

SECOND REGULAR SESSION

HOUSE BILL NO. 1939

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PLANK.

4637H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 135.010 and 135.030, RSMo, and to enact in lieu thereof two new sections relating to a tax for the property tax liabilities of certain vulnerable persons.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 135.010 and 135.030, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 135.010 and 135.030, to read as follows:

135.010. As used in sections 135.010 to 135.030 the following words and terms
2 mean:

3 (1) "Claimant", a person or persons claiming a credit under sections 135.010 to
4 135.030. If the persons are eligible to file a joint federal income tax return and reside at the
5 same address at any time during the taxable year, then the credit may only be allowed if
6 claimed on a combined Missouri income tax return or a combined claim return reporting their
7 combined incomes and property taxes. A claimant shall not be allowed a property tax credit
8 unless the claimant or spouse has attained the age of sixty-five on or before the last day of the
9 calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the
10 claimant or spouse is a veteran of any branch of the Armed Forces of the United States or this
11 state who became one hundred percent disabled as a result of such service, or the claimant or
12 spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse
13 provides proof of such disability in such form and manner, and at such times, as the director
14 of revenue may require, or if the claimant has reached the age of sixty on or before the last
15 day of the calendar year and such claimant received surviving spouse Social Security benefits
16 during the calendar year and the claimant provides proof, as required by the director of
17 revenue, that the claimant received surviving spouse Social Security benefits during the

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 calendar year for which the credit will be claimed. [~~A claimant shall not be allowed a~~
19 ~~property tax credit if the claimant filed a valid claim for a credit under section 137.106 in the~~
20 ~~year following the year for which the property tax credit is claimed.~~] The residency
21 requirement shall be deemed to have been fulfilled for the purpose of determining the
22 eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five
23 years or older who would have otherwise met the requirements for a property tax credit dies
24 before the last day of the calendar year. The residency requirement shall also be deemed to
25 have been fulfilled for the purpose of determining the eligibility of a claimant who would
26 have otherwise met the requirements for a property tax credit but who dies before the last day
27 of the calendar year;

28 (2) "Disabled", the inability to engage in any substantial gainful activity by reason of
29 any medically determinable physical or mental impairment which can be expected to result in
30 death or which has lasted or can be expected to last for a continuous period of not less than
31 twelve months. A claimant shall not be required to be gainfully employed prior to such
32 disability to qualify for a property tax credit;

33 (3) "Gross rent", amount paid by a claimant to a landlord for the rental, at arm's
34 length, of a homestead during the calendar year, exclusive of charges for health and personal
35 care services and food furnished as part of the rental agreement, whether or not expressly set
36 out in the rental agreement. If the director of revenue determines that the landlord and tenant
37 have not dealt at arm's length, and that the gross rent is excessive, then he shall determine the
38 gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid
39 only if actually paid prior to the date a return is filed. The director of revenue may prescribe
40 regulations requiring a return of information by a landlord receiving rent, certifying for a
41 calendar year the amount of gross rent received from a tenant claiming a property tax credit
42 and shall, by regulation, provide a method for certification by the claimant of the amount of
43 gross rent paid for any calendar year for which a claim is made. The regulations authorized
44 by this subdivision may require a landlord or a tenant or both to provide data relating to health
45 and personal care services and to food. Neither a landlord nor a tenant may be required to
46 provide data relating to utilities, furniture, home furnishings or appliances;

47 (4) "Homestead", the dwelling in Missouri owned or rented by the claimant and not to
48 exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a
49 home. It may consist of part of a multidwelling or multipurpose building and part of the land
50 upon which it is built. "Owned" includes a vendee in possession under a land contract and
51 one or more tenants by the entireties, joint tenants, or tenants in common and includes a
52 claimant actually in possession if he was the immediate former owner of record, if a lineal
53 descendant is presently the owner of record, and if the claimant actually pays all taxes upon
54 the property. It may include a mobile home;

55 (5) "Income", Missouri adjusted gross income as defined in section 143.121 less two
56 thousand dollars **for all calendar years ending on or before December 31, 2024**, or in the
57 case of a homestead owned and occupied, for the entire year, by the claimant, less four
58 thousand dollars as an exemption for the claimant's spouse residing at the same address[;] **for**
59 **all calendar years ending on or before December 31, 2024, and for all calendar years**
60 **beginning on or after January 1, 2025, less five thousand dollars, or in the case of a**
61 **homestead owned and occupied, for the entire year, by the claimant, less fifteen**
62 **thousand dollars as an exemption for the claimant's spouse residing at the same**
63 **address**; and increased, where necessary, to reflect the following:

64 (a) Social Security, railroad retirement, and veterans payments and benefits unless the
65 claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one
66 hundred percent service-connected, disabled veteran. The one hundred percent service-
67 connected disabled veteran shall not be required to list veterans payments and benefits;

68 (b) The total amount of all other public and private pensions and annuities;

69 (c) Public relief, public assistance, and unemployment benefits received in cash, other
70 than benefits received under this chapter;

71 (d) No deduction being allowed for losses not incurred in a trade or business;

72 (e) Interest on the obligations of the United States, any state, or any of their
73 subdivisions and instrumentalities;

74 (6) "Property taxes accrued", property taxes paid, exclusive of special assessments,
75 penalties, interest, and charges for service levied on a claimant's homestead in any calendar
76 year. Property taxes shall qualify for the credit only if actually paid prior to the date a return
77 is filed. The director of revenue shall require a tax receipt or other proof of property tax
78 payment. If a homestead is owned only partially by claimant, then "property taxes accrued" is
79 that part of property taxes levied on the homestead which was actually paid by the claimant.
80 For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to
81 the director of revenue for collection. If a claimant owns a homestead part of the preceding
82 calendar year and rents it or a different homestead for part of the same year, "property taxes
83 accrued" means only taxes levied on the homestead both owned and occupied by the
84 claimant, multiplied by the percentage of twelve months that such property was owned and
85 occupied as the homestead of the claimant during the year. When a claimant owns and
86 occupies two or more different homesteads in the same calendar year, property taxes accrued
87 shall be the sum of taxes allocable to those several properties occupied by the claimant as a
88 homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or
89 multipurpose or multidwelling building, property taxes accrued shall be that percentage of the
90 total property taxes accrued as the value of the homestead is of the total value. For purposes

91 of this subdivision "unit" refers to the parcel of property covered by a single tax statement of
 92 which the homestead is a part;

93 (7) "Rent constituting property taxes accrued", twenty percent of the gross rent paid
 94 by a claimant and spouse in the calendar year.

135.030. 1. As used in this section:

2 (1) The term "maximum upper limit" shall, for each calendar year after December 31,
 3 1997, but before calendar year 2008, be the sum of twenty-five thousand dollars. For all
 4 calendar years beginning on or after January 1, 2008, **but before calendar year 2025**, the
 5 maximum upper limit shall be the sum of twenty-seven thousand five hundred dollars. In the
 6 case of a homestead owned and occupied for the entire year by the claimant, **for all calendar**
 7 **years ending on or before December 31, 2024**, the maximum upper limit shall be the sum of
 8 thirty thousand dollars. **For all calendar years beginning on or after January 1, 2025, the**
 9 **maximum upper limit shall be the sum of forty-five thousand five hundred dollars, and,**
 10 **in the case of a homestead owned and occupied for the entire year by the claim, the**
 11 **maximum upper limit shall be the sum of fifty thousand dollars;**

12 (2) The term "minimum base" shall, for each calendar year after December 31, 1997,
 13 but before calendar year 2008, be the sum of thirteen thousand dollars. For all calendar years
 14 beginning on or after January 1, 2008, the minimum base shall be the sum of fourteen
 15 thousand three hundred dollars.

16 2. If the income on a return is equal to or less than the maximum upper limit for the
 17 calendar year for which the return is filed, the property tax credit shall be determined from a
 18 table of credits based upon the amount by which the total property tax described in section
 19 135.025 exceeds the percent of income in the following list:

If the income on the return is:	The percent is:
Not over the minimum base	0 percent with credit not to exceed \$1,100 in actual property tax or rent equivalent paid up to \$750
Over the minimum base but not over the maximum upper limit	1/16 percent accumulative per \$300 from 0 percent to 4 percent.

26
 27 The director of revenue shall prescribe a table based upon the preceding sentences. The
 28 property tax shall be in increments of twenty-five dollars and the income in increments of
 29 three hundred dollars. The credit shall be the amount rounded to the nearest whole dollar
 30 computed on the basis of the property tax and income at the midpoints of each increment. As
 31 used in this subsection, the term "accumulative" means an increase by continuous or repeated
 32 application of the percent to the income increment at each three hundred dollar level.

33 3. Notwithstanding subsection 4 of section 32.057, the department of revenue or any
34 duly authorized employee or agent shall determine whether any taxpayer filing a report or
35 return with the department of revenue who has not applied for the credit allowed pursuant to
36 section 135.020 may qualify for the credit, and shall notify any qualified claimant of the
37 claimant's potential eligibility, where the department determines such potential eligibility
38 exists.

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