

HOUSE BILL NO. 1299

Introduced by

Representatives Kasper, Beadle, Rick C. Becker, Dosch, Ruby, Schatz, Thoreson

Senators Klein, Larsen, O'Connell, Sorvaag, Wanzek

1 ~~A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code,~~
2 ~~relating to expanded eligibility for the homestead credit property tax reduction; and to provide an~~
3 ~~effective date.~~ for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century
4 Code, relating to expanded eligibility for the homestead credit property tax reduction; and to
5 provide an effective date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 ~~— **SECTION 1. AMENDMENT.** Section 57-02-08.1 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~— **57-02-08.1. Homestead credit.**~~

10 ~~— 1. a. Any person sixty five years of age or older or permanently and totally disabled, in~~
11 ~~the year in which the tax was levied, with an income that does not exceed the~~
12 ~~limitations of subdivision c is entitled to receive a reduction in the assessment on~~
13 ~~the taxable valuation on the person's homestead. An exemption under this~~
14 ~~subsection applies regardless of whether the person is the head of a family.~~

15 ~~— b. The exemption under this subsection continues to apply if the person does not~~
16 ~~reside in the homestead and the person's absence is due to confinement in a~~
17 ~~nursing home, hospital, or other care facility, for as long as the portion of the~~
18 ~~homestead previously occupied by the person is not rented to another person.~~

19 ~~— c. The exemption must be determined according to the following schedule:~~

20 ~~— (1) If the person's income is not in excess of twenty two ~~forty~~ thousand dollars, a~~
21 ~~reduction of one hundred percent of the taxable valuation of the person's~~
22 ~~homestead up to a maximum reduction of four thousand five hundred~~
23 ~~dollars of taxable valuation.~~

1 ~~————— (2) If the person's income is in excess of twenty-twoforty thousand dollars and~~
2 ~~not in excess of twenty-sixfifty thousand dollars, a reduction of eighty-~~
3 ~~percent of the taxable valuation of the person's homestead up to a~~
4 ~~maximum reduction of three thousand six hundred dollars of taxable~~
5 ~~valuation.~~

6 ~~————— (3) If the person's income is in excess of twenty-sixfifty thousand dollars and~~
7 ~~not in excess of thirtysixty thousand dollars, a reduction of sixty percent of~~
8 ~~the taxable valuation of the person's homestead up to a maximum reduction~~
9 ~~of two thousand seven hundred dollars of taxable valuation.~~

10 ~~————— (4) If the person's income is in excess of thirtysixty thousand dollars and not in~~
11 ~~excess of thirty-fourseventy thousand dollars, a reduction of forty percent of~~
12 ~~the taxable valuation of the person's homestead up to a maximum reduction~~
13 ~~of one thousand eight hundred dollars of taxable valuation.~~

14 ~~————— (5) If the person's income is in excess of thirty-fourseventy thousand dollars~~
15 ~~and not in excess of thirty-eighteighty thousand dollars, a reduction of~~
16 ~~twenty percent of the taxable valuation of the person's homestead up to a~~
17 ~~maximum reduction of nine hundred dollars of taxable valuation.~~

18 ~~————— (6) If the person's income is in excess of thirty-eighteighty thousand dollars and~~
19 ~~not in excess of forty-twoone hundred thousand dollars, a reduction of ten-~~
20 ~~percent of the taxable valuation of the person's homestead up to a~~
21 ~~maximum reduction of four hundred fifty dollars of taxable valuation.~~

22 ~~————— d. Persons residing together, as spouses or when one or more is a dependent of~~
23 ~~another, are entitled to only one exemption between or among them under this~~
24 ~~subsection. Persons residing together, who are not spouses or dependents, who~~
25 ~~are coowners of the property are each entitled to a percentage of a full exemption~~
26 ~~under this subsection equal to their ownership interests in the property.~~

27 ~~————— e. This subsection does not reduce the liability of any person for special~~
28 ~~assessments levied upon any property.~~

29 ~~————— f. Any person claiming the exemption under this subsection shall sign a verified~~
30 ~~statement of facts establishing the person's eligibility.~~

- 1 ~~g.~~ A person is ineligible for the exemption under this subsection if the value of the
2 assets of the person and any dependent residing with the person exceeds five
3 hundred thousand dollars, including the value of any assets divested within the
4 last three years.
- 5 ~~h.~~ The assessor shall attach the statement filed under subdivision f to the
6 assessment sheet and shall show the reduction on the assessment sheet.
- 7 ~~i.~~ An exemption under this subsection terminates at the end of the taxable year of
8 the death of the applicant.
- 9 ~~2. a.~~ Any person who would qualify for an exemption under subdivisions a and c of
10 subsection 1 except for the fact that the person rents living quarters is eligible for
11 refund of a portion of the person's annual rent deemed by this subsection to
12 constitute the payment of property tax.
- 13 ~~b.~~ For the purpose of this subsection, twenty percent of the annual rent, exclusive of
14 any federal rent subsidy and of charges for any utilities, services, furniture,
15 furnishings, or personal property appliances furnished by the landlord as part of
16 the rental agreement, whether expressly set out in the rental agreement, must be
17 considered as payment made for property tax. When any part of the twenty
18 percent of the annual rent exceeds four percent of the annual income of a
19 qualified applicant, the applicant is entitled to receive a refund from the state
20 general fund for that amount in excess of four percent of the person's annual
21 income, but the refund may not be in excess of four hundred dollars. If the
22 calculation for the refund is less than five dollars, a minimum of five dollars must
23 be sent to the qualifying applicant.
- 24 ~~c.~~ Persons who reside together, as spouses or when one or more is a dependent of
25 another, are entitled to only one refund between or among them under this
26 subsection. Persons who reside together in a rental unit, who are not spouses or
27 dependents, are each entitled to apply for a refund based on the rent paid by that
28 person.
- 29 ~~d.~~ Each application for refund under this subsection must be made to the tax
30 commissioner before the first day of June of each year by the person claiming the
31 refund. The tax commissioner may grant an extension of time to file an

1 application for good cause. The tax commissioner shall issue refunds to
2 applicants.

3 ~~e. This subsection does not apply to rents or fees paid by a person for any living~~
4 ~~quarters, including a nursing home licensed pursuant to section 23-16-01, if~~
5 ~~those living quarters are exempt from property taxation and the owner is not~~
6 ~~making a payment in lieu of property taxes.~~

7 ~~f. A person may not receive a refund under this section for a taxable year in which~~
8 ~~that person received an exemption under subsection 1.~~

9 ~~3. All forms necessary to effectuate this section must be prescribed, designed, and made~~
10 ~~available by the tax commissioner. The county directors of tax equalization shall make~~
11 ~~these forms available upon request.~~

12 ~~4. A person whose homestead is a farm structure exempt from taxation under~~
13 ~~subsection 15 of section 57-02-08 may not receive any property tax credit under this~~
14 ~~section.~~

15 ~~5. For the purposes of this section:~~

16 ~~a. "Dependent" has the same meaning it has for federal income tax purposes.~~

17 ~~b. "Homestead" has the same meaning as provided in section 47-18-01.~~

18 ~~c. "Income" means income for the most recent complete taxable year from all~~
19 ~~sources, including the income of any dependent of the applicant, and including~~
20 ~~any county, state, or federal public assistance benefits, but excluding social~~
21 ~~security, or other retirement retirement, disability, or survivors benefits, but~~
22 ~~excluding; other pension or retirement benefits; any federal rent subsidy; any~~
23 ~~amount excluded from income by federal or state law; and medical expenses~~
24 ~~paid during the year by the applicant or the applicant's dependent which is not~~
25 ~~compensated by insurance or other means and which is not excluded from~~
26 ~~income by federal or state law.~~

27 ~~d. "Medical expenses" has the same meaning as it has for state income tax~~
28 ~~purposes, except that for transportation for medical care the person may use the~~
29 ~~standard mileage rate allowed for state officer and employee use of a motor~~
30 ~~vehicle under section 54-06-09.~~

1 ~~e. "Permanently and totally disabled" means the inability to engage in any~~
2 ~~substantial gainful activity by reason of any medically determinable physical or~~
3 ~~mental impairment which can be expected to result in death or has lasted or can~~
4 ~~be expected to last for a continuous period of not less than twelve months as~~
5 ~~established by a certificate from a licensed physician or a written determination of~~
6 ~~disability from the social security administration or any federal or state agency~~
7 ~~that has authority to certify an individual's disability.~~

8 ~~SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after~~
9 ~~December 31, 2014.~~

10 **SECTION 1. AMENDMENT.** Section 57-02-08.1 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **57-02-08.1. Homestead credit.**

- 13 1. a. Any ~~person~~individual sixty-five years of age or older or permanently and totally
14 disabled, in the year in which the tax was levied, with an income that does not
15 exceed the limitations of subdivision c is entitled to receive a reduction in the
16 assessment on the taxable valuation on the ~~person's~~individual's homestead. An
17 exemption under this subsection applies regardless of whether the
18 ~~person~~individual is the head of a family.
- 19 b. The exemption under this subsection continues to apply if the ~~person~~individual
20 does not reside in the homestead and the ~~person's~~individual's absence is due to
21 confinement in a nursing home, hospital, or other care facility, for as long as the
22 portion of the homestead previously occupied by the ~~person~~individual is not
23 rented to another ~~person~~individual.
- 24 c. The exemption must be determined according to the following schedule:
- 25 (1) If the ~~person's~~individual's income is not in excess of twenty-two thousand
26 dollars, a reduction of one hundred percent of the taxable valuation of the
27 ~~person's~~individual's homestead up to a maximum reduction of four thousand
28 five hundred dollars of taxable valuation.
- 29 (2) If the ~~person's~~individual's income is in excess of twenty-two thousand
30 dollars and not in excess of twenty-six thousand dollars, a reduction of
31 eighty percent of the taxable valuation of the ~~person's~~individual's homestead

1 up to a maximum reduction of three thousand six hundred dollars of taxable
2 valuation.

3 (3) If the person's individual's income is in excess of twenty-six thousand dollars
4 and not in excess of thirty thousand dollars, a reduction of sixty percent of
5 the taxable valuation of the person's individual's homestead up to a
6 maximum reduction of two thousand seven hundred dollars of taxable
7 valuation.

8 (4) If the person's individual's income is in excess of thirty thousand dollars and
9 not in excess of thirty-four thousand dollars, a reduction of forty percent of
10 the taxable valuation of the person's individual's homestead up to a
11 maximum reduction of one thousand eight hundred dollars of taxable
12 valuation.

13 (5) If the person's individual's income is in excess of thirty-four thousand dollars
14 and not in excess of thirty-eight thousand dollars, a reduction of twenty
15 percent of the taxable valuation of the person's individual's homestead up to
16 a maximum reduction of nine hundred dollars of taxable valuation.

17 (6) If the person's individual's income is in excess of thirty-eight thousand dollars
18 and not in excess of forty-two thousand dollars, a reduction of ten percent of
19 the taxable valuation of the person's individual's homestead up to a
20 maximum reduction of four hundred fifty dollars of taxable valuation.

21 d. Persons Individuals residing together, as spouses or when one or more is a
22 dependent of another, are entitled to only one exemption between or among
23 them under this subsection. Persons Individuals residing together, who are not
24 spouses or dependents, who are coowners of the property are each entitled to a
25 percentage of a full exemption under this subsection equal to their ownership
26 interests in the property.

27 e. This subsection does not reduce the liability of any person individual for special
28 assessments levied upon any property.

29 f. Any person individual claiming the exemption under this subsection shall sign a
30 verified statement of facts establishing the person's individual's eligibility.

1 g. ~~A person~~An individual is ineligible for the exemption under this subsection if the
2 value of the assets of the ~~person~~individual and any dependent residing with the
3 ~~person~~individual exceeds five hundred thousand dollars, including the value of
4 any assets divested within the last three years.

5 h. The assessor shall attach the statement filed under subdivision f to the
6 assessment sheet and shall show the reduction on the assessment sheet.

7 i. An exemption under this subsection terminates at the end of the taxable year of
8 the death of the applicant.

9 2. a. Any ~~person~~individual who would qualify for an exemption under subdivisions a
10 and c of subsection 1 except for the fact that the ~~person~~individual rents living
11 quarters is eligible for refund of a portion of the ~~person's~~individual's annual rent
12 deemed by this subsection to constitute the payment of property tax.

13 b. For the purpose of this subsection, twenty percent of the annual rent, exclusive of
14 any federal rent subsidy and of charges for any utilities, services, furniture,
15 furnishings, or personal property appliances furnished by the landlord as part of
16 the rental agreement, whether expressly set out in the rental agreement, must be
17 considered as payment made for property tax. When any part of the twenty
18 percent of the annual rent exceeds four percent of the annual income of a
19 qualified applicant, the applicant is entitled to receive a refund from the state
20 general fund for that amount in excess of four percent of the ~~person's~~individual's
21 annual income, but the refund may not be in excess of four hundred dollars. If the
22 calculation for the refund is less than five dollars, a minimum of five dollars must
23 be sent to the qualifying applicant.

24 c. ~~Persons~~Individuals who reside together, as spouses or when one or more is a
25 dependent of another, are entitled to only one refund between or among them
26 under this subsection. ~~Persons~~Individuals who reside together in a rental unit,
27 who are not spouses or dependents, are each entitled to apply for a refund based
28 on the rent paid by that ~~person~~individual.

29 d. Each application for refund under this subsection must be made to the tax
30 commissioner before the first day of June of each year by the ~~person~~individual
31 claiming the refund. The tax commissioner may grant an extension of time to file

1 an application for good cause. The tax commissioner shall issue refunds to
2 applicants.

3 e. This subsection does not apply to rents or fees paid by ~~a person~~an individual for
4 any living quarters, including a nursing home licensed pursuant to section
5 23-16-01, if those living quarters are exempt from property taxation and the
6 owner is not making a payment in lieu of property taxes.

7 f. ~~A person~~An individual may not receive a refund under this section for a taxable
8 year in which that ~~person~~individual received an exemption under subsection 1.

9 3. The credit provided under this subsection applies without regard to eligibility for the
10 exemption provided under subsection 1. The credit under this subsection applies in
11 addition to any exemption for which an individual is eligible under subsection 1.

12 Any individual sixty-five years of age or older or permanently and totally disabled,
13 in the year in which the tax was levied is entitled to receive a state-paid credit of one
14 thousand dollars against the total property taxes levied against that individual's
15 homestead in that taxable year regardless of whether the individual is the head of a
16 family.

17 Any individual who is not sixty-five years of age or older or permanently and
18 totally disabled, in the year in which the tax was levied is entitled to receive a
19 state-paid credit of six hundred dollars against the total property taxes levied against
20 that individual's homestead in that taxable year regardless of whether the individual is
21 the head of a family.

22 The credit under this subsection continues to apply if the individual does not
23 reside in the homestead and the individual's absence is due to confinement in a
24 nursing home, hospital, or other care facility, for as long as the portion of the
25 homestead previously occupied by the individual is not rented to another individual.

26 Individuals residing together, as spouses, or when one or more is a dependent of
27 another, are entitled to only one credit between or among them under this subsection.
28 Individuals residing together, who are not spouses or dependents, who are coowners
29 of the property are each entitled to a percentage of a full credit under this subsection
30 equal to their ownership interests in the property.

Any individual claiming the credit under this subsection shall sign a verified statement of facts establishing the individual's eligibility for the initial year of eligibility. The auditor shall attach the statement filed under this subsection to the assessment sheet and shall show the reduction on the tax list. A credit under this subsection terminates at the end of the taxable year in which the individual transfers ownership of the property or ceases to occupy the property as a homestead.

4. All forms necessary to effectuate this section must be prescribed, designed, and made available by the tax commissioner. The county directors of tax equalization shall make these forms available upon request.

4.5. ~~A person~~An individual whose homestead is a farm structure exempt from taxation under subsection 15 of section 57-02-08 may not receive any property tax ~~credit~~exemption under ~~this section~~subsection 1 but the credit under subsection 3 may be applied against property taxes levied against up to six hundred forty acres of agricultural property associated with the exempt homestead.

5.6. For the purposes of this section:

- a. "Dependent" has the same meaning it has for federal income tax purposes.
- b. "Homestead" has the same meaning as provided in section 47-18-01.
- c. "Income" means income for the most recent complete taxable year from all sources, including the income of any dependent of the applicant, and including any county, state, or federal public assistance benefits, social security, or other retirement benefits, but excluding any federal rent subsidy, any amount excluded from income by federal or state law, and medical expenses paid during the year by the applicant or the applicant's dependent which is not compensated by insurance or other means.
- d. "Medical expenses" has the same meaning as it has for state income tax purposes, except that for transportation for medical care the ~~person~~individual may use the standard mileage rate allowed for state officer and employee use of a motor vehicle under section 54-06-09.
- e. "Permanently and totally disabled" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can

1 be expected to last for a continuous period of not less than twelve months as
2 established by a certificate from a licensed physician or a written determination of
3 disability from the social security administration or any federal or state agency
4 that has authority to certify an individual's disability.

5 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
6 December 31, 2014, for ad valorem property taxes and for taxable years beginning after
7 December 31, 2015, for mobile home taxes.