

HOUSE BILL NO. 6401

September 22, 2022, Introduced by Reps. LaFave, Cambensy and Markkanen and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520, 522, and 524 (MCL 206.520, 206.522, and 206.524), sections 520 and 522 as amended by 2015 PA 179 and section 524 as amended by 1987 PA 254, and by adding section 521.

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, **other than a claimant under section**
3 **521**, may claim against the tax due under this part for the tax year
4 a credit for the property taxes on the taxpayer's homestead

1 deductible for federal income tax purposes pursuant to section 164
2 of the internal revenue code, or that would have been deductible if
3 the claimant had not elected the zero bracket amount or if the
4 claimant had been subject to the federal income tax. The property
5 taxes used for the credit computation shall not be greater than the
6 amount levied for 1 tax year. An owner is not eligible for a credit
7 under this section if the taxable value of his or her homestead
8 excluding the portion of a parcel of real property that is
9 unoccupied and classified as agricultural for ad valorem tax
10 purposes in the year for which the credit is claimed is greater
11 than \$135,000.00 through the 2021 tax year. Beginning with the 2021
12 tax year and each tax year after 2021, the taxable value cap under
13 this subsection for the immediately preceding tax year shall be
14 adjusted by the percentage increase in the United States ~~consumer~~
15 ~~price index~~ **Consumer Price Index** for the immediately preceding
16 calendar year and rounded to the nearest \$100.00 increment. The
17 department shall annualize the amount in this subsection as
18 necessary. As used in this subsection, "taxable value" means that
19 value determined under section 27a of the general property tax act,
20 1893 PA 206, MCL 211.27a.

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

1 (3) If the credit claimed under this section and section 522
2 exceeds the tax liability for the tax year or if there is no tax
3 liability for the tax year, the amount of the claim not used as an
4 offset against the tax liability shall, after examination and
5 review, be approved for payment, without interest, to the claimant.
6 In determining the amount of the payment under this subsection,
7 withholdings and other credits shall be used first to offset any
8 tax liabilities.

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

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

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

1 separate offense. Each acceptance of a payment of rent is a
2 separate offense.

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

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

1 established under this subsection and by an additional 10% for each
2 increment of \$1,000.00 of total household resources in excess of
3 the minimum total household resources amount for that tax year. For
4 the 2021 tax year and each tax year after 2021, the minimum total
5 household resources threshold amount established under this
6 subsection for the immediately preceding tax year shall be adjusted
7 by the percentage increase in the United States ~~consumer price~~
8 ~~index~~ **Consumer Price Index** for the immediately preceding calendar
9 year and rounded to the nearest \$100.00 increment.

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

17 (10) A senior citizen whose gross rent paid for the tax year
18 is more than the percentage of total household resources specified
19 in subsection (9) for the respective tax year may claim a credit
20 for the amount of rent paid that constitutes more than the
21 percentage of the total household resources of the senior citizen
22 specified in subsection (9) and that was not provided to the senior
23 citizen by the credit computed pursuant to this section and section
24 522 and adjusted pursuant to subsection (7) or (8).

25 (11) The department may promulgate rules to implement
26 subsections (9) to (15) and may prescribe a table to allow a
27 claimant to determine the credit provided under this section and
28 section 522 in the instruction booklet that accompanies the
29 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~~ **Consumer Price Index** for the immediately preceding
26 calendar year. The department shall round the amount to the nearest
27 \$100.00 increment.

28 (16) As used in this section, "United States ~~consumer price~~
29 ~~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.

4 **Sec. 521. (1) Subject to the limitations under this section,**
5 **for tax years beginning on and after January 1, 2023, a claimant**
6 **who is a disabled veteran, a widow or widower of a disabled**
7 **veteran, or a widow or widower of a veteran killed in action is**
8 **entitled to a credit against the tax levied and imposed under this**
9 **part for the tax year in an amount equal to 100% of the property**
10 **taxes levied on the taxpayer's homestead deductible for federal**
11 **income tax purposes pursuant to section 164 of the internal revenue**
12 **code, or that would have been deductible if the claimant had not**
13 **elected zero bracket amount or if the claimant had been subject to**
14 **the federal income tax, for that same tax year. For purposes of**
15 **calculating the amount of the credit under this section, all of the**
16 **following apply:**

17 (a) The property taxes levied on the taxpayer's homestead
18 deductible for federal income tax purposes must be calculated as if
19 section 164(b) (6) (B) was not in effect.

20 (b) The property taxes used for the credit computation shall
21 not be greater than the amount levied for 1 tax year.

22 (c) Subject to the adjustment under this subdivision, the
23 maximum amount of credit allowed under this section for a disabled
24 veteran who meets the criteria under section 7b(7) (a) (ii) of the
25 general property tax act, 1893 PA 206, MCL 211.7b, is \$2,000.00.
26 Beginning with the 2024 tax year and each tax year after 2024, the
27 maximum amount of the credit allowed under this subdivision for the
28 immediately preceding tax year shall be adjusted by the percentage
29 increase in the United States Consumer Price Index for the

1 immediately preceding calendar year. The department shall round the
2 amount to the nearest \$100.00 increment.

3 (2) In order to claim the credit under this section, the
4 claimant must file an affidavit with the local tax collecting unit
5 pursuant to section 7b of the general property tax act, 1893 PA
6 206, MCL 211.7b, that authorizes the local tax collecting unit to
7 claim the credit under this section on behalf of the claimant and
8 authorizes the department to remit direct payment to that local tax
9 collecting unit for that credit claimed on his or her behalf. A
10 local tax collecting unit seeking to file a credit on behalf of a
11 claimant under this section shall submit a copy of the affidavit
12 filed pursuant to section 7b of the general property tax act, 1893
13 PA 206, MCL 211.7b, with the department and shall also provide the
14 information necessary to determine the amount of the property taxes
15 levied and deferred on the claimant's homestead for the tax year
16 for which the credit is being claimed under this section before
17 February 1 of each year. The affidavit and information required to
18 be submitted to the department by the local tax collecting unit
19 under this subsection may be submitted electronically.

20 (3) The amount of the credit claimed under this section by a
21 local tax collecting unit on behalf of the claimant, after
22 examination and review, shall not be used to offset tax liability
23 of the claimant under this part but shall be approved for payment
24 and the department shall remit the amount of the credit payment
25 directly to the local tax collecting unit in the form of a fully
26 negotiable check. Payment due to a local tax collecting unit shall
27 be made within 14 days of receiving the affidavit, the disabled
28 veteran property tax credit form filed on behalf of the claimant
29 pursuant to this section, and the necessary information from the

1 local tax collecting unit. If, after examination and review, the
2 department denies a claim for a credit filed by a local tax
3 collecting unit, the department shall send a written notice of that
4 denial to the local tax collecting unit and the claimant on whose
5 behalf the local tax collecting unit had filed the credit under
6 this section. The written notice must include the reason for the
7 denial, the amount denied, and the amount due and payable to the
8 local tax collecting unit within 90 days of the date of the denial
9 notice.

10 (4) A claimant who files an affidavit and authorizes a local
11 tax collecting unit to claim a credit under this section on his or
12 her behalf is not eligible for a credit under section 520. For a
13 return of less than 12 months, the amount of the credit allowed
14 shall be reduced proportionately. A claim shall not be allowed
15 under this section if the department finds after examination and
16 review any of the following:

17 (a) The claimant is not a disabled veteran, a widow or widower
18 of a disabled veteran, or a widow or widower of a veteran killed in
19 action.

20 (b) The claimant filed a claim under section 520 for that same
21 tax year.

22 (5) Notwithstanding section 30a of 1941 PA 122, MCL 205.30a,
23 the credit allowed under this section is exempt from interception,
24 execution, levy, attachment, garnishment, or other legal process to
25 collect a debt. No portion of the credit allowed or any rights
26 existing under this section shall be applied as an offset to any
27 liability of the claimant under section 30a of 1941 PA 122, MCL
28 205.30a, or any arrearage or other debt of the claimant.

29 (6) As used in this section:

1 (a) "Disabled veteran", "veteran", "widow or widower of a
2 disabled veteran", and "widow or widower of a veteran killed in
3 action" mean those terms as defined in section 7b of the general
4 property tax act, 1893 PA 206, MCL 211.7b.

5 (b) "United States Consumer Price Index" means the United
6 States Consumer Price Index for all urban consumers as defined and
7 reported by the United States Department of Labor, Bureau of Labor
8 Statistics.

9 Sec. 522. (1) The amount of a claim made pursuant to ~~this~~
10 ~~chapter~~ **section 520** shall be determined as follows:

11 (a) A claimant who is not a senior citizen is entitled to a
12 credit against the state income tax liability under this part equal
13 to 60% of the amount by which the property taxes on the homestead,
14 or the credit for rental of the homestead for the tax year, exceeds
15 3.5% of the claimant's total household resources for tax years
16 before the 2018 tax year or 3.2% of the claimant's total household
17 resources for the 2018 tax year and each tax year after 2018.

18 (b) A claimant who is a senior citizen is entitled to a credit
19 against the state income tax liability under this part equal to the
20 following:

21 (i) For a claimant with total household resources of \$21,000.00
22 or less, an amount as determined in accordance with subdivision
23 (c).

24 (ii) For a claimant with total household resources of more than
25 \$21,000.00 and less than or equal to \$22,000.00, an amount equal to
26 96% of the difference between the property taxes on the homestead
27 or the credit for rental of the homestead for the tax year and 3.5%
28 of total household resources for tax years before the 2018 tax year
29 or 3.2% of total household resources for the 2018 tax year and each

1 tax year after 2018.

2 (iii) For a claimant with total household resources of more than
3 \$22,000.00 and less than or equal to \$23,000.00, an amount equal to
4 92% of the difference between the property taxes on the homestead
5 or the credit for rental of the homestead for the tax year and 3.5%
6 of total household resources for tax years before the 2018 tax year
7 or 3.2% of total household resources for the 2018 tax year and each
8 tax year after 2018.

9 (iv) For a claimant with total household resources of more than
10 \$23,000.00 and less than or equal to \$24,000.00, an amount equal to
11 88% of the difference between the property taxes on the homestead
12 or the credit for rental of the homestead for the tax year and 3.5%
13 of total household resources for tax years before the 2018 tax year
14 or 3.2% of total household resources for the 2018 tax year and each
15 tax year after 2018.

16 (v) For a claimant with total household resources of more than
17 \$24,000.00 and less than or equal to \$25,000.00, an amount equal to
18 84% of the difference between the property taxes on the homestead
19 or the credit for rental of the homestead for the tax year and 3.5%
20 of total household resources for tax years before the 2018 tax year
21 or 3.2% of total household resources for the 2018 tax year and each
22 tax year after 2018.

23 (vi) For a claimant with total household resources of more than
24 \$25,000.00 and less than or equal to \$26,000.00, an amount equal to
25 80% of the difference between the property taxes on the homestead
26 or the credit for rental of the homestead for the tax year and 3.5%
27 of total household resources for tax years before the 2018 tax year
28 or 3.2% of total household resources for the 2018 tax year and each
29 tax year after 2018.

1 (vii) For a claimant with total household resources of more
2 than \$26,000.00 and less than or equal to \$27,000.00, an amount
3 equal to 76% of the difference between the property taxes on the
4 homestead or the credit for rental of the homestead for the tax
5 year and 3.5% of total household resources for tax years before the
6 2018 tax year or 3.2% of total household resources for the 2018 tax
7 year and each tax year after 2018.

8 (viii) For a claimant with total household resources of more
9 than \$27,000.00 and less than or equal to \$28,000.00, an amount
10 equal to 72% of the difference between the property taxes on the
11 homestead or the credit for rental of the homestead for the tax
12 year and 3.5% of total household resources for tax years before the
13 2018 tax year or 3.2% of total household resources for the 2018 tax
14 year and each tax year after 2018.

15 (ix) For a claimant with total household resources of more than
16 \$28,000.00 and less than or equal to \$29,000.00, an amount equal to
17 68% of the difference between the property taxes on the homestead
18 or the credit for rental of the homestead for the tax year and 3.5%
19 of total household resources for tax years before the 2018 tax year
20 or 3.2% of total household resources for the 2018 tax year and each
21 tax year after 2018.

22 (x) For a claimant with total household resources of more than
23 \$29,000.00 and less than or equal to \$30,000.00, an amount equal to
24 64% of the difference between the property taxes on the homestead
25 or the credit for rental of the homestead for the tax year and 3.5%
26 of total household resources for tax years before the 2018 tax year
27 or 3.2% of total household resources for the 2018 tax year and each
28 tax year after 2018.

29 (xi) For a claimant with total household resources of more than

1 \$30,000.00, an amount equal to 60% of the difference between the
 2 property taxes on the homestead or the credit for rental of the
 3 homestead for the tax year and 3.5% of total household resources
 4 for tax years before the 2018 tax year or 3.2% of total household
 5 resources for the 2018 tax year and each tax year after 2018.

6 (c) A claimant who is a senior citizen with total household
 7 resources of \$21,000.00 or less or a paraplegic, hemiplegic, or
 8 quadriplegic and for tax years that begin after December 31, 1999,
 9 a claimant who is totally and permanently disabled, deaf, or, for
 10 tax years that begin after December 31, 2012, blind is entitled to
 11 a credit against the state income tax liability for the amount by
 12 which the property taxes on the homestead, the credit for rental of
 13 the homestead, or a service charge in lieu of ad valorem taxes as
 14 provided by section 15a of the state housing development authority
 15 act of 1966, 1966 PA 346, MCL 125.1415a, for the tax year exceeds
 16 the percentage of the claimant's total household resources for that
 17 tax year computed as follows:

18	Total household resources	Percentage
19	Not over \$3,000.00	.0%
20	Over \$3,000.00 but not over	
21	\$4,000.00	1.0%
22	Over \$4,000.00 but not over	
23	\$5,000.00	2.0%
24	Over \$5,000.00 but not over	
25	\$6,000.00	3.0%
26	Over \$6,000.00 for tax years	
27	before the 2018 tax year	3.5%
28	Over \$6,000.00 for tax years	
29	after the 2017 tax year	3.2%

1 (d) A claimant who is an eligible serviceperson, eligible
 2 veteran, or eligible widow or widower is entitled to a credit
 3 against the state income tax liability for a percentage of the
 4 property taxes on the homestead for the tax year not in excess of
 5 100% determined as follows:

6 (i) Divide the taxable value allowance specified in section 506
 7 by the taxable value of the homestead or, if the eligible
 8 serviceperson, eligible veteran, or eligible widow or widower
 9 leases or rents a homestead, divide 20% of the total annual rent
 10 paid for tax years before the 2018 tax year or 23% of the total
 11 annual rent paid for tax years after the 2017 tax year on the
 12 property by the property tax rate on the property.

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

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

18 (i) If the taxable value of the homestead is \$3,500.00 or less,
 19 100% of the property taxes.

20 (ii) If the taxable value of the homestead is more than
 21 \$3,500.00, the percentage that \$3,500.00 bears to the taxable value
 22 of the homestead.

23 (2) A person who is qualified to make a claim under more than
 24 1 classification shall elect the classification under which the
 25 claim is made.

26 (3) Only 1 claimant per household for a tax year is entitled
 27 to the credit, unless both ~~the husband and wife~~ **spouses** filing a
 28 joint return are blind, then each shall be considered a claimant.

29 (4) As used in this section, "totally and permanently

1 disabled" means disability as defined in section 216 of title II of
2 the social security act, 42 USC 416.

3 (5) A senior citizen who has total household resources for the
4 tax year of \$6,000.00 or less and who for 1973 received a senior
5 citizen homestead exemption under former section 7c of the general
6 property tax act, 1893 PA 206, may compute the credit against the
7 state income tax liability for a percentage of the property taxes
8 on the homestead 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 value
13 of the homestead.

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

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

18 (8) The total credit allowed in this section for each year
19 shall not exceed the amount determined under section 520.

20 (9) The total credit allowable under this part and part 361 of
21 the natural resources and environmental protection act, 1994 PA
22 451, MCL 324.36101 to ~~324.36117~~, **324.36116**, shall not exceed the
23 total property tax due and payable by the claimant in that year.
24 The amount by which the credit exceeds the property tax due and
25 payable shall be deducted from the credit claimed under part 361 of
26 the natural resources and environmental protection act, 1994 PA
27 451, MCL 324.36101 to ~~324.36117~~. **324.36116**.

28 Sec. 524. (1) If the amount of the property taxes used as a
29 basis for the credit computation differs from the property tax

1 liability incurred and paid by the taxpayer **or deferred by the**
2 **local tax collecting unit** for the tax year, the credit for the
3 ensuing year shall be adjusted by the amount of the difference.

4 (2) If homestead property subject to ad valorem taxes is sold
5 or transferred during the tax year, the respective amounts of
6 credit shall be based on the ratio of days that the property was
7 the claimant's homestead to the total number of days in the tax
8 year.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No. ____ or House Bill No. 6402 (request no.
11 06700'22) of the 101st Legislature is enacted into law.