

SENATE BILL NO. 170

INTRODUCED BY B. HOVEN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ELDERLY HOMEOWNER AND RENTER INCOME TAX CREDIT; INCREASING THE AMOUNT OF HOUSEHOLD INCOME THAT IS CONSIDERED EXEMPT BEFORE THE CREDIT AMOUNT IS REDUCED; INCREASING THE MAXIMUM AMOUNT OF THE CREDIT; AMENDING SECTIONS 15-30-2337 AND 15-30-2340, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-30-2337, MCA, is amended to read:

"15-30-2337. Residential property tax credit for elderly -- definitions. As used in 15-30-2337 through 15-30-2341, the following definitions apply:

(1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.

(2) "Claimant" means a person who is eligible to file a claim under 15-30-2338.

(3) "Department" means the department of revenue.

(4) "Gross household income" means all income received by all individuals of a household while they are members of the household.

(5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.

(6) "Homestead" means:

(a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or

(b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.

(7) (a) "Household" means an association of persons who live in the same dwelling, sharing its

1 furnishings, facilities, accommodations, and expenses.

2 (b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

3 (8) "Household income" means the amount obtained by subtracting ~~\$6,300~~ \$12,700 from gross
4 household income.

5 (9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without
6 regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable
7 income, including but not limited to:

8 (i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans'
9 disability benefits;

10 (ii) the amount of capital gains excluded from adjusted gross income;

11 (iii) alimony;

12 (iv) support money;

13 (v) nontaxable strike benefits;

14 (vi) cash public assistance and relief;

15 (vii) interest on federal, state, county, and municipal bonds; and

16 (viii) all payments received under federal social security except social security income paid directly to a
17 nursing home.

18 (b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.

19 (10) "Property tax billed" means taxes levied against the homestead, including special assessments and
20 fees but excluding penalties or interest during the claim period.

21 (11) "Rent-equivalent tax paid" means 15% of the gross rent."
22

23 **Section 2.** Section 15-30-2340, MCA, is amended to read:

24 **"15-30-2340. Residential property tax credit for elderly -- computation of relief.** The amount of the
25 tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows:

26 (1) In the case of a claimant who owns the homestead for which a claim is made, the credit is the amount
27 of property tax billed less the deduction specified in subsection (4).

28 (2) In the case of a claimant who rents the homestead for which a claim is made, the credit is the amount
29 of rent-equivalent tax paid less the deduction specified in subsection (4).

30 (3) In the case of a claimant who both owns and rents the homestead for which a claim is made, the

1 credit is:

2 (a) the amount of property tax billed on the owned portion of the homestead less the deduction specified
 3 in subsection (4); plus

4 (b) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction
 5 specified in subsection (4).

6 (4) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

7 Household income	Amount of reduction
8 \$0 - \$999	\$0
9 \$1,000 - \$1,999	\$0
10 \$2,000 - \$2,999	the product of .006 times the household income
11 \$3,000 - \$3,999	the product of .016 times the household income
12 \$4,000 - \$4,999	the product of .024 times the household income
13 \$5,000 - \$5,999	the product of .028 times the household income
14 \$6,000 - \$6,999	the product of .032 times the household income
15 \$7,000 - \$7,999	the product of .035 times the household income
16 \$8,000 - \$8,999	the product of .039 times the household income
17 \$9,000 - \$9,999	the product of .042 times the household income
18 \$10,000 - \$10,999	the product of .045 times the household income
19 \$11,000 - \$11,999	the product of .048 times the household income
20 \$12,000 & over	the product of .050 times the household income

21 (5) For a claimant whose household income is \$35,000 or more but less than \$45,000, the amount of
 22 the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage
 23 figure according to the following table:

24 Gross household income	Percentage of credit allowed
25 \$35,000 - \$37,500	40%
26 \$37,501 - \$40,000	30%
27 \$40,001 - \$42,500	20%
28 \$42,501 - \$44,999	10%
29 \$45,000 or more	0%

1 (6) The credit granted may not exceed ~~\$1,000~~ \$1,200.

2 (7) Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana individual
3 income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability under this
4 chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even though the
5 claimant has no income taxable under this chapter."

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7 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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9 NEW SECTION. **Section 4. Retroactive applicability.** [This act] applies retroactively, within the
10 meaning of 1-2-109, to tax years beginning after December 31, 2018.

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- END -