

1 SENATE BILL NO. 110
2 INTRODUCED BY K. REGIER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROPERTY TAX ASSISTANCE LAWS;
5 PROVIDING A FIXED APPRAISED VALUE FOR CERTAIN PRIMARY RESIDENCES OWNED BY
6 INDIVIDUALS THAT ARE AT LEAST A CERTAIN AGE; REVISING THE INTANGIBLE LAND VALUE
7 EXEMPTION TO INCLUDE INDIVIDUALS OF AT LEAST A CERTAIN AGE THAT HAVE OWNED THE
8 PROPERTY FOR 10 CONSECUTIVE YEARS; REVISING DEFINITIONS; PROVIDING RULEMAKING
9 AUTHORITY; AMENDING SECTIONS 15-6-240, 15-6-301, 15-6-302, AND 15-6-312, MCA; AND PROVIDING
10 AN APPLICABILITY DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 NEW SECTION. **Section 1. Golden years property tax assistance program -- exemption.** (1)

15 There is a golden years property tax assistance program that prevents increases in the appraised value of
16 qualifying senior property for the purpose of assisting a qualifying senior in residing in a primary senior
17 residence. To be eligible for the program, applicants must meet the requirements of 15-6-302.

18 (2) The base year appraised value of qualifying senior property is taxed at the rates established by
19 15-6-134. Any remaining qualifying senior property value is exempt from ad valorem property taxes.

20 (3) (a) A new base year appraised value must be established if an applicant:

- 21 (i) increases the interior square footage of the primary senior residence; or
- 22 (ii) constructs an outbuilding that exceeds 200 square feet, not including a porch or a deck.

23 (b) The new base year appraised value for a property that satisfies the criteria in subsection (3)(a)
24 is equal to the appraised value of the primary senior residence during the first year that the improvements are
25 considered by the department in a new appraisal.

26

27 **Section 2.** Section 15-6-240, MCA, is amended to read:

28 **"15-6-240. Intangible land value property exemption -- application procedure.** (1) There is an

1 intangible land value assistance program that provides graduated levels of property tax exemptions to assist
2 owners of primary residences with land values that are disproportionate to the value of a primary residence and
3 improvements. To be eligible for the exemption, applicants must meet the requirements of this section.

4 (2) If the total appraised value of the land is equal to or less than 150% of the appraised value of
5 the primary residence and improvements situated on the land, then the land exemption provided in this section
6 does not apply.

7 (3) Subject to subsection (6), if the total appraised value of the land is greater than 150% of the
8 appraised value of the primary residence and improvements situated on the land, then the land is valued at
9 150% of the appraised value of the primary residence and improvements situated on the land, subject to the
10 minimum equalization of value requirement in subsection (4), and the remainder of the land value is exempt
11 from taxation.

12 (4) If the calculation in subsection (3) creates a land value that is less than the statewide average
13 value of land, then the value of the land may not be reduced in an amount that is less than the statewide
14 average value of land multiplied by the acreage of land for the subject property.

15 (5) This section does not provide an exemption for the primary residence and improvements
16 situated on the land.

17 (6) (a) A claim for assistance must be filed by March 1 of the tax year for which the exemption is
18 sought, on an application form provided by the department. After an exemption is approved, the applicant
19 remains eligible for the exemption for the remainder of the 2-year valuation cycle provided for in 15-7-111 as
20 long as the property is continually used as a primary residence by the applicant. An applicant who does not
21 apply for assistance during the first year of the valuation cycle may apply during the second year of the cycle.

22 (b) The application form must contain:

23 (i) an affirmation that the applicant owns and maintains the land and improvements as the primary
24 residence;

25 (ii) an affirmation that the land has been owned:

26 (A) by the applicant or a family member of the applicant within the third degree of consanguinity for
27 at least 30 consecutive years; or

28 (B) by the applicant for at least 10 consecutive years if the applicant is a qualifying senior as

1 defined in 15-6-301; and

2 (iii) any other information required by the department that is relevant to the applicant's eligibility.

3 (c) When providing information to the department for qualification under this section, applicants

4 are subject to the false swearing penalties established in 45-7-202.

5 (d) The department may investigate the information provided in an application and an applicant's

6 continued eligibility.

7 (e) The department may request applicant verification of the primary residence.

8 (7) As used in this section the following definitions apply:

9 (a) "Land" means:

10 (i) parcels of land or lots of not more than 5 acres under single ownership that support the primary

11 residential improvements. The term does not include parcels of land or lots that do not support the primary

12 residential improvements, regardless of whether those parcels or lots are contiguous with or adjacent to the

13 primary residential property.

14 (ii) subject to the limitations in subsection (7)(a)(i), separately assessed land on which a mobile or

15 manufactured home is located, but only if the mobile or manufactured home and the land are both owned by

16 the applicant.

17 (b) "Primary residence" means a single-family dwelling:

18 (i) in which an applicant can demonstrate the applicant lived for at least 7 months of the year for

19 which benefits are claimed;

20 (ii) that is the only residence for which the land exemption claimed in this section is claimed by the

21 applicant; and

22 (iii) that is owned or under contract for deed by the applicant.

23 (c) "Single-family dwelling" means a residential dwelling, manufactured home, trailer, or mobile

24 home. The term does not include a condominium unit or a unit of a multiple-unit dwelling.

25 (d) "Statewide average value of land" is a value calculated by the department that is equal to the

26 statewide average market value of 1 acre of class four real property described in 15-6-134(1)(a) through (1)(d)."

27

28 **Section 3.** Section 15-6-301, MCA, is amended to read:

1 **"15-6-301. Definitions.** As used in this part, the following definitions apply:

2 (1) "Annual verification" means the use of a process to:

3 (a) verify an applicant's income for assistance under 15-6-305 or 15-6-311;

4 (b) approve, renew, or deny benefits for the current year based ~~upon~~on the applicant's eligibility;

5 and

6 (c) terminate participation based ~~upon~~on death or loss of status as a qualified veteran or veteran's

7 spouse.

8 (2) "Base year appraised value" means the lesser of:

9 (a) the appraised value the year before a qualifying senior claims an exemption under [section 1];

10 **(b) the value of the land pursuant to an existing exemption under 15-6-240 plus the appraised**
11 **value of the primary residence and improvements situated on the land the year before a qualifying senior claims**
12 **an exemption under [section 1]; or**

13 **(b)(c) in the event the appraised value is less than the value established in ~~subsection~~ subsections**

14 **(2)(a) and (2)(b), the lowest appraised value after the exemption is claimed.**

15 (2)(3) "PCE" means the implicit price deflator (price index) for personal consumption expenditures as
16 published in the national income and product accounts by the bureau of economic analysis of the U.S.
17 department of commerce.

18 (3)(4) "PCE inflation factor" for a tax year means the PCE price index value for the first quarter of the
19 prior tax year before the tax year divided by the PCE price index value for the first quarter of 2015.

20 (4)(5) (a) "Primary residence" is, subject to the provisions of subsection (4)-(b) (5)(b), a dwelling:

21 (i) in which a taxpayer can demonstrate the taxpayer lived for at least 7 months of the year for
22 which benefits are claimed;

23 (ii) that is the only residence for which property tax assistance is claimed; and

24 (iii) determined using the indicators provided for in the rules authorized by 15-6-302(2).

25 (b) A For assistance under 15-6-305 or 15-6-311, a primary residence may include more than one
26 dwelling when the taxpayer's combined residence in the dwellings is at least 7 months of the tax year.

27 (6) (a) "Primary senior residence" has the same meaning as the term "primary residence", except
28 the real property must be owned by a qualifying senior:

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68th Legislature

Drafter: Jaret Coles, 406-444-4022

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- 1 (i) individually;
- 2 (ii) jointly with a legally married spouse; or
- 3 (iii) jointly with another qualifying senior, as long as all owners are qualifying seniors.
- 4 (b) The term includes parcels of land or lots of not more than 1 acre under single ownership that
- 5 support the primary residential improvements.

- 6 (c) The term does not include parcels of land or lots that do not support the primary residential
- 7 improvements, regardless of whether those parcels or lots are contiguous with or adjacent to the primary
- 8 residential property.

9 ~~(5)(7)~~ "Qualified veteran" means a veteran:

- 10 (a) who was killed while on active duty or died as a result of a service-connected disability; or
- 11 (b) if living:
 - 12 (i) was honorably discharged from active service in any branch of the armed services; and
 - 13 (ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of
 - 14 veterans affairs for a service-connected disability, as verified by official documentation from the U.S.
 - 15 department of veterans affairs.

16 ~~(6)(8)~~ "Qualifying income" means:

- 17 (a) the federal adjusted gross income excluding capital and income losses of an applicant and the
- 18 applicant's spouse as calculated on the Montana income tax return for the prior year;
- 19 (b) for assistance under 15-6-311, the federal adjusted gross income excluding capital and income
- 20 losses of an applicant as calculated on the Montana income tax return for the prior tax year; or
- 21 (c) for an applicant who is not required to file a Montana income tax return, the income determined
- 22 using available income information.

23 ~~(7)(9)~~ "Qualifying property" means a primary residence that a qualified applicant owned and occupied

24 for at least 7 months during the tax year.

25 (10) "Qualifying senior" means a person who is at least 80 years of age on January 1 of the year in

26 which an exemption is claimed.

27 (11) "Qualifying senior property" means a primary senior residence that a qualifying senior applicant

28 owned and occupied for at least 7 months during the tax year.

1 ~~(8)~~(12) "Residential real property" means the land and improvements of a taxpayer's primary
2 residence."

3

4 **Section 4.** Section 15-6-302, MCA, is amended to read:

5 **"15-6-302. Property tax assistance -- rulemaking.** (1) The requirements of this section must be met
6 for a taxpayer to qualify for property tax assistance under 15-6-305, ~~or~~ 15-6-311, or [section 1].

7 (2) For the property tax assistance programs provided for in 15-6-305, ~~and~~ 15-6-311, and [section
8 1], the residential real property must be owned by the applicant or under contract for deed and be the primary
9 residence ~~as defined in 15-6-301~~ for assistance under 15-6-305 or 15-6-311 or the primary senior residence for
10 assistance under [section 1]. The department shall make rules specifying the indicators used for determining
11 whether a residence is a primary residence or primary senior residence for purposes of property tax assistance
12 programs.

13 (3) An applicant's qualifying income, as defined in 15-6-301, may not exceed the threshold
14 established in 15-6-305 or 15-6-311 or in rules established pursuant to those sections. There is no qualifying
15 income threshold for the assistance program provided for in [section 1].

16 (4) (a) A claim for assistance must be submitted on a form prescribed by the department.

17 (b) The form must contain:

18 (i) for assistance under 15-6-305 or 15-6-311, the qualifying income of the applicant and the
19 applicant's spouse;

20 (ii) an affirmation that the applicant owns and maintains the land and improvements as the primary
21 residence as defined in 15-6-301;

22 (iii) the social security number of the applicant and of the applicant's spouse; ~~and~~

23 (iv) for assistance under [section 1], a birth certificate for the applicant; and

24 ~~(iv)~~(v) any other information required by the department that is relevant to the applicant's eligibility.

25 (5) (a) An application must be filed by April 15 of the year for which assistance is first claimed.

26 (b) ~~Once~~When assistance is approved, the applicant remains eligible for property tax assistance
27 in subsequent years through the annual verification process defined in 15-6-301 without the need to reapply.

28 (c) A taxpayer shall inform the department of any change in eligibility occurring from one year to