

PROCEEDINGS OF THE TOWNSHIP BOARD  
OF THE  
COLFAX TOWNSHIP, OCEANA COUNTY, MICHIGAN

At a regular meeting of the Township Board of the Colfax Township, Oceana County, Michigan  
Duly called and held on the 5<sup>th</sup> day of FEB 2013, there being present: Supervisor  
Clerk Joy Burnt, Treasurer , Trustees,

Absent:

The following resolution was offered:

COLFAX TOWNSHIP

RESOLUTION NO.

2052013 C

A RESOLUTION ESTABLISHING POVERTY GUIDELINES FOR EXEMPTION  
FROM PROPERTY TAX CONTRIBUTIONS

**WHEREAS**, the adoption of guidelines for poverty exemptions is within the purview of the township board; and

**WHEREAS**, the homestead of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390, 1994(MCL 211.7u); and

**WHEREAS**, pursuant to PA 390, 1994 Colfax Township, Oceana County adopts the following guidelines for the supervisor and board of review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns filed in the current or immediately preceding year;

To be eligible a person shall do all of the following on an annual basis:

- 1) Be an owner of and occupy as a homestead the property for which an exemption is requested.
- 2) File a claim with the supervisor or board of review, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in a current year.
- 3) Produce a valid driver's license or other form of identification if requested.
- 4) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested, if requested.
- 5) Meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget.
- 6) The application for an exemption shall be filed after January 1 but before the day prior to the last day of the board of review.

Poverty Exemption Resolution Cont'd:

- 7) The guidelines apply to individuals and not to corporations, partnerships, associations or trusts. In the event that a partnership, association, or co-owners apply, the guidelines apply to the total assets of all individuals involved.
- 8) The guidelines apply to both an owner of a life estate and all reminder interests together.
- 9) A number of factors will be weighed in order to determine whether an applicant qualifies for an exemption. Factors analyzed will include the following:
  - A. Income levels
  - B. Total value of liquid assets
  - C. Total non-homestead real property
  - D. Total acreage owned
  - E. Non-essential personal property
  - F. Total value of all assets
  - G. Gifts made within 10 years
  - H. Employability
  - I. Retirement account value, IRA, 401K, etc.
  - J. Other factors suggesting an individual's worth, including but not limited to life insurance, businesses, lawsuits, judgments due, etc.
- 10) Total liquid assets must not exceed the value of \$10,000. Assets beneath \$10,000 shall be considered together with other factors in order to determine eligibility. Liquid assets shall be considered cash, unrestricted deposits and accounts, securities, bonds, promissory notes, stocks, and other similar type of assets.
- 11) Total non-homestead and non-qualified agricultural real property shall not exceed the value of \$10,000.
- 12) The non-essential personal property shall not exceed \$5,000. Non-essential personal property includes but is not limited to horses, snowmobiles, boats, motorcycles, jet skis, all terrain vehicles. The purpose of this factor is to exclude from poverty consideration those individuals who have purchased recreational, hobby or sporting property which is not related to essential needs.
- 13) Total net assets must not exceed \$50,000. Total net assets below \$50,000 shall be considered together with other factors in order to determine eligibility.  
The following are the poverty thresholds as of Dec. 31, 2012 for use in setting poverty exemption guidelines for 2013 assessments:

<b>Size of Family Unit</b>	<b>Annual Household Income</b>
1	\$10,210
2	\$13,690
3	\$17,170
4	\$20,650
5	\$24,130
6	\$27,610
7	\$31,090
8	\$34,670
For each additional person, add	\$3,480

Poverty Exemption Resolution Cont'd

- 14) The guidelines include employability of the individual applicants as well as other adults living in the residence. Factors here include but are not limited to attempts to find employment; physical, mental and experiential abilities, voluntary loss of employment or employment opportunities, etc.
- 15) The guidelines shall include an analysis of all gifts given by the applicants within ten (10) years. An applicant cannot divest him or herself of assets and then claim poverty. No fixed amount is set as a factor as each applicant must be handled on a case by case basis.
- 16) It is possible for an applicant to qualify under each separate factor but not qualify when all factors are considered together. The following are examples of how a combination of factors may disqualify a person:
  - A. An applicant has a total asset value of \$40,000 but gave away \$20,000 within the last ten years.
  - B. An applicant qualifies under income or asset factors but recently spent \$10,000 for a life insurance policy with his or her children as beneficiaries.
  - C. The applicant qualifies under the asset or income levels but voluntarily quit from a well-paying job.In addition to weighing the individual factors, the Board of Review and Supervisor shall evaluate all of the factors together in order to determine if the applicant is in a poverty condition.

- 17) All applicants, if approved by the Board of Review, will pay taxes equal to 3.5% of their total household gross income. Applicants over 65, paraplegic, quadriplegic, hemiplegic, or totally and permanently disabled as defined under Social Security Guidelines 42 USC 416, will pay taxes equal to the following percentages:

Total household gross income less than \$4000	0%
Total household gross income \$4001 to \$5000	1.0%
Total household gross income \$5001 to \$6000	2.0%
Total household gross income \$6001 to \$7000	3.0%
Total household gross income greater than \$7000	3.5%

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the board of review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the board of review determines that there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and those are communicated in writing to the claimant.

The foregoing resolution offered by Board Member *Jay B.* and supported by Board Member *Barb G.* Upon Roll Call vote, the following voted:  
Aye: *CAROL, LOUISE, BARB, Jay B., Jay M.*  
Nay:  
Absent:  
The supervisor declared the resolution adopted.

  
Township Clerk