

SENATE BILL NO. 808

March 03, 2020, Introduced by Senator LUCIDO and referred to the Committee on Finance.

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
by amending section 520 (MCL 206.520), as amended by 2015 PA 179.

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 part 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 would
6 have been deductible if the claimant had not elected the zero

1 bracket amount or if the claimant had been subject to the federal
 2 income tax. The property taxes used for the credit computation
 3 ~~shall~~**must** not be greater than the amount levied for 1 tax year. An
 4 owner is not eligible for a credit under this section if the
 5 taxable value of his or her homestead excluding the portion of a
 6 parcel of real property that is unoccupied and classified as
 7 agricultural for ad valorem tax purposes in the year for which the
 8 credit is claimed is greater than \$135,000.00 through the 2021 tax
 9 year. Beginning with the 2021 tax year and each tax year after
 10 2021, the taxable value cap under this subsection for the
 11 immediately preceding tax year ~~shall~~**must** be adjusted by the
 12 percentage increase in the United States ~~consumer price index~~
 13 **Consumer Price Index** for the immediately preceding calendar year
 14 and rounded to the nearest \$100.00 increment. The department shall
 15 annualize the amount in this subsection as necessary. As used in
 16 this subsection, "taxable value" means that value determined under
 17 section 27a of the general property tax act, 1893 PA 206, MCL
 18 211.27a.

19 (2) A person who rents or leases a homestead may claim a
 20 similar credit computed under this section and section 522 based
 21 upon 20% of the gross rent paid for tax years before the 2018 tax
 22 year or 23% of the gross rent paid for tax years after the 2017 tax
 23 year. A person who rents or leases a homestead subject to a service
 24 charge in lieu of ad valorem taxes as provided by section 15a of
 25 the state housing development authority act of 1966, 1966 PA 346,
 26 MCL 125.1415a, may claim a similar credit computed under this
 27 section and section 522 based upon 10% of the gross rent paid.

28 (3) If the credit claimed under this section and section 522
 29 exceeds the tax liability for the tax year or if there is no tax

1 liability for the tax year, the amount of the claim not used as an
2 offset against the tax liability ~~shall,~~**must**, after examination and
3 review, be approved for payment, without interest, to the claimant.
4 In determining the amount of the payment under this subsection,
5 withholdings and other credits ~~shall~~**must** be used first to offset
6 any tax liabilities.

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

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

19 (6) A person who discriminates in the charging or collection
20 of rent on a homestead by increasing the rent charged or collected
21 because the renter or lessee claims and receives a credit or
22 payment under this chapter is guilty of a misdemeanor.

23 Discrimination against a renter who claims and receives the credit
24 under this section and section 522 by a reduction of the rent on
25 the homestead of a person who does not claim and receive the credit
26 is a misdemeanor. If discriminatory rents are charged or collected,
27 each charge or collection of the higher or lower payment is a
28 separate offense. Each acceptance of a payment of rent is a
29 separate offense.

(7) A person who received aid to families with dependent children, state family assistance, or state disability assistance pursuant to the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, in the tax year for which the person is filing a return shall have a credit that is authorized and computed under this section and section 522 reduced by an amount equal to the product of the claimant's credit multiplied by the quotient of the sum of the claimant's aid to families with dependent children, state family assistance, and state disability assistance for the tax year divided by the claimant's total household resources. The reduction of credit ~~shall~~**must** not exceed the sum of the aid to families with dependent children, state family assistance, and state disability assistance for the tax year. For the purposes of this subsection, aid to families with dependent children does not include child support payments that offset or reduce payments made to the claimant.

(8) For tax years before the 2018 tax year, a credit under subsection (1) or (2) ~~shall~~**must** be reduced by 10% for each claimant whose total household resources exceed the minimum total household resources amount of \$41,000.00 and by an additional 10% for each increment of \$1,000.00 of total household resources in excess of \$41,000.00. Except as otherwise provided under this subsection, for the 2018 tax year and each tax year after 2018, the minimum total household resources amount is \$51,000.00. For the 2018 tax year and each tax year after 2018, a credit under subsection (1) or (2) ~~shall~~**must** be reduced by 10% for each claimant whose total household resources exceed the minimum total household resources amount established under this subsection and by an additional 10% for each increment of \$1,000.00 of total

1 household resources in excess of the minimum total household
2 resources amount for that tax year. For the 2021 tax year and each
3 tax year after 2021, the minimum total household resources
4 threshold amount established under this subsection for the
5 immediately preceding tax year ~~shall~~**must** be adjusted by the
6 percentage increase in the United States ~~consumer price index~~
7 **Consumer Price Index** for the immediately preceding calendar year
8 and rounded to the nearest \$100.00 increment.

9 (9) If the credit authorized and calculated under this section
10 and section 522 and adjusted under subsection (7) or (8) does not
11 provide to a senior citizen who rents or leases a homestead that
12 amount attributable to rent that constitutes more than 40% of the
13 total household resources of the senior citizen, the senior citizen
14 may claim a credit based upon the amount of total household
15 resources attributable to rent as provided by this section.

16 (10) A senior citizen whose gross rent paid for the tax year
17 is more than the percentage of total household resources specified
18 in subsection (9) for the respective tax year may claim a credit
19 for the amount of rent paid that constitutes more than the
20 percentage of the total household resources of the senior citizen
21 specified in subsection (9) and that was not provided to the senior
22 citizen by the credit computed pursuant to this section and section
23 522 and adjusted pursuant to subsection (7) or (8).

24 (11) The department may promulgate rules to implement
25 subsections (9) to (15) and may prescribe a table to allow a
26 claimant to determine the credit provided under this section and
27 section 522 in the instruction booklet that accompanies the
28 respective income tax or property tax credit forms used by
29 claimants.

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

(13) A senior citizen who moves to a different rented or leased homestead shall determine, for 2 tax years after the move, both his or her qualification to claim a credit under subsections (9) to (15) and the amount of a credit under subsections (9) to (15) on the basis of the annualized final monthly rental payment at his or her previous homestead, if this annualized rental is less than the senior citizen's actual annual rental payments.

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

(15) For tax years before the 2018 tax year, the total credit allowed by this section and section 522 ~~shall~~**must** not exceed \$1,200.00 per year. ~~Except as otherwise provided under this subsection, for~~**For** the 2018 tax year and each tax year after 2018, **and 2019 tax years**, the total credit allowed by this section and section 522 ~~shall~~**must** not exceed \$1,500.00 per year. Beginning with the ~~2021~~**2020** tax year and each tax year after ~~2021~~**2020**, the maximum amount of the credit allowed under this section and section 522 for the immediately preceding tax year ~~shall~~**must** be adjusted by the percentage increase in the United States ~~consumer price index~~**Consumer Price Index** for the immediately preceding calendar year. The department shall round the amount to the nearest \$100.00 increment.

(16) As used in this section, "United States ~~consumer price index~~**Consumer Price Index**" means the United States ~~consumer price~~

- 1 ~~index~~ **Consumer Price Index** for all urban consumers as defined and
- 2 reported by the United States Department of Labor, Bureau of Labor
- 3 Statistics.