

HOUSE BILL No. 5489

March 17, 2016, Introduced by Reps. Iden, Runestad and Aaron Miller and referred to the Committee on Tax Policy.

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
7 bracket amount or if the claimant had been subject to the federal
8 income tax. The property taxes used for the credit computation
9 shall not be greater than the amount levied for 1 tax year. An
10 owner is not eligible for a credit under this section if the
11 taxable value of his or her homestead excluding the portion of a

1 parcel of real property that is unoccupied and classified as
2 agricultural for ad valorem tax purposes in the year for which the
3 credit is claimed is greater than \$135,000.00 through the ~~2021~~2015
4 tax year. ~~Beginning with the 2021 tax year and each tax year after~~
5 ~~2021, the taxable value cap under this subsection for the~~
6 ~~immediately preceding tax year shall be adjusted by the percentage~~
7 ~~increase in the United States consumer price index for the~~
8 ~~immediately preceding calendar year and rounded to the nearest~~
9 ~~\$100.00 increment.~~ The department shall annualize the amount in
10 this subsection as necessary. As used in this subsection, "taxable
11 value" means that value determined under section 27a of the general
12 property tax act, 1893 PA 206, MCL 211.27a.

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

22 (3) If the credit claimed under this section and section 522
23 exceeds the tax liability for the tax year or if there is no tax
24 liability for the tax year, the amount of the claim not used as an
25 offset against the tax liability shall, after examination and
26 review, be approved for payment, without interest, to the claimant.
27 In determining the amount of the payment under this subsection,

1 withholdings and other credits shall be used first to offset any
2 tax liabilities.

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

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

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

26 (7) A person who received aid to families with dependent
27 children, state family assistance, or state disability assistance

1 pursuant to the social welfare act, 1939 PA 280, MCL 400.1 to
2 400.119b, in the tax year for which the person is filing a return
3 shall have a credit that is authorized and computed under this
4 section and section 522 reduced by an amount equal to the product
5 of the claimant's credit multiplied by the quotient of the sum of
6 the claimant's aid to families with dependent children, state
7 family assistance, and state disability assistance for the tax year
8 divided by the claimant's total household resources. The reduction
9 of credit shall not exceed the sum of the aid to families with
10 dependent children, state family assistance, and state disability
11 assistance for the tax year. For the purposes of this subsection,
12 aid to families with dependent children does not include child
13 support payments that offset or reduce payments made to the
14 claimant.

15 (8) For tax years before the 2018 tax year, a credit under
16 subsection (1) or (2) shall be reduced by 10% for each claimant
17 whose total household resources exceed the minimum total household
18 resources amount of \$41,000.00 and by an additional 10% for each
19 increment of \$1,000.00 of total household resources in excess of
20 \$41,000.00. Except as otherwise provided under this subsection, for
21 the 2018 tax year and each tax year after 2018, the minimum total
22 household resources amount is \$51,000.00. For the 2018 tax year and
23 each tax year after 2018, a credit under subsection (1) or (2)
24 shall be reduced by 10% for each claimant whose total household
25 resources exceed the minimum total household resources amount
26 established under this subsection and by an additional 10% for each
27 increment of \$1,000.00 of total household resources in excess of

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

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

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

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

1 claimants.

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

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

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

16 (15) For tax years before the 2018 tax year, the total credit
17 allowed by this section and section 522 shall not exceed \$1,200.00
18 per year. Except as otherwise provided under this subsection, for
19 the 2018 tax year and each tax year after 2018, the total credit
20 allowed by this section and section 522 shall not exceed \$1,500.00
21 per year. Beginning with the 2021 tax year and each tax year after
22 2021, the maximum amount of the credit allowed under this section
23 and section 522 for the immediately preceding tax year shall be
24 adjusted by the percentage increase in the United States consumer
25 price index for the immediately preceding calendar year. The
26 department shall round the amount to the nearest \$100.00 increment.

27 (16) As used in this section, "United States consumer price

1 index" means the United States consumer price index for all urban
2 consumers as defined and reported by the United States Department
3 of Labor, Bureau of Labor Statistics.