

1 HOUSE BILL NO. 831  
2 INTRODUCED BY G. NIKOLAKAKOS, B. LER, B. MITCHELL, C. SCHOMER, E. TILLEMAN, P. ELVERUM, J.  
3 SECKINGER  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ELDERLY HOMEOWNER AND RENTER INCOME  
6 TAX CREDIT; REVISING THE DEFINITION OF "HOUSEHOLD INCOME"; INCREASING THE MAXIMUM  
7 CREDIT AMOUNT; REVISING THE PHASEOUT OF THE CREDIT; PROVIDING AN INFLATIONARY  
8 ADJUSTMENT FOR THE ~~MAXIMUM CREDIT AMOUNT AND THE~~ INCOME AT WHICH THE CREDIT  
9 PHASES OUT; AMENDING SECTIONS 15-30-2337 AND 15-30-2340, MCA; REPEALING SECTIONS 4, 5, 9  
10 AND 10, CHAPTER 476, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A  
11 RETROACTIVE APPLICABILITY DATE."  
12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
14

15 **Section 1.** Section 15-30-2337, MCA, is amended to read:

16 **"15-30-2337. Residential property tax credit for elderly -- definitions.** As used in 15-30-2337  
17 through 15-30-2341, the following definitions apply:

18 (1) "Claim period" means the tax year for individuals required to file Montana individual income tax  
19 returns and the calendar year for individuals not required to file returns.

20 (2) "Claimant" means a person who is eligible to file a claim under 15-30-2338.

21 (3) "Department" means the department of revenue.

22 (4) "Gross household income" means all income received by all individuals of a household while  
23 they are members of the household.

24 (5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period  
25 by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with  
26 the landlord.

27 (6) "Homestead" means:

1 is temporarily amended to "\$6,300" on occurrence of contingency for income tax years 2022, 2023, 2024, and  
2 2025 until December 31, 2025--sec. 13, Ch. 476, L. 2021.)"

3

4 **Section 2.** Section 15-30-2340, MCA, is amended to read:

5 **"15-30-2340. Residential property tax credit for elderly -- computation of relief.** (1) The amount  
6 of the tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows:  
7 provided in this section.

8 ~~(1)(2)~~ Subject to subsection (4):

9 (a) in the case of a claimant who owns the homestead for which a claim is made, the credit is the  
10 amount of property tax billed less the deduction specified in subsection ~~(4)(3)~~ ;

11 ~~(2)(b)~~ in the case of a claimant who rents the homestead for which a claim is made, the credit is  
12 the amount of rent-equivalent tax paid less the deduction specified in subsection ~~(4)(3)~~ ; and

13 ~~(3)(c)~~ in the case of a claimant who both owns and rents the homestead for which a claim is made,  
14 the credit is:

15 ~~(a)(i)~~ the amount of property tax billed on the owned portion of the homestead less the deduction  
16 specified in subsection ~~(4)(3)~~ ; plus

17 ~~(b)(ii)~~ the amount of rent-equivalent tax paid on the rented portion of the homestead less the  
18 deduction specified in subsection ~~(4)(3)~~ .

19 ~~(4)(3)~~ Property tax billed and rent-equivalent tax paid are reduced according to the following  
20 schedule:

Household income	Amount of reduction
\$0 - \$999	\$0
\$1,000 - \$1,999	\$0
\$2,000 - \$2,999	the product of .006 times the household income
\$3,000 - \$3,999	the product of .016 times the household income
\$4,000 - \$4,999	the product of .024 times the household income
\$5,000 - \$5,999	the product of .028 times the household income

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Drafter: Jaret Coles,

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\$6,000 - \$6,999	the product of .032 times the household income
\$7,000 - \$7,999	the product of .035 times the household income
\$8,000 - \$8,999	the product of .039 times the household income
\$9,000 - \$9,999	the product of .042 times the household income
\$10,000 - \$10,999	the product of .045 times the household income
\$11,000 - \$11,999	the product of .048 times the household income
\$12,000 <del>&amp;amp;</del> and over	the product of .050 times the household income

1 ~~(5) (4)~~ For Except as provided in subsection (7), for a claimant whose household income is \$35,000 or  
 2 more but less than ~~\$45,000~~ \$50,000, the amount of the credit is equal to the credit calculated under this section  
 3 multiplied by the decimal equivalent of a percentage figure according to the following table:

Gross household income	Percentage of credit allowed
\$35,000 - \$37,500	<del>40%</del> <u>60%</u>
<del>\$37,501</del> <u>More than \$37,500 to \$40,000</u>	<del>30%</del> <u>50%</u>
<del>\$40,001</del> <u>More than \$40,000 to \$42,500</u>	<del>20%</del> <u>40%</u>
<del>\$42,501</del> <del>\$44,999</del> <u>More than \$42,500 to \$45,000</u>	<del>40%</del> <u>30%</u>
<del>\$45,000 or more</del> <u>More than \$45,000 to \$47,500</u>	<del>0%</del> <u>20%</u>
<u>More than \$47,500 to \$49,999</u>	<u>10%</u>
<u>\$50,000 or more</u>	<u>0%</u>

4 ~~(6)(5)~~ The credit granted may not exceed ~~[\$1,150]~~ \$1,400.

5 ~~(7)(6)~~ Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana  
 6 individual income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability  
 7 under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even  
 8 though the claimant has no income taxable under this chapter.

9 (7) By November 1 of each year, the department shall multiply the gross household income  
 10 amounts contained in subsection (4) ~~and the maximum credit amount contained in subsection (5)~~ by the  
 11 inflation factor for the following tax year and round the cumulative gross household income amounts to the  
 12 nearest \$100 ~~and the maximum credit amount to the nearest \$10~~. The resulting gross household income

1 amounts ~~and maximum credit amount~~ are effective for the following year. (Bracketed language in subsection (6)

2 is temporarily amended to "\$1,000" on occurrence of contingency for income tax years 2022, 2023, 2024, and

3 2025 until December 31, 2025—sec. 13, Ch. 476, L. 2021.)"

4

5 NEW SECTION. Section 3. Repealer. Sections 4, 5, 9 and 10, Chapter 476, Laws of 2021, are

6 repealed.

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8 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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10 NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the

11 meaning of 1-2-109, to income tax years beginning after December 31, 2024.

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