

# Township of Boardman

Petition No. \_\_\_\_\_

Parcel ID No. \_\_\_\_\_

## 2023

### Application for Tax Exemption (Poverty – MCL 211.7u)

THIS APPLICATION MUST BE COMPLETED CAREFULLY AND COMPLETELY.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

All Petitions are subject to the Open Meetings Act, PA 267 of 1976

**Documentation must accompany this application. Applications submitted without all supporting documentation will not be accepted.**

*PLEASE READ THE FOLLOWING APPLICATION CAREFULLY*

Public Act 253 of 2020, being Michigan Compiled Law MCL 211.7u, of the General Property Tax Act, Public Act 206 of 1893

The following Poverty Exemption Guidelines and Application were approved for use as the local standard by the Township Board.

2023 Poverty Exemption appeals will be heard by the Board of Review on:

03/07/2023 – From 8:00am – Township Hall – Board of Review Meeting

03/13/2023 – From 3:00pm – 9:00pm – Township Hall – Board of Review Meeting

03/14/2023 – From 9:00am – 3:00pm – Township Hall – Board of Review Meeting

**General Property Tax Act (Excerpt) Public Act 253 of 2020**

- Sec. 7u. (1) The principal residence of a person who, in the judgment of the supervisor and board of review, by reason of poverty, is unable to contribute toward the public charges is eligible for exemption in whole or in part from the collection of taxes 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, subject to subsections (6) and (8), do all of the following on an annual basis:
- (a) Own and occupy as a principal residence the property for which an exemption is requested. The person shall affirm this ownership and occupancy status in writing by filing a form prescribed by the state tax commission with the local assessing unit.
  - (b) File a claim with the board of review on a form prescribed by the state tax commission and 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. Federal and state income tax returns are not required for a person residing in the principal residence if that person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year. If a person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year, an affidavit in a form prescribed by the state tax commission may be accepted in place of the federal or state income tax return. 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 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 published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services under its authority to revise the poverty line under 42 USC 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 must 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 used for the granting of exemptions under this section. If the local assessing unit maintains a website, the local assessing unit shall make the policy and guidelines, and the form described in subsection (2)(b), available to the public on the website. The guidelines must include, but are not 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. If a person claiming an exemption under this section is qualified under the eligibility requirements in subsection (2), the board of review shall grant the exemption in whole or in part, as follows:
- (a) A full exemption equal to a 100% reduction in taxable value for the tax year in which the exemption is granted.
  - (b) A partial exemption equal to 1 of the following:
    - (i) A 50% or 25% reduction in taxable value for the tax year in which the exemption is granted.

(ii) As approved by the state tax commission, any other percentage reduction in taxable value for the tax year in which the exemption is granted, applied in a form and manner prescribed by the state tax commission.

(6) Notwithstanding any provision of this section to the contrary, a local assessing unit may permit by resolution a principal residence exempt from the collection of taxes under this section in tax year 2019 or 2020, or both, to remain exempt under this section in tax years 2021, 2022, and 2023 without subsequent reapplication for the exemption, provided there has not been a change in ownership or occupancy status of the person eligible for exemption under subsection (2), and may permit a principal residence exempt for the first time from the collection of taxes under this section in tax year 2021, 2022, or 2023 to remain exempt under this section for up to 3 additional years after its initial year of exempt status without subsequent reapplication for the exemption, provided there has not been a change in ownership or occupancy status of the person eligible for exemption under subsection (2), if the person who establishes initial eligibility under subsection (2) receives a fixed income solely from public assistance that is not subject to significant annual increases beyond the rate of inflation, such as federal Supplemental Security Income or Social Security disability or retirement benefits. Both of the following apply to a person who obtains an extended exemption under this subsection:

(a) The person shall file with the local assessing unit, in a form and manner prescribed by the state tax commission, an affidavit rescinding the exemption as extended under this subsection within 45 days after either of the following, if applicable:

(i) The person ceases to own or occupy the principal residence for which the exemption was extended.

(ii) The person experiences a change in household assets or income that defeats eligibility for the exemption under subsection (2).

(b) If the person fails to file a rescission as required under subdivision (a) and the property is later determined to be ineligible for the exemption under this section, the person is subject to repayment of any additional taxes with interest as described in this subdivision. Upon discovery that the property is no longer eligible for the exemption under this section, the assessor shall remove the exemption of that property and, if the tax roll is in the local tax collecting unit's possession, amend the tax roll to reflect the removal of the exemption, and the local treasurer shall, within 30 days of the date of the discovery, issue a corrected tax bill for any additional taxes with interest at the rate of 1% per month or fraction of a month computed from the date the taxes were last payable without interest. If the tax roll is in the county treasurer's possession, the tax roll must be amended to reflect the removal of the exemption and the county treasurer shall, within 30 days of the date of the removal, prepare and submit a supplemental tax bill for any additional taxes, together with interest at the rate of 1% per month or fraction of a month computed from the date the taxes were last payable without interest. Interest on any tax set forth in a corrected or supplemental tax bill again begins to accrue 60 days after the date the corrected or supplemental tax bill is issued at the rate of 1% per month or fraction of a month. Taxes levied in a corrected or supplemental tax bill must be returned as delinquent on the March 1 in the year immediately succeeding the year in which the corrected or supplemental tax bill is issued.

(7) 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.

(8) Notwithstanding any provision of this section to the contrary, if the assessor determines that a principal residence of a person by reason of poverty is still eligible for this exemption and the property was exempt from the collection of taxes under this section in tax year 2019 or 2020, or both, the property shall remain exempt from the collection of taxes under this section through tax year 2021 if, on or before February 15, 2021, the governing body of the local assessing unit in which the principal residence is located adopts a resolution that continues the exemption through tax year 2021 for all principal residences within the local assessing unit that were exempt from the collection of taxes under this section in tax year 2019 or 2020, or both. The local assessing unit may require the owner of a principal residence exempt from the collection of

taxes under this subsection to affirm ownership, poverty, and occupancy status in writing by filing with the local assessing unit the form prescribed by the state tax commission under subsection (2)(a).

(9) A local assessing unit that adopts a resolution under subsection (6) or (8) must develop and implement an audit program that includes, but is not limited to, the audit of all information filed under subsection (2). If property is determined to be ineligible for exemption as a result of an audit, the person who filed for the exemption under subsection (2) is subject to repayment of additional taxes including interest to be paid as provided in subsection (6)(b). The state tax commission shall issue a bulletin providing further guidance to local assessing units on the development and implementation of an audit program under this subsection.

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

Policy 1-18-23-01  
 Adopted 1-18-23  
**POVERTY EXEMPTION GUIDELINES**  
 and  
**POLICY FOR APPLICANTS REQUESTING  
 CONSIDERATION FOR POVERTY EXEMPTION**

**To be considered complete, this application must:** 1) be completed in its entirety, 2) include information regarding all members residing within the household, and 3) include all required documentation as listed within the application. Please write legibly and attach additional pages as necessary.

1. An applicant shall obtain the Michigan Department of Treasury form 5737 and a copy of the Township Board adopted Poverty Exemption Policy, which outlines the Board of Review approved asset test, from a Township Officer on or after January 1 each year but before the day prior to the last day of Board of Review. If the local assessing unit maintains a website, the local assessing unit shall make the policy and guidelines, and Michigan Department of Treasury form 5737, available to the public on the website, as described in PA 253 of 2020. [https://www.michigan.gov/documents/treasury/5737\\_01-21\\_713515\\_7.pdf](https://www.michigan.gov/documents/treasury/5737_01-21_713515_7.pdf)
2. An applicant shall meet all of the following qualifications:
  1. Own and occupy, as their principal residence, the property for which an exemption is requested. The person shall affirm this ownership and occupancy status in writing by filing form 5737, as prescribed by the state tax commission, with the Board of Review where the property is located.
  2. Produce a driver license or other form of identification for all individuals residing in the home.
  3. Produce a deed, land contract, or other evidence of ownership of the property, as requested.
  4. Submit current year/immediately preceding year copies of the following, as requested:
    1. Federal and State Income Tax Return – all forms
    2. Michigan Homestead Property Tax Credit Claim MI-1040CR
    3. Michigan Homestead Property Tax Credit Claim for Veterans and Blind People MI-1040CR-2
    4. Statement from the Social Security Administration  
<https://www.ssa.gov/myaccount/statement.html>
    5. Statement from the Michigan Department of Health & Human Services
  - e. Meet the prior year published United States Department of Health & Human Services Federal Poverty Guidelines, as they have been adopted by the local governing body:

| Size of Family Unit | Poverty Guidelines |
|---------------------|--------------------|
| 1                   | \$13,590           |
| 2                   | \$18,310           |
| 3                   | \$23,030           |
| 4                   | \$27,750           |
| 5                   | \$32,470           |
| 6                   | \$37,190           |

|                            |          |
|----------------------------|----------|
| 7                          | \$41,910 |
| 8                          | \$46,630 |
| For each additional person | \$4,720  |

3. Exemptions may be granted in whole or in part, as follows:
  - a. 100% reduction of Taxable Value
  - b. 50% reduction in Taxable Value
  - c. 25% reduction in Taxable Value
4. Income includes, but is not limited to the following according to the US Census Bureau Money, wages, salaries before deductions, regular contributions from persons not living in the residence
  - a) Net receipts from non-farm or farm self-employment (receipts from a person's own business, professional enterprise, or partnership, after business expense deductions)
  - b) Regular payments from social security, railroad retirement, unemployment, worker's compensation, veteran's payments, public assistance, supplemental security income (SSI)
  - c) Alimony, child support, military family allotments
  - d) Private and governmental retirement and disability pensions, regular insurance, annuity payments 5102
  - e) College or university scholarships, grants, fellowships, assistantships
  - f) Dividends, interest, and net income from rentals, royalties, estates, trusts, gambling or lottery winnings
2. An Asset Level Test, as determined by the government body / Board of Review, is established under PA 390 of 1994 as described in State Tax Commission Bulletin 6 of 2017, to determine if asset limits have been met. This asset level test is adopted annually by the Township Board policy and the Board of Review:
  - a) Cash assets of the total household, may not exceed an amount equal to two month's gross household income. This includes all forms of money generated, including income as described by the US Census Bureau, that is being held as: cash, money in checking/savings accounts, stocks/bonds, one-time insurance payments/cash-out option insurance policies, coin/antique/artwork collections, boats, ORV's, motorcycles, recreational vehicles, jewelry, retirement accounts, gifts, loans, lump-sum inheritances, money markets and other financial institution accounts, an/or instruments or securities which can be readily converted to cash.
  - b) Fixed Assets to the total household may not exceed \$5,000. Non-cash assets are defined as those, which are not considered to be cash assets, as defined above.
  - c) Other Property, including real estate, of any value, that could be converted to cash and used to pay property taxes. Other real estate is defined as: real estate other than the primary dwelling and minimum footprint of land.
  - d) The following assets are excluded from this limit:
    - I. Applicant's principal residence and adequate transportation
    - II. Applicant's household personal property
    - III. Assets not accessible by the applicant, co-owner, or any member of the applicant's household.
3. If your income exceeds the amounts shown **or** your assets exceed the amounts shown, you are NOT eligible for a Poverty Exemption.
4. An applicant who is otherwise qualified shall not be granted an exemption if the applicant owns any other parcel of real property, whether improved or not, in addition to their principal residence dwelling and minimal land footprint.

5. The Board of Review will consider all revenue and non-revenue producing assets of the owner, co-owner and all members of the household. Any attempt to hide and/or shift assets to another person, business or corporation shall be grounds for denial.
6. All applications will be reviewed based on all information gathered. Including data and statements given to the Board of Review by the applicant. The Board of Review may use information gathered from any source.
7. Applicants are subject to investigation of any/all financial and property records, in an effort to verify information provided in regard to this property tax exemption claim.
8. No exemption shall be granted if the current year adopted application is not completely filled out. If a question or statement does not apply, "N/A or not applicable" shall be written in the appropriate space.
  - . The applicant must mark the box, on page 4, indicating that this policy & guidelines, have been reviewed, including the income and asset levels.
    - a) Applications shall be signed and dated to certify the information is complete, accurate, and the applicant is entitled to the exemption.
    - b) Documentation is required and must be attached to the application for it to be accepted as complete. This includes the prior 3 consecutive months' statements for each account listed in Part 6.**
    - c) Documentation from every item listed in PART 1 through Part 11 must be attached to the application.
9. PA 135 of 2021 allows for Treasury Form 4988 to be filed for all persons residing in the residence who are not required to file federal or state income tax returns in the current or immediately preceding year. [https://www.michigan.gov/documents/treasury/4988\\_388856\\_7.pdf](https://www.michigan.gov/documents/treasury/4988_388856_7.pdf)
10. Applications may be reviewed by the Board of Review, during their scheduled meeting, without the applicant being present. However, the Board of Review may request the applicant be available to respond to questions. Teleconferencing for the purpose, will be permitted. This policy is considered prior notification that the applicant shall make themselves available for questions.
11. The applicant may be questioned about items they deem as personal, including financial/health matters, and/or information about other people residing in the applicant's home, during the Open Meeting of the Board of Review. All meetings of the Board of Review are subject to the Open Meetings Act, PA 267 of 1976.