9) to (15)~~
2 THIS SECTION and section 522 shall not exceed ~~\$1,200.00~~
3 \$1,500.00 per year.

4 (17) Subsection (8) does not apply for any tax year to which
5 subsection (7) does not apply.

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

8 (a) A claimant ~~, other than a senior citizen, a paraplegic~~
9 ~~or quadriplegic, a totally and permanently disabled person, an~~
10 ~~eligible serviceperson, an eligible veteran, an eligible widow or~~
11 ~~widower, or a blind person,~~ is entitled to a credit against the
12 state income tax liability equal to 60% of the amount by which
13 the property taxes on the homestead, or the credit for rental of
14 the homestead for the taxable year, exceeds 3.5% of the
15 claimant's ~~total~~ household income for that taxable year.

16 (b) A CLAIMANT WHO IS A senior citizen, ~~or~~ WHO IS a
17 paraplegic, HEMIPLEGIC, or quadriplegic, OR WHO IS TOTALLY AND
18 PERMANENTLY DISABLED is entitled to a credit against the state
19 income tax liability for the amount by which the property taxes
20 on the homestead, the credit for rental of the homestead, or a
21 service charge in lieu of ad valorem taxes as provided by section
22 15a of the state housing development authority act of 1966, Act
23 No. 346 of the Public Acts of 1966, as amended, being section
24 125.1415a of the Michigan Compiled Laws, for the taxable year
25 exceeds the percentage of the claimant's ~~total~~ household income
26 for that taxable year computed as follows:

	Household income	Percentage
2	Not over \$3,000.00 \$4,000.00	.0%
3	Over \$3,000.00 \$4,000.00 but not over	
4	\$4,000.00 \$5,000.00	1.0%
5	Over \$4,000.00 \$5,000.00 but not over	
6	\$5,000.00 \$6,000.00	2.0%
7	Over \$5,000.00 \$6,000.00 but not over	
8	\$6,000.00 \$20,000.00	3.0%
9	Over \$6,000.00 \$20,000.00	3.5%

10
 11 ~~(c) A totally and permanently disabled person is entitled~~
 12 ~~to a credit against the state income tax liability equal to 60%~~
 13 ~~of the amount by which the property taxes on the homestead, or~~
 14 ~~the credit for rental of the homestead or for a service charge in~~
 15 ~~lieu of ad valorem taxes as provided in section 15a of the state~~
 16 ~~housing development authority act of 1966, being section~~
 17 ~~125.1415a of the Michigan Compiled Laws, for the taxable year,~~
 18 ~~exceeds the percentage of the claimant's total household income~~
 19 ~~for that taxable year based on the schedule in subdivision (b).~~

20 (C) ~~(d) An~~ A CLAIMANT WHO IS AN eligible serviceperson,
 21 eligible veteran, or eligible widow or widower is entitled to a
 22 credit against the state income tax liability for a percentage of
 23 the property taxes on the homestead for the taxable year not in
 24 excess of 100% determined as follows:

25 (i) Divide the state equalized value allowance specified in
 26 section 506 by the state equalized value of the homestead or, if
 27 the eligible serviceperson, eligible veteran, or eligible widow
 28 or widower leases or rents a homestead, divide ~~+7%~~ 20% of the

1 total annual rent paid on the property by the property tax rate
2 on the property.

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

5 (D) ~~(e)~~ A claimant who is blind is entitled to a credit
6 against the state income tax liability for a percentage of the
7 property taxes on the homestead for the taxable year determined
8 as follows:

9 (i) If the state equalized value of the homestead is
10 \$3,500.00 or less, — 100% of the property taxes.

11 (ii) If the state equalized value of the homestead is more
12 than \$3,500.00, the percentage that \$3,500.00 bears to the state
13 equalized value of the homestead.

14 (2) A person who is qualified to make a claim ~~in~~ UNDER
15 more than 1 ~~capacity~~ CLASSIFICATION shall elect the ~~capacity~~
16 ~~in~~ CLASSIFICATION UNDER which the claim is made.

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

20 (4) As used in this section, "totally and permanently
21 disabled" means disability as defined in section 216 of title II
22 of the social security act, CHAPTER 531, 49 STAT. 620, 42
23 U.S.C. 416.

24 (5) A senior citizen who has a ~~total~~ household income for
25 the taxable year of \$6,000.00 or less and who for 1973 received a
26 senior citizen homestead exemption under former section 7c of THE
27 GENERAL PROPERTY TAX ACT, Act No. 206 of the Public Acts of 1893,

1 may compute the credit against the state income tax liability for
2 a percentage of the property taxes on the homestead for the tax-
3 able year determined as follows:

4 (a) If the state equalized value of the homestead is
5 \$2,500.00 or less, — 100% of the property taxes.

6 (b) If the state equalized value of the homestead is more
7 than \$2,500.00, the percentage that \$2,500.00 bears to the state
8 equalized value of the homestead.

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

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

13 (8) ~~The total credit allowed in this section for a taxable~~
14 ~~period prior to January 1, 1976, shall not exceed \$500.00 per~~
15 ~~year and for each year after December 31, 1975, THE TOTAL CREDIT~~
16 ~~ALLOWED UNDER THIS SECTION shall not exceed \$1,200.00~~ \$1,500.00
17 per year.

18 (9) The total credit allowable under this act and the farm-
19 land and open space preservation act, Act No. 116 of the Public
20 Acts of 1974, as amended, being sections 554.701 to 554.719 of
21 the Michigan Compiled Laws, shall not exceed the total property
22 tax due and payable by the claimant in that year. The amount BY
23 WHICH the credit exceeds the property tax due and payable shall
24 be deducted from the credit claimed under THE FARMLAND AND OPEN
25 SPACE PRESERVATION ACT, Act No. 116 of the Public Acts of 1974,
26 as amended.