

**HOUSE STANDING COMMITTEE ON  
TAX POLICY**

Room 519 House Office Building                      Wednesday 9:00 a.m.                      November 13, 2013

Representative Jeff Farrington, Chair, called the meeting to order.

Representative Farrington requested attendance be called to establish a quorum of the appointed committee members:

Present: Representatives Farrington, O'Brien, Genetski, Cotter, Foster, Lyons, Nesbitt, Price, Somerville, Kelly, Barnett, Switalski, Haugh, LaVoy and Townsend,  
Absent/Excused: None.

Representative O'Brien moved to approve the minutes of the meeting held on November 6, 2013.

There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4406 before the committee.

HB 4406 (Dillon)                      Property tax; principal residence exemption; calculating or charging interest during appeal process; prohibit.

Representative Dillon explained his bill to committee members. Questions and discussion followed.

Paul Connors, representing the Michigan Department of Treasury, submitted a testimony card indicating support for HB 4406 but did not wish to speak.

Representative Barnett moved to adopt substitute (H-2) for HB 4406.

The motion prevailed by a vote of 15-0-0

**FAVORABLE ROLL CALL:**

Yeas: Representatives: Farrington, O'Brien, Genetski, Cotter, Foster, Lyons, Nesbitt, Price, Somerville, Kelly, Barnett, Haugh, Switalski, LaVoy and Townsend,

Nays: None.

Pass: None.

The Chair laid HB 4810 before the committee.

HB 4810 (Pagel) Property tax; principal residence exemption; provision relating to allowing an individual moving into assisted living facility to retain principal residence exemption; provide for certain individuals.

Representative Pagel explained his bill to committee members.

The following testified on HB 4810

Christine Vanlandingham, representing the Region IV Area Agency on Aging (support)  
Bret Witkowski, representing Berrien County (support)

The following submitted testimony cards on HB 4810 but did not wish to speak.

Paul Connors, representing the Michigan Department of Treasury (support)  
Brad Ward, representing the Michigan Association of Realtors (support)

The following submitted written comments on HB 4810

Christine Vanlandingham, representing Region IV area Agency on Aging

The Chair laid HB 5086 before the committee.

HB 5086 (Denby) Individual income tax; property tax credit; calculation of credit for individuals who are blind; clarify.

The following testified on HB 5086

Howard Ryan and Paul Connors, representing the Michigan Department of Treasury (support)

Representative Barnett moved to adopt the following amendments to HB 5086

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"Sec. 520. (1) Subject to the limitations and the definitions in this chapter, a claimant may claim against the tax due under this part for the tax year a credit for the property taxes on the taxpayer's homestead deductible for federal income tax purposes pursuant to section 164 of the internal revenue code, or that would have been deductible if the claimant had not elected the zero bracket amount or if the claimant had been subject to the federal income tax. The property taxes used for the credit computation shall not be greater than the amount levied for 1 tax year. ~~An owner is not eligible for a credit under this section if the taxable value of his or her homestead excluding the portion of a parcel of real property that is unoccupied and classified as agricultural for ad valorem tax purposes in the year for which the credit is claimed is greater than \$135,000.00. As used in this subsection, "taxable value" means that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.~~

(2) A person who rents or leases a homestead may claim a similar credit computed under this section and section 522 based upon 17% of the gross rent paid for tax years before the 1994

tax year, or 20% of the gross rent paid for tax years after the 1993 tax year. A person who rents or leases a homestead subject to a service charge in lieu of ad valorem taxes as provided by section 15a of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1415a, may claim a similar credit computed under this section and section 522 based upon 10% of the gross rent paid.

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

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

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

(6) A person who discriminates in the charging or collection of rent on a homestead by increasing the rent charged or collected because the renter or lessee claims and receives a credit or payment under this chapter is guilty of a misdemeanor. Discrimination against a renter who claims and receives the credit under this section and section 522 by a reduction of the rent on the homestead of a person who does not claim and receive the credit is a misdemeanor. If discriminatory rents are charged or collected, each charge or collection of the higher or lower payment is a separate offense. Each acceptance of a payment of rent is a 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 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) A credit under subsection (1) or (2) shall be reduced by 10% for each claimant whose total household resources exceed ~~\$41,000.00~~ **\$73,650.00** and by an additional 10% for each increment of \$1,000.00 of total household resources in excess of ~~\$41,000.00~~ **\$73,650.00**.

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

(10) A senior citizen whose gross rent paid for the tax year is more than the percentage of

total household resources specified in subsection (9) for the respective tax year may claim a credit for the amount of rent paid that constitutes more than the percentage of the total household resources of the senior citizen specified in subsection (9) and that was not provided to the senior citizen by the credit computed pursuant to this section and section 522 and adjusted pursuant to subsection (7) or (8).

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

(15) The total credit allowed by this section and section 522 shall not exceed \$1,200.00 per year."

2. Amend page 1, line 3, after "claimant" by striking out "who is not a senior citizen".

3. Amend page 1, line 9, by striking out all of subdivision (b) and relettering the remaining subdivisions.

4. Amend page 4, line 2, after "citizen" by striking out "with total household resources of \$21,000.00 or less".

The motion did not prevail by a vote of 5-8-2

#### **UNFAVORABLE ROLL CALL:**

Yeas: Representatives Barnett, Haugh, Switalski, LaVoy and Townsend,

Nays: Representatives Farrington, Genetski, Cotter, Foster, Lyons, Nesbitt, Price, Kelly,

Pass: Representatives O'Brien and Somerville.

Representative Townsend moved to adopt the following amendments to HB 5086

1. Amend page 1, line 3, after "claimant" by striking out "who is not a senior citizen".

2. Amend page 1, line 9, by striking out all of subdivision (b) and relettering the remaining subdivisions.

3. Amend page 4, line 2, after "citizen" by striking out "with total household resources of \$21,000.00 or less".

The motion did not prevail by a vote of 5-8-2

**UNFAVORABLE ROLL CALL:**

Yeas: Representatives Barnett, Haugh, Switalski, LaVoy and Townsend,

Nays: Representatives Farrington, Genetski, Cotter, Foster, Lyons, Nesbitt, Price, Kelly,

Pass: Representatives O'Brien and Somerville.

Representative Switalski moved to adopt the following amendments to HB 5086

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"Sec. 520. (1) Subject to the limitations and the definitions in this chapter, a claimant may claim against the tax due under this part for the tax year a credit for the property taxes on the taxpayer's homestead deductible for federal income tax purposes pursuant to section 164 of the internal revenue code, or that would have been deductible if the claimant had not elected the zero bracket amount or if the claimant had been subject to the federal income tax. The property taxes used for the credit computation shall not be greater than the amount levied for 1 tax year. An owner is not eligible for a credit under this section if the taxable value of his or her homestead excluding the portion of a parcel of real property that is unoccupied and classified as agricultural for ad valorem tax purposes in the year for which the credit is claimed is greater than \$135,000.00. As used in this subsection, "taxable value" means that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(2) A person who rents or leases a homestead may claim a similar credit computed under this section and section 522 based upon 17% of the gross rent paid for tax years before the 1994 tax year, or 20% of the gross rent paid for tax years after the 1993 tax year. A person who rents or leases a homestead subject to a service charge in lieu of ad valorem taxes as provided by section 15a of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1415a, may claim a similar credit computed under this section and section 522 based upon 10% of the gross rent paid.

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

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

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

(6) A person who discriminates in the charging or collection of rent on a homestead by increasing the rent charged or collected because the renter or lessee claims and receives a credit or payment under this chapter is guilty of a misdemeanor. Discrimination against a renter who claims and receives the credit under this section and section 522 by a reduction of the rent on the homestead of a person who does not claim and receive the credit is a misdemeanor. If

discriminatory rents are charged or collected, each charge or collection of the higher or lower payment is a separate offense. Each acceptance of a payment of rent is a 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 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) A credit under subsection (1) or (2) shall be reduced by 10% for each claimant whose total household resources exceed \$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.

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

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

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

(15) The total credit allowed by this section and section 522 shall not exceed \$1,200.00 per year. **THE AMOUNT DETERMINED UNDER SECTION 522.**

2. Amend page 6, line 16, after "\$1,200.00" by striking out "per year." and inserting **"FOR TAX YEARS THAT BEGIN BEFORE JANUARY 1, 2014. FOR THE 2014 TAX YEAR, THE TOTAL CREDIT ALLOWED BY THIS SECTION AND SECTION 520**

**SHALL NOT EXCEED \$1,300.00. FOR THE TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2014, THE MAXIMUM AMOUNT ALLOWED UNDER THIS SUBSECTION SHALL BE ADJUSTED BY THE PERCENTAGE INCREASE IN THE UNITED STATES CONSUMER PRICE INDEX FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR. THE DEPARTMENT SHALL ANNUALIZE THE AMOUNTS PROVIDED IN THIS SUBSECTION AS NECESSARY. AS USED IN THIS SUBSECTION, "UNITED STATES CONSUMER PRICE INDEX" MEANS THE UNITED STATES CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS AS DEFINED AND REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS."**

The motion did not prevail by a vote of 5-8-2

**UNFAVORABLE ROLL CALL:**

Yeas: Representatives Barnett, Haugh, Switalski, LaVoy and Townsend,  
Nays: Representatives Farrington, Genetski, Cotter, Foster, Lyons, Nesbitt, Price, Kelly,  
Pass: Representatives O'Brien and Somerville

Representative Switalski moved to adopt the following amendment to HB 5086

1. Amend page 6, following line 24, by inserting:  
"Enacting section 1. This amendatory act does not take effect unless 1 or more of the following bills of the 97th Legislature are enacted into law:  
(a) Senate Bill No. 145.  
(b) House Bill No. 4130.  
(c) House Bill No. 4564."

The motion did not prevail by a vote of 5-9-1

**UNFAVORABLE ROLL CALL:**

Yeas: Representatives Barnett, Haugh, Switalski, LaVoy and Townsend,  
Nays: Representatives Farrington, O'Brien, Genetski, Cotter, Foster, Lyons, Nesbitt,  
Price, Kelly,  
Pass: Representative Somerville

Representative O'Brien moved to report HB 5086 with recommendation.

The motion prevailed by a vote of 15-0-0

**FAVORABLE ROLL CALL:**

Yeas: Representatives Farrington, O'Brien, Genetski, Cotter, Foster, Lyons, Nesbitt,  
Price, Somerville, Kelly, Barnett, Switalski, Haugh, LaVoy and Townsend,  
Nays: None,  
Pass: None.

HB 5086 reported with recommendation

There being no further business to come before the committee, the Chair adjourned the meeting, the time being 9:50 a.m.

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Representative Jeff Farrington, Chair

David C. Mead  
Committee Clerk  
November 13, 2013  
50 minutes

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Date Approved and Signed