

MCL 211.7u (1) The principal residence of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute toward the public charges is eligible for exemption in whole or in part from taxation under this act. [*Excerpt*]

	Test 1: Poverty Income Guidelines		Test 2: Asset Test (if the applicant meets the poverty income guidelines)	
What's involved:	“Table 1” How Much <u>Income</u> a Person Can Receive Per Year and Be Eligible for the Poverty Exemption		“Table 2” <u>Things of Value</u> That a Person Can Own and Still Be Granted a Poverty Exemption	“Table 3” <u>Things of Value</u> That the BOR Can Consider to Decide What Percent Exemption to Grant
What the Law Says:	2009 Federal Poverty Income Guidelines		<p>The law protects the applicant's residence. The home, or up to a specified amount of equity in the home, is not considered in determining the percent of the exemption the applicant may receive.</p> <p>For example, a township board could simply say that the residence is not considered at all.</p> <p>Or, for example, a township board could establish a policy that the first \$100,000 in equity in the residence is not considered, but anything over that is—see “Table 3.”</p> <p>In a case like that, the board of review might grant less than a 100% exemption if the homeowner/applicant had \$300,000 equity in the home.</p>	<p>Every township must adopt an asset test, but no specific test is mandated by law. The township board should set a <u>maximum asset amount</u>—in other words, a total value of assets that will likely result in receiving a 0% exemption. This can be either a dollar amount or a percentage of total income.</p> <p>For example, a township board could decide that applicants with a total value of assets of \$15,000 or more will receive a 0% exemption, even though they meet the income guidelines in Step 1. Or, another township could decide that its maximum value of assets eligible for the exemption is \$150,000.</p> <p>Based on the assets listed on a poverty exemption application, the Board of Review may grant the applicant a 0% to 100% exemption.</p> <p>A township can consider the homestead property tax credit that the applicant is eligible for to calculate the percentage of poverty exemption to be granted.</p> <p>MCL 211.7u(5): “<u>The board of review shall follow the policy and guidelines of the local assessing unit</u> in granting or denying an exemption under this section <u>unless</u> the board of review determines there are <u>substantial and compelling reasons</u> why there should be a deviation from the policy and guidelines and the substantial and compelling reasons are communicated in writing to the claimant.”</p> <p>For example, a wife suffers a catastrophic illness, and the husband is forced to reduce his work hours to care for her. Their medical bills exceed their insurance coverage and they have used their savings, credit and income to pay those bills, leaving no funds to pay the taxes. Even if their assets exceed the township's maximum asset amount, a board of review might consider these substantial and compelling reasons to deviate from the guidelines.</p>
	Size of Family/ Household	Maximum Total Income		
	1	\$10,400		
	2	\$14,000		
	3	\$17,600		
	4	\$21,200		
	5	\$24,800		
	6	\$28,400		
	7	\$32,000		
	8	\$35,600		
Additional person	\$3,600			
<p>Note: The township board can adopt maximum income levels <u>higher</u> than the federal poverty guidelines. A township board can make it <u>easier</u> for a person to be eligible for the poverty exemption, but it <u>cannot make it harder</u> (by adopting lower income levels).</p> <p>For example, a township board could say that a one-person household could have a total annual income of \$15,000 and still be eligible for a poverty exemption. Or, for example, the board could establish its levels at 1.35 (or other number) times the federal levels.</p>				

	<p align="center">Test 1: Poverty Income Guidelines</p>	<p align="center">Test 2: Asset Test (if the applicant meets the poverty income guidelines)</p>	
<p>Examples:</p>	<p>According to the U.S. Census Bureau, “income” includes:</p> <ul style="list-style-type: none"> • Money, wages and salaries before any deductions. • Net receipts from nonfarm self-employment. (These are receipts from a person’s own business, professional enterprise, or partnership, after deductions for business expenses.) • Net receipts from farm self employment. (With the same provisions as above for self-employment.) • Regular payments from social security, railroad retirement, unemployment, workers’ compensation, veterans’ payments, and public assistance. • Alimony, child support, and military family allotments. • Private pensions, government pensions, and regular insurance or annuity payments. • College or university scholarships, grants, fellowships, and assistantships. • Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings. 	<p>The township board has the option to allow a person to own other things, in addition to the house, and still receive a poverty exemption.</p> <p>Possible examples include:</p> <ul style="list-style-type: none"> • Additional vehicles • More land than a minimum “footprint” for the home • Equipment or other personal property of value, including recreational vehicles (campers, motorhomes, boats, ATVs, etc.) • Bank account(s) up to a specified amount • Other ... 	<p>These are possible examples (not an exhaustive list). A township is not required to ask an applicant to list all of these types of assets to apply for a poverty exemption, but it may choose to do so:</p> <ul style="list-style-type: none"> • A second home • Land • Vehicles • Recreational vehicles (campers, motorhomes, boats, ATVs, etc.) • Buildings other than the residence • Equity in the residence above a specified amount • Jewelry • Antiques • Artwork • Equipment • Other personal property of value • Bank accounts over a specified amount • Stocks • Money received from the sale of property such as stocks, bonds, a house, or a car unless a person is in the business of selling such property. • Withdrawals of bank deposits and borrowed money. • Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments. • Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms. • Federal noncash benefits programs such as Medicare, Medicaid, food stamps, school lunches.

Notes: What the township board is really establishing is a definition of “poverty” in that township, based on the federal thresholds, plus a local determination of assets that a person can own and still be considered to be unable to contribute to the public charge—in that township.

One way to look at the asset test is that the township board is stating what property a person should “sell” to pay the taxes or be able to keep and still get the poverty exemption. A person is not required to actually sell assets to receive a poverty exemption—but the asset test is a list of things the board of review will consider to determine if it will be a full 100% exemption or less than 100%.

Remember, the idea is not to give everyone a break on their taxes. The state will look closely at overly generous definitions or boards of review that don’t follow the township’s guidelines and asset test.

Note that MCL 211.7u(5) does allow the board of review to deviate, for “substantial and compelling reasons,” from the township board’s guidelines and asset test: “(5) The board of review shall follow the policy and guidelines of the local assessing unit in granting or denying an exemption under this section unless the board of review determines there are substantial and compelling reasons why there should be a deviation from the policy and guidelines and the substantial and compelling reasons are communicated in writing to the claimant.”

The asset test can be a list of the types of items, or a total value of the assets that the township will look at to determine if someone really is impoverished. This can vary from township to township. As applied, it will likely also vary on a case by case basis, depending on the applicant's circumstances.

For example, if an elderly widow has an annual household income of \$9,000 (less than the federal poverty guideline for one person) and lives alone in the home that she owns, she meets the poverty guidelines for income—and would likely be considered “impoverished” just about anywhere in Michigan.

But what if she also owns the 100 acres of land that her house sits on, plus a lakefront cottage up north, a pontoon boat, a Cadillac worth \$30,000, \$100,000 in antiques and art, and a condo in Florida? One township might consider her even more eligible for the poverty

exemption because her property taxes are higher than if she didn't own some of those things, but they would not expect her to give up things that were purchased years ago because her income has now been permanently reduced. But another township might determine that a person in her circumstances should be able to pay the taxes. The townships' asset tests can be designed to represent each township's perception of “poverty,” and the boards of review have the ability to deviate from the guidelines for substantial and compelling reasons.

Now substitute in the example above a 30-year-old person who recently acquired all of the same property, is still employed as a real estate agent, reports an annual income of \$9,000 due to income tax credits from business losses, and now claims that he or she is unable to pay the taxes.

	Township A	Township B	Township C	Township D
Guidelines & Asset Test	The township board has established higher income levels for its poverty guidelines, so an individual could have an income of \$12,000 and still qualify. This township also considers how long the applicant has owned the property.	The township board has taken a very strict approach to poverty exemptions, and has adopted the federal income guidelines and an asset test that limits an applicant's eligible assets to the house and one car with a value of \$15,000 or less.	The township's asset test says that, in addition to being at or below the federal poverty guideline for income, an applicant can own up to \$100,000 in real and personal property.	The township has adopted the federal income guidelines, and an applicant can own one car, but must list any additional vehicles, any boats, any real estate not included in the homestead, etc.
Example A: Widow	The widow could be granted up to a 100% exemption.	In this township, the widow might not receive a poverty exemption, or might receive a small percentage of a total exemption, such as a 10% exemption because she owns far more than the asset test would allow. But the board of review might decide there are substantial and compelling reasons to deviate from the guidelines.	In this township the widow might not receive a poverty exemption or might receive a percentage of a total exemption, such as a 10% exemption because she owns far more than the asset test would allow. But the board of review might decide there are substantial and compelling reasons to deviate from the guidelines.	Here, the widow could be eligible for an exemption based on her income, but might receive a percentage of a full exemption.
Example B: Real Estate Agent	You decide ... !	You decide ... !	You decide ... !	You decide ... !

THE GENERAL PROPERTY TAX ACT (EXCERPT)
Act 206 of 1893

211.7u Principal residence of persons in poverty; exemption from taxation; applicability of section to property of corporation; eligibility for exemption; application; policy and guidelines to be used by local assessing unit; duties of board of review; appeal of property assessment; "principal residence" defined.

Sec. 7u. (1) The principal residence of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute toward the public charges is eligible for exemption in whole or in part from taxation under this act. This section does not apply to the property of a corporation.

(2) To be eligible for exemption under this section, a person shall do all of the following on an annual basis:

(a) Be an owner of and occupy as a principal residence the property for which an exemption is requested.

(b) File a claim with the supervisor or board of review on a form provided by the local assessing unit, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year. The filing of a claim under this subsection constitutes an appearance before the board of review for the purpose of preserving the claimant's right to appeal the decision of the board of review regarding the claim.

(c) Produce a valid driver's license or other form of identification if requested by the supervisor or board of review.

(d) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if required by the supervisor or board of review.

(e) Meet the federal poverty guidelines updated annually in the federal register by the United States department of health and human services under authority of section 673 of subtitle B of title VI of the omnibus budget reconciliation act of 1981, Public Law 97-35, 42 U.S.C. 9902, or alternative guidelines adopted by the governing body of the local assessing unit provided the alternative guidelines do not provide income eligibility requirements less than the federal guidelines.

(3) The application for an exemption under this section shall be filed after January 1 but before the day prior to the last day of the board of review.

(4) The governing body of the local assessing unit shall determine and make available to the public the policy and guidelines the local assessing unit uses for the granting of exemptions under this section. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and total household income and assets.

(5) The board of review shall follow the policy and guidelines of the local assessing unit in granting or denying an exemption under this section unless the board of review determines there are substantial and compelling reasons why there should be a deviation from the policy and guidelines and the substantial and compelling reasons are communicated in writing to the claimant.

(6) A person who files a claim under this section is not prohibited from also appealing the assessment on the property for which that claim is made before the board of review in the same year.

(7) As used in this section, "principal residence" means principal residence or qualified agricultural property as those terms are defined in section 7dd.

History: Add. 1980, Act 142, Imd. Eff. June 2, 1980 ;-- Am. 1993, Act 313, Eff. Mar. 15, 1994 ;-- Am. 1994, Act 390, Imd. Eff. Dec. 29, 1994 ;-- Am. 2002, Act 620, Imd. Eff. Dec. 23, 2002 ;-- Am. 2003, Act 140, Eff. Jan. 1, 2004

Popular Name: Act 206 © 2007 Legislative Council, State of Michigan [Current as of 10/29/08]