

Introduced by

Representative Heinert

1 A BILL for an Act to amend and reenact section 57-02-08.9 of the North Dakota Century Code,
2 relating to a property tax credit for property used as a primary residence; to provide an
3 appropriation; to provide an effective date; and to provide an expiration date.

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

5 **SECTION 1. AMENDMENT.** Section 57-02-08.9 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **57-02-08.9. Primary residence credit - Qualification - Application. (Effective for the**
8 **first two taxable years beginning after December 31, 2023)**

- 9 1. An individual is entitled to a credit of ~~five~~seven hundred ~~fifty~~ dollars against the
10 property tax due on the individual's primary residence. The credit may not exceed the
11 amount of property tax due. The credit must be applied to reduce the property tax
12 owed on the individual's primary residence after other exemptions or credits under this
13 chapter have been applied.
- 14 2. For purposes of this section, "primary residence" means a dwelling in this state owned
15 and occupied by an individual as that individual's primary place of residence and
16 includes residences taxed under chapter 57-55. An individual may not have more than
17 one primary residence.
- 18 3. An individual who does not reside in the primary residence in this state is eligible for
19 the credit under this section if the individual's absence is due to confinement in a
20 nursing home, hospital, or other care facility, for as long as the portion of the primary
21 residence previously occupied by the individual is not rented to another individual.
- 22 4. Only one credit under this section may be applied against the property taxes levied
23 against any primary residence.

- 1 5. An individual whose primary residence is a farm structure exempt from taxation under
2 subsection 15 of section 57-02-08 is not eligible for a credit under this section.
- 3 6. The credit may not reduce the liability for special assessments levied upon any
4 property.
- 5 7. To apply for a credit under this section, an applicant shall sign and file with the tax
6 commissioner, by April first of each year, an application containing a verified statement
7 of facts establishing the applicant's eligibility as of the date of the claim on a form and
8 in the manner prescribed by the tax commissioner.
- 9 8. The tax commissioner, in consultation with the county auditors, shall prescribe, design,
10 and make available all forms necessary to effectuate this section. The tax
11 commissioner shall make these forms available upon request.

12 **SECTION 2. APPROPRIATION - TAX COMMISSIONER - PROPERTY TAX RELIEF.**

13 There is appropriated out of any moneys in the general fund in the state treasury, not otherwise
14 appropriated, the sum of \$51,775,000, or so much of the sum as may be necessary, to the tax
15 commissioner for the purpose of paying the state reimbursement under the primary residence
16 credit, for the biennium beginning July 1, 2023, and ending June 30, 2025. The funding
17 provided in this section is in addition to the \$103,225,000 appropriated in chapter 527 of the
18 2023 Session Laws to provide total funding of \$155,000,000.

19 **SECTION 3. EFFECTIVE DATE - EXPIRATION DATE.** This Act is effective for the first two
20 taxable years beginning after December 31, 2023, and after that date is ineffective.