

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; and

WHEREAS, the homestead of persons who, in the judgment of the 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 253 of 2020 (MCL 211.7u) and

WHEREAS, pursuant to PA 253, 2020, Township of Hanover, Wexford County adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and assets levels of the claimant and all persons residing in the household in the current or immediately preceding year;

PROCESS:

To file a poverty exemption from property tax contribution in Hanover Township, the following processes shall be used:

- File a claim with the Board of Review using Form 5753 Application for MCL 211.7u. Form needs to be, accompanied by federal and state tax returns **for all persons residing in the homestead** or file form 4988 Poverty Exemption Affidavit if you are not required to file a Federal Income Tax Return.
- Produce a valid driver's license or other form of identification if requested.
- Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- The application for and exemption shall be filed after January 1, but before the day prior to the last day of Board of Review.
- Any tax exemption given to an individual under these guidelines shall be for the one (1) year tax and a new application will be required for the next year.
- **The Township of Review CANNOT Deviate from the Guidelines listed herein.**
- Must meet the federal poverty standards published annually by the State Tax Commission.
- Must meet the asset level test adopted by the local assessing unit.
- A person claiming the poverty exemption meets all the requirements of the Guidelines set by the Township of Hanover's Board of Review they shall grant an exemption of 100%.

ELIGIBILITY:

Eligibility for exemption from property tax contributions is set as follows:

- Be an owner of and occupy as a homestead the property for which an exemption is requested.
- Meet the federal poverty income standards as published annually by the State Tax Commission.
- 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. In the event that a trustee, guardian, personal representative or

other administrator applies, the guidelines apply to the total assets of the beneficiaries, in or out of the trust or estate, no matter how held. The purpose of this rule is to have the guidelines apply to the assets of all individuals involved.

- The guidelines apply to an owner of a life estate. If the property is held in a Joint Tenancy with full rights of survivorship the income of all the people listed in the Joint Tenancy shall be used. The owner of the life estate must reside upon and use the property as his or her principal residence in accordance with MCL211.7u and 211.7dd.
- Anyone living in the household must include their income.

ASSET DETERMINATION:

A number of factors will be weighed in order to determine whether an applicant qualifies for an exemption.

1. 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: could include the minimum zoning footprint for the home
 - e. Non-essential personal property
 - f. Total value of all assets
 - g. Gifts made within three (3) years
 - h. Retirement account, value I.R.A., 401K, etc. Other factors suggesting an individual's worth, including, but not limited to life insurance, business, lawsuits, judgments due, etc.

"Total household Income" is defined as money, wages, and salaries before deductions; net receipts from non-farm self-employment, business, professional, enterprise, or partnership after, deductions for business expenses; regular payments from social security, retirement, unemployment or worker's compensation, veteran's payments, public assistance; alimony, child support, military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government pensions, annuity or insurance payments; scholarships, grants, fellowships, assistantships, dividends, interest, rental income, royalties, periodic receipts from estates or trusts, and gambling or lottery winnings. Michigan Homestead Tax Credit cannot be included as income per Ferron v Walton Twp., Court of appeals No. 302221.

Total Liquid and non-homestead assets along with non-essential personal property shall not exceed 150% of the income listed.

- Liquid assets to be considered include cash, unrestricted deposits and accounts, securities, bonds, promissory notes, stocks, and other similar type of assets.
- A second home, land, vehicles.
- Recreational vehicles such as campers, motorhomes, boats and ATV's.
- Buildings other than residence.
- Jewelry, antiques, artwork.
- Equipment, other personal property of value.
- Bank Accounts over \$10.00, stocks.
- Money received from the sale of property, such as stocks, bonds, a house or car (unless a person is in the specific business of selling such property).
- Withdrawals of bank deposits and borrowed money.

- Gift's, loans, lump-sum inheritances and 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 non-cash benefit programs such as Medicare, Medicaid, food stamps and school lunches.

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.

The foregoing resolution offered by Township Member _____ and support by Township Member _____.

Upon Roll Call Vote motion carried unanimously.

Aye:

Nay:

Absent:

The Supervisor declared the resolution adopted.

_____,
_____, Supervisor

CERTIFICATION

I, the undersigned and duly qualified and acting clerk of the Township of Hanover, Wexford County, Michigan, (the "Township") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township at a regular meeting held on _____ the original of which is on file in my office and that public notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

State Tax Commission (Federal) Poverty Guidelines

Size of Family Unit	Poverty Guidelines
1	\$15.060
2	\$20.440
3	\$25.820
4	\$31.200
5	\$36.580
6	\$41.960
7	\$47.340
8	\$52.720
For each additional person	\$5.380

Poverty Exemption Affidavit

This form is issued under authority of Public Act 206 of 1893; MCL 211.7u.

INSTRUCTIONS: When completed, this document must accompany a taxpayer's Application for Poverty Exemption filed with the supervisor or the board of review of the local unit where the property is located. MCL 211.7u provides for a whole or partial property tax exemption on the principal residence of an owner of the property by reason of poverty and the inability to contribute toward the public charges. MCL 211.7u(2)(b) requires proof of eligibility for the exemption be provided to the board of review by supplying copies of federal and state income tax returns for all persons residing in the principal residence, including property tax credit returns, or by filing an affidavit for all persons residing in the residence who were not required to file federal or state income tax returns for the current or preceding tax year.

I, _____, swear and affirm by my signature below that I reside in the principal residence that is the subject of this Application for Poverty Exemption and that for the current tax year and the preceding tax year, I was not required to file a federal or state income tax return.

Address of Principal Residence: _____

Signature of Person Making Affidavit

Date