

HOUSE BILL NO. 874

INTRODUCED BY J. SCHILLINGER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PROPERTY TAX REBATES FOR RESIDENTIAL PROPERTY OWNED BY AN ENTITY; PROVIDING THAT THE REBATE IS FOR TAX YEAR 2022 AND TAX YEAR 2023 PROPERTY TAXES PAID; PROVIDING ELIGIBILITY REQUIREMENTS; EXTENDING A STATUTORY APPROPRIATION; AMENDING SECTION 15-1-2302, MCA; AMENDING SECTION 10, CHAPTER 47, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 15-1-2302, MCA, is amended to read:

"15-1-2302. (Temporary) Property tax rebate -- manner of claiming -- limitations --

appropriation. (1) Subject to the conditions provided for in this part, there is a rebate of Montana property taxes in the amount of:

(a) \$500 or the amount of total property taxes paid, whichever is less, for tax year 2022; and

(b) \$500 or the amount of total property taxes paid, whichever is less, for tax year 2023.

(2) The rebate provided for in subsection (1) is for Montana property taxes assessed to and paid by a taxpayer or taxpayers on property they owned and occupied as a principal residence during the relevant tax year.

(3) (a) The department shall mail a notice to potential claimants by June 30, 2023, for tax year 2022 and by June 30, 2024, for tax year 2023. Receipt of a notice does not establish that a taxpayer or property owner is eligible for a rebate, and a taxpayer who does not receive a notice may still be eligible to claim a rebate. All taxpayers, regardless of the receipt of notice, shall claim a rebate as provided in subsection (5).

(b) The department shall mail a notice to potential claimants under subsection (5)(e) by June 30, 2025. Receipt of a notice does not establish that a taxpayer or property owner is eligible for a rebate, and a taxpayer who does not receive a notice may still be eligible to claim a rebate. All taxpayers, regardless of the receipt of notice, shall claim a rebate as provided in subsection (5).

(4) Except as provided in subsections (5)(c) and ~~(5)(d) through (5)(e)~~, a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and as much of the surrounding land, not exceeding 1 acre, that is owned by an entity is not eligible to claim the rebate.

(5) (a) All claims for this property tax rebate must be submitted to the department electronically or by mail for each tax year the rebate is claimed.

(i) ~~Electronic~~ Except as provided in subsection (6), electronic claims must be submitted between August 15 and October 1 each year through the department's website.

(ii) ~~Claims~~ Except as provided in subsection (6), claims submitted by mail must be made on a form prescribed by the department and postmarked by October 1 each year.

(b) Subject to subsections (5)(c) and (5)(d), a claim for rebate must be submitted, under penalty of false swearing and the penalties provided in 15-1-2303, on a form prescribed by the department and must contain:

(i) an affirmation that the claimant owns and maintains the land and improvements as the principal residence as defined in 15-1-2301;

(ii) the geocode or other property identifier for the principal residence that the claimant is requesting the rebate on;

(iii) the social security number of the claimant, the claimant's spouse, and any dependents; and

(iv) any other information as required by the department that is relevant to the claimant's eligibility.

(c) The personal representative of the estate of a deceased taxpayer may execute and file the claim for rebate on behalf of a deceased taxpayer who qualifies for the rebate.

(d) The trustee of a grantor revocable trust may file a claim on behalf of the trust if the dwelling meets the definition of a principal residence for the grantor.

(e) A single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and as much of the surrounding land, not exceeding 1 acre, that is owned by an entity and for which a rebate was not issued pursuant to 15-1-2304 and this section before [the effective date of this act] is eligible for a rebate as provided in subsection (6).

(6) A claim for a rebate provided for in subsection (5)(e) must be submitted electronically or on a paper form by October 1, 2025. The department shall issue a rebate as provided in 15-1-2304 and subsection

1 (1) of this section for each tax year for which the property qualifies under subsection (5)(e).

2 ~~(6)(7)~~ Only one rebate for each tax year will be issued to a taxpayer for the Montana property taxes
3 paid by the taxpayer for tax year 2022 and tax year 2023. A taxpayer who received a rebate under this section
4 before [the effective date of this act] may not receive a rebate under subsection (5)(e).

5 ~~(7)(8)~~ If a debt is due and owing to the state, the department may offset the rebate in this section as
6 provided in 15-30-2629, 15-30-2630, 17-4-105, or as otherwise provided by law.

7 ~~(8)(9)~~ The payment of property tax rebates and administration costs related to paying property tax
8 refunds under this section are statutorily appropriated, as provided in 17-7-502, from the general fund to the
9 department of revenue for distribution to taxpayers and for related administration costs. (Terminates June 30,
10 ~~2025~~ 2026—sec. 10, Ch. 47, L. 2023.)"

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12 **Section 2.** Section 10, Chapter 47, Laws of 2023, is amended to read:

13 "**Section 10. Termination.** [This act] terminates June 30, ~~2025~~ 2026."

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15 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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