

HOUSE BILL NO. 831

INTRODUCED BY G. NIKOLAKAKOS, B. LER, B. MITCHELL, C. SCHOMER, E. TILLEMANN, P. ELVERUM, J.

SECKINGER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ELDERLY HOMEOWNER AND RENTER INCOME TAX CREDIT; REVISING THE DEFINITION OF "HOUSEHOLD INCOME"; INCREASING THE MAXIMUM CREDIT AMOUNT; REVISING THE PHASEOUT OF THE CREDIT; PROVIDING AN INFLATIONARY ADJUSTMENT FOR THE MAXIMUM CREDIT AMOUNT AND THE INCOME AT WHICH THE CREDIT PHASES OUT; AMENDING SECTIONS 15-30-2337 AND 15-30-2340, MCA; REPEALING SECTIONS 4, 5, 9 AND 10, CHAPTER 476, LAWS OF 2021; 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

1 Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its  
2 use as a dwelling; or

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

5 (7) (a) "Household" means an association of persons who live in the same dwelling, sharing its  
6 furnishings, facilities, accommodations, and expenses.

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

8 (8) "Household income" means the amount obtained by subtracting [~~\$12,600~~] \$14,100 from gross  
9 household income.

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

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

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

16 (iii) alimony;

17 (iv) support money;

18 (v) nontaxable strike benefits;

19 (vi) cash public assistance and relief;

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

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

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

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

26 (11) "Rent-equivalent tax paid" means 15% of the gross rent. (Bracketed language in subsection (8)  
27 is temporarily amended to "\$6,300" on occurrence of contingency for income tax years 2022, 2023, 2024, and  
28 2025 until December 31, 2025--sec. 13, Ch. 476, L. 2021.)"

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

**"15-30-2340. Residential property tax credit for elderly -- computation of relief.** (1) The amount of the tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows: provided in this section.

~~(1)(2)~~ In Subject to subsection (4):

(a) in the case of a claimant who owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection ~~(4)(3)~~ ;

~~(2)(b)~~ In in the case of a claimant who rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection ~~(4)(3)~~ ; and

~~(3)(c)~~ In in the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is:

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

~~(b)(ii)~~ the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection ~~(4)(3)~~.

~~(4)(3)~~ Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

Household income	Amount of reduction
\$0 - \$999	\$0
\$1,000 - \$1,999	\$0
\$2,000 - \$2,999	the product of <u>.006</u> times the household income
\$3,000 - \$3,999	the product of <u>.016</u> times the household income
\$4,000 - \$4,999	the product of <u>.024</u> times the household income
\$5,000 - \$5,999	the product of <u>.028</u> times the household income
\$6,000 - \$6,999	the product of <u>.032</u> times the household income
\$7,000 - \$7,999	the product of <u>.035</u> times the household income

\$8,000 - \$8,999	the product of <u>.039</u> times the household income
\$9,000 - \$9,999	the product of <u>.042</u> times the household income
\$10,000 - \$10,999	the product of <u>.045</u> times the household income
\$11,000 - \$11,999	the product of <u>.048</u> times the household income
\$12,000 <del>&amp; and</del> over	the product of <u>.050</u> times the household income

1           ~~(5)~~ (4) ~~For~~ Except as provided in subsection (7), for a claimant whose household income is \$35,000 or  
2 more but less than ~~\$45,000~~ \$50,000, the amount of the credit is equal to the credit calculated under this section  
3 multiplied by the decimal equivalent of a percentage figure according to the following table:

Gross household income	Percentage of credit allowed
\$35,000 - \$37,500	40% <u>60%</u>
<del>\$37,501—</del> <u>More than \$37,500 to</u> \$40,000	30% <u>50%</u>
<del>\$40,001—</del> <u>More than \$40,000 to</u> \$42,500	20% <u>40%</u>
<del>\$42,501—</del> <del>\$44,999</del> <u>More than \$42,500 to \$45,000</u>	10% <u>30%</u>
<del>\$45,000 or more</del> <u>More than \$45,000 to \$47,500</u>	0% <u>20%</u>
<u>More than \$47,500 to \$49,999</u>	<u>10%</u>
<u>\$50,000 or more</u>	<u>0%</u>

4           ~~(6)~~(5) The credit granted may not exceed ~~[\$1,150]~~ \$1,400.

5           ~~(7)~~(6) Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana  
6 individual income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability  
7 under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even  
8 though the claimant has no income taxable under this chapter.

9           (7) By November 1 of each year, the department shall multiply the gross household income  
10 amounts contained in subsection (4) and the maximum credit amount contained in subsection (5) by the  
11 inflation factor for the following tax year and round the cumulative gross household income amounts to the  
12 nearest \$100 and the maximum credit amount to the nearest \$10. The resulting gross household income  
13 amounts and maximum credit amount are effective for the following year. (Bracketed language in subsection (6)  
14 is temporarily amended to "\$1,000" on occurrence of contingency for income tax years 2022, 2023, 2024, and  
15 2025 until December 31, 2025—sec. 13, Ch. 476, L. 2021.)"

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2           NEW SECTION. Section 3. Repealer. Sections 4, 5, 9 and 10, Chapter 476, Laws of 2021, are  
3 repealed.

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5           NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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7           NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the  
8 meaning of 1-2-109, to income tax years beginning after December 31, 2024.

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