

Sixty-fourth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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.

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

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

7 **57-02-08.1. Homestead credit.**

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

- 1                   (2) If the ~~person's~~individual's income is in excess of twenty-two thousand  
2                   dollars and not in excess of twenty-six thousand dollars, a reduction of  
3                   eighty percent of the taxable valuation of the ~~person's~~individual's homestead  
4                   up to a maximum reduction of three thousand six hundred dollars of taxable  
5                   valuation.
- 6                   (3) If the ~~person's~~individual's income is in excess of twenty-six thousand dollars  
7                   and not in excess of thirty thousand dollars, a reduction of sixty percent of  
8                   the taxable valuation of the ~~person's~~individual's homestead up to a  
9                   maximum reduction of two thousand seven hundred dollars of taxable  
10                  valuation.
- 11                  (4) If the ~~person's~~individual's income is in excess of thirty thousand dollars and  
12                  not in excess of thirty-four thousand dollars, a reduction of forty percent of  
13                  the taxable valuation of the ~~person's~~individual's homestead up to a  
14                  maximum reduction of one thousand eight hundred dollars of taxable  
15                  valuation.
- 16                  (5) If the ~~person's~~individual's income is in excess of thirty-four thousand dollars  
17                  and not in excess of thirty-eight thousand dollars, a reduction of twenty  
18                  percent of the taxable valuation of the ~~person's~~individual's homestead up to  
19                  a maximum reduction of nine hundred dollars of taxable valuation.
- 20                  (6) If the ~~person's~~individual's income is in excess of thirty-eight thousand dollars  
21                  and not in excess of forty-two thousand dollars, a reduction of ten percent of  
22                  the taxable valuation of the ~~person's~~individual's homestead up to a  
23                  maximum reduction of four hundred fifty dollars of taxable valuation.
- 24                  d. ~~Persens~~Individuals residing together, as spouses or when one or more is a  
25                  dependent of another, are entitled to only one exemption between or among  
26                  them under this subsection. ~~Persens~~Individuals residing together, who are not  
27                  spouses or dependents, who are coowners of the property are each entitled to a  
28                  percentage of a full exemption under this subsection equal to their ownership  
29                  interests in the property.
- 30                  e. This subsection does not reduce the liability of any ~~person~~individual for special  
31                  assessments levied upon any property.

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

- 1           d. Each application for refund under this subsection must be made to the tax  
2           commissioner before the first day of June of each year by the ~~person~~individual  
3           claiming the refund. The tax commissioner may grant an extension of time to file  
4           an application for good cause. The tax commissioner shall issue refunds to  
5           applicants.
- 6           e. This subsection does not apply to rents or fees paid by a ~~person~~an individual for  
7           any living quarters, including a nursing home licensed pursuant to section  
8           23-16-01, if those living quarters are exempt from property taxation and the  
9           owner is not making a payment in lieu of property taxes.
- 10          f. ~~A person~~An individual may not receive a refund under this section for a taxable  
11          year in which that ~~person~~individual received an exemption under subsection 1.

12          3. The credit provided under this subsection applies without regard to eligibility for the  
13          exemption provided under subsection 1. The credit under this subsection applies in  
14          addition to any exemption for which an individual is eligible under subsection 1.  
15          Any individual sixty-five years of age or older or permanently and totally disabled, in  
16          the year in which the tax was levied is entitled to receive a state-paid credit of one  
17          thousand dollars against the total property taxes levied against that individual's  
18          homestead in that taxable year regardless of whether the individual is the head of a  
19          family.

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

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

29                 Individuals residing together, as spouses, or when one or more is a dependent of  
30                 another, are entitled to only one credit between or among them under this subsection.  
31                 Individuals residing together, who are not spouses or dependents, who are coowners

1           of the property are each entitled to a percentage of a full credit under this subsection  
2           equal to their ownership interests in the property.

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

9           4. 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           4.5. ~~A person~~An individual whose homestead is a farm structure exempt from taxation  
13           under subsection 15 of section 57-02-08 may not receive any property tax  
14           ~~credit exemption~~ under this section subsection 1 but the credit under subsection 3 may  
15           be applied against property taxes levied against up to six hundred forty acres of  
16           agricultural property associated with the exempt homestead.

17           5.6. For the purposes of this section:

- 18           a. "Dependent" has the same meaning it has for federal income tax purposes.  
19           b. "Homestead" has the same meaning as provided in section 47-18-01.  
20           c. "Income" means income for the most recent complete taxable year from all  
21           sources, including the income of any dependent of the applicant, and including  
22           any county, state, or federal public assistance benefits, social security, or other  
23           retirement benefits, but excluding any federal rent subsidy, any amount excluded  
24           from income by federal or state law, and medical expenses paid during the year  
25           by the applicant or the applicant's dependent which is not compensated by  
26           insurance or other means.  
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~~individual  
29           may use the standard mileage rate allowed for state officer and employee use of  
30           a motor 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, for ad valorem property taxes and for taxable years beginning after  
10          December 31, 2015, for mobile home taxes.