

SUBSTITUTE FOR
HOUSE BILL NO. 4443

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
(MCL 206.1 to 206.532) by adding section 269.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 269. (1) For tax years that begin after December 31,
2 2004, a taxpayer may claim a credit against the tax imposed by
3 this act equal to 25% of the cost of lead abatement to the
4 taxpayer's homestead or to residential rental property owned by
5 the taxpayer that is not paid for by or reimbursed from any state
6 or federal funds.
- 7 (2) If the amount of the credit exceeds the tax liability of
8 the taxpayer for the tax year, that portion of the credit that
9 exceeds the tax liability shall be refunded.
- 10 (3) A taxpayer that claims a credit under this section shall
11 retain all of the following records to support that claim and

1 make all documentation available to the department upon request:

2 (a) Receipts for all costs used as a basis for the credit.

3 (b) A lead hazard risk assessment performed by a certified
4 risk assessor that demonstrates the existence of a lead hazard to
5 the taxpayer's homestead or the residential rental property owned
6 by the taxpayer.

7 (c) A lead hazard risk assessment performed by a certified
8 risk assessor after the abatement by the taxpayer that
9 demonstrates that the lead hazard to the taxpayer's homestead or
10 residential rental property has been remediated or abated.

11 (4) As used in this section:

12 (a) "Homestead" means that term as defined in section 7dd of
13 the general property tax act, 1893 PA 206, MCL 211.7dd.

14 (b) "Lead abatement" means, except as otherwise provided in
15 this subsection, a measure or set of measures designed to
16 permanently eliminate lead-based paint hazards by the removal of
17 lead-based paint and lead-contaminated dust, the permanent
18 enclosure or encapsulation of lead-based paint, the replacement
19 of lead-painted surfaces or fixtures, the removal or covering of
20 lead-contaminated soil, and all preparation, cleanup, disposal,
21 and postabatement clearance testing activities associated with
22 these measures. Lead abatement does not include either of the
23 following:

24 (i) Renovation, remodeling, landscaping, or other activity,
25 if the activity is not designed to permanently eliminate
26 lead-based paint hazards, but is instead designed to repair,
27 restore, or remodel a structure even though the activity may

1 incidentally result in a reduction or elimination of a lead-based
2 paint hazard.

3 (ii) An interim control, operation, or maintenance activity,
4 or other measure or activity designed to temporarily, but not
5 permanently, reduce a lead-based paint hazard.

6 (c) "Lead-based paint" means paint or other surface coatings
7 that contain lead equal to or in excess of 1.0 milligram per
8 square centimeter or more than 0.5% by weight.

9 (d) "Lead-contaminated dust" means surface dust in a
10 residential dwelling or child occupied facility that contains an
11 area or mass concentration of lead at or in excess of levels
12 identified by the environmental protection agency pursuant to
13 section 403 of title IV of the toxic substance control act,
14 Public Law 94-469, 15 USC 2683, or as otherwise defined by rule.