

A black and white photograph of the Michigan State Capitol building, featuring a prominent dome and a spire. The building is partially obscured by the silhouettes of trees in the foreground. An American flag is visible on a tall pole to the right of the building. The overall scene is set against a clear sky.

2012

Taxpayer Assistance Manual

MICHIGAN DEPARTMENT OF TREASURY



TABLE OF CONTENTS

	<u>Page</u>
LETTER TO TAXPAYER ASSISTANCE VOLUNTEERS.....	6
 CHAPTER 1 INTRODUCTION	
Introduction	7
General Guidelines	8
Copy of Return.....	8
Signatures	8
Release to Discuss Information.....	8
Arranging and Mailing Returns and Attachments.....	8
Postage	9
Deceased Taxpayer	9
Completing a Paper-Filed Return.....	9
Information for 2012	10
New Legislation10	
Pension and Retirement Benefits: Roth IRAs	10
Legislative Changes to the Michigan Income Tax Act for Tax Year 2012.....	10
Summary of Changes for 2012.....	11
Summary of Changes for Prior Years	11
Federal/State and State Standalone Electronic Filing Program.....	12
How Fed/State (Linked) Electronic Filing Works	13
How State Standalone (Unlinked) Electronic Filing Works	13
Who May Participate	14
Application Process.....	14
Acceptance Process	14
Michigan Portion of the Electronic Return.....	15
Electronic Michigan Returns.....	15
Michigan E-file Signature Process.....	17
Volunteer Groups.....	17
Refund Returns.....	18
Balance Due Returns	18
For More Information.....	18
Post-Filing Information	18
Mailing Addresses.....	18
Amended Returns (MI-1040X-12 and MI-1040X)	19
Customer Self-Service	20
Changes on the Return	21
Contact Information	21
Tax Preparer Resources.....	22

CHAPTER 2 MICHIGAN INCOME TAX FORM MI-1040

Introduction	23
Filing Requirements	23
MI-1040.....	24
Due Date of Return	24
Extension.....	24
Identification Section	25
Social Security Number(s)	25
School District Code	25
State Campaign Fund	25
Farmers, Fishermen, Seafarers or Retiree	25
Filing Status	26
Residency Status	26
Exemptions.....	27
Adjusted Gross Income	28
Additions to Adjusted Gross Income	28
Subtractions from Adjusted Gross Income	29
Pensions and Retirement Benefits.....	30
Employer Plans	31
Individual Plans	31
Pension Limitations Based on Date of Birth	33
Income Tax Changes For Retirement Benefits for 2012	34
Unlimited Public Pension Subtraction	35
Michigan and Federal Public Pensions	35
Public Pensions: Railroad Retirement and Pension Benefits.....	35
Public Pensions From Other States	35
Combined Public and Private Pensions	36
Private Pensions	36
Pension Subtraction Examples	37
Rollovers of Roth IRAs	38
2012 Pension and Retirement Subtraction Table for Tier 1 Retirees	39
Form 1099-R Distribution Codes	40
Deferred Compensation	41
Interest, Dividends, and Capital Gains Deduction for Senior Citizens	
Born Before 1946.....	41
Tax	42
Tax Credits (Nonrefundable)	42
2012 Changes	42
What Is a Nonrefundable Tax Credit.....	42
Out-of-State Tax Credit	42
Michigan Historic Preservation Credit	43
Voluntary Contributions	43
Use Tax	44
Tax Credits (Refundable)	44
2012 Changes.....	44
Homestead Property Tax Credit	44
Farmland Preservation Tax Credit.....	44
Earned Income Tax Credit.....	45
Income Tax Withheld	45

Claim of Right Doctrine	45
Estimated Payments/Credit Forward	45

CHAPTER 3 HOMESTEAD PROPERTY TAX CREDIT MI-1040CR, MI-1040CR-2

General Information	46
Legislative Changes to the Property Tax Credit for Tax Year 2012.....	46
Introduction	46
Credit Refund	46
Instructions	47
Who May Claim a Credit	47
Homesteads That Do Not Qualify	47
Calculation of the Credit	48
Home Owner.....	48
Renter.....	48
Calculation	48
Percent Not Refundable – Total Household Resources	
\$6,000 or Less	49
Maximum Credit	49
Phase-Out	50
When to File Claim	50
Which Form to Use (MI-1040CR or MI-1040CR-2).....	51
Identification	52
Social Security Number	52
School District Code	52
Age 65 or Older	52
Disability Definitions	52
Filing Status	53
Residency Status	53
Computation	54
Property Owner	54
Homestead Property Owner.....	54
Farmland Property Owner	55
Home Owner, Full Year.....	55
Home Owner, Part Year.....	55
Renter	56
Rent.....	56
Renter, Full Year.....	57
Renter, Part-Year	57
Types of Housing	57
Mobile Home	57
Subsidized Housing	58
Service Fee Housing	58
Nursing Home, Home for the Aged, and Adult Foster Care Home.....	58
Room and Board	59
Special Housing	59
Cooperative Housing	59
Total Household Resources (THR).....	59

Insufficient Income to Cover Living Expenses.....	63
Credit Computation Methods.....	64
General Claimant	64
Qualifications.....	64
Method of Computation.....	64
Paraplegic, Quadraplegic, Hemiplegic, Deaf, or Totally and Permanently Disabled Persons	65
Qualifications.....	65
Method of Computation.....	65
Senior Citizen - Regular Method for Homeowner or Renter	65
Qualifications.....	65
Method of Computation.....	66
Senior Citizen – Alternate Method for Renter (Rent Larger Than 40 Percent of THR)	66
Senior Citizen - Home Owner Age 104 or Older in 2012.....	66
Qualifications.....	66
Method of Computation.....	67
Service Persons, Veterans, or Their Widows or Widowers	68
Qualifications.....	68
Method of Computation - Home Owner.....	69
Method of Computation - Renter	68
Blind Person	70
Qualifications.....	70
Method of Computation.....	70
Public Assistance Recipient/Department of Human Services Benefits Recipient	70
Qualifications.....	70
Method of Computation.....	71
Child Support.....	71
Special Situations	72
Married-Joint Filers, Separate Homesteads	71
Married-Separate Filer, Joint Homestead	72
Married-Separate Filer, Separate Homestead	73
Divorced or Separated Filer.....	73
Part-Year Resident.....	74
Deceased Claimant, Single Individual.....	75
Annualized Total Household Resources.....	75
Owner-Occupied Rental Property	75
Adults Sharing a Homestead.....	76

CHAPTER 4 HOME HEATING CREDIT MI-1040CR-7

General Information	77
Legislative Changes to the Home Heating Credit for Tax Year 2012	77
Introduction	77
Instructions	78
When to File Claim	78
Eligibility.....	78
Who May Claim a Credit.....	78
Who May Not Claim a Credit.....	78
Identifying Information	79
Filing Status	79
Residency Status	79
How Much Were You Billed for Heat?	79
Licensed Care Facility.....	70
Exemptions.....	79
Dependents.....	80
Computation	
Total Household Resources (THR)	81
Standard Credit or Alternate Credit Computation: Which Method to Use	81
Standard Credit Computation for 2012	82
Renter.....	82
Michigan Resident, Full Year	82
Part-Year Resident or Deceased Claimant.....	83
Adults Sharing Homestead	84
Condominium Owner	84
Alternate Credit Computation	85
Heating Cost	85
Michigan Resident, Full-Year.....	85
Part-Year Resident or Deceased Claimant.....	86
Adults Sharing a Homestead.....	86
Credit Payments	86
Energy Drafts or Warrants (Checks)	86
Direct Deposit.....	86

CHAPTER 5 ADDITIONAL INFORMATION

Taxability of Federal Obligations	87
Income Allocation Chart	89
Income and Deductible Items, Summary Chart	91
Michigan Cities Levying an Income Tax	98



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

ANDY DILLON
STATE TREASURER

January 2013

Taxpayer Assistance Volunteers:

Thank you for volunteering your time and effort to the tax assistance program. Your primary function will be to assist taxpayers in preparing their Michigan income tax and credit forms. Specifically, you will be assisting in the preparation of income tax returns, homestead property tax credit, and home heating credit forms. Returns and/or claim forms will be prepared from documentation furnished by the taxpayer and information obtained from discussion with the taxpayer(s). These step-by-step preparations and techniques will be discussed later in this Manual.

Please remember that any information you acquire about a specific taxpayer, or group of taxpayers, is confidential. Do not discuss this information with anyone except the specific taxpayer(s) or Treasury personnel.

Your provision of this important service is more critical than ever. If you have any general questions, please contact the volunteer help line at 1-888-860-8389, or for technical questions, call (517) 636-4230.

Again, thank you for the valuable service you provide to the citizens of Michigan.

Sincerely,

A handwritten signature in black ink that reads "Andy Dillon".

Andy Dillon
State Treasurer

GENERAL GUIDELINES

COPY OF RETURN

E-filed Returns: When electronically filing (e-filing), provide the taxpayer with a paper copy of the return. It may be helpful to mark “COPY” on the taxpayer’s copy to eliminate any confusion and reduce the number of duplicate returns received where the taxpayer’s return was e-filed and then later mailed.

Paper Returns: Prepare all returns in duplicate. File the original return and give the copy to the taxpayer. Inform the taxpayer that it is important to keep a copy of the return.

In e-filed or paper return filings, if there are problems regarding the tax return, the taxpayer will be able to refer to the copy to see exactly what was entered on the return. Advise the taxpayer to bring the copy the following year to expedite preparation.

SIGNATURES

After you have prepared the return, enter your site designation and the date prepared in the preparer’s signature area. Then have the taxpayer (and spouse, if applicable) sign and date the return.

RELEASE TO DISCUSS INFORMATION

Ask the taxpayer if they want to authorize personnel in Treasury to discuss the return with the volunteer tax preparer if additional information is needed. Have the taxpayer check the box.

Note: Since volunteer preparers do not enter their name, this instruction is generally applicable only to paid preparers.

ARRANGING AND MAILING RETURNS AND ATTACHMENTS

Each form contains a two-digit attachment sequence number in the upper-right corner to guide in the proper assembly of *Individual Income Tax Return* (Form MI-1040) and related schedules.

Do not staple *Home Heating Credit Claim* (Form MI-1040CR-7) to the other returns. Fold it and leave it loose in the envelope.

Mail return to the address shown on the bottom of the return.

POSTAGE

The U.S. Post Office calculates postage based on the weight, size, and thickness of an envelope. Consult with the Post Office to avoid delays in delivery; items with insufficient postage will be returned to the sender by the Post Office.

DECEASED TAXPAYER

If a deceased taxpayer has a surviving spouse and a joint return is filed, use both surviving spouse's and deceased spouse's names and SSNs. Enter "DECD" after the deceased's name. Include all income (including the deceased spouse's) on the return. A full exemption allowance is allowed for the deceased.

If there is no surviving spouse and you are preparing a return for the personal representative or a claimant filing single or joint returns for deceased taxpayer(s), you must attach a copy of U.S. Form 1310 or *Michigan Claim for Refund Due A Deceased Taxpayer* (Form MI-1310). Enter the deceased person's name(s) in Filer and Spouse Name fields as indicated and the representative/claimant name(s), title, and address in the Home Address field on the MI-1040.

For examples, see chart on page 59 of the Michigan 1040 instruction booklet.

COMPLETING A PAPER-FILED RETURN

Treasury uses scanning equipment to capture the information from paper income tax returns. To avoid unnecessary delays caused by manual processing, follow the guidelines below so that returns are processed quickly and accurately.

- **Use black or blue ink.** Do not use pencil, red ink, or felt tip pens. Do not highlight information.
- **Print using capital letters (UPPER CASE):** Capital letters are easier to recognize.
- **Print numbers like this: 0 1 2 3 4 5 6 7 8 9.** Do not put a slash through the zero or seven.
- **Leave lines/boxes blank** if they do not apply or if the amount is zero.
- **Do not write extra numbers, symbols, or notes** on the return, such as cents, dashes, decimal points, or dollar signs. Enclose any explanations on a separate sheet unless instructed to write explanations on the return. The taxpayer's name, SSN, tax year, and form number should be entered on any attachments.
- **Stay within the lines** when entering information in boxes.
- **Use whole dollars.** Round down amounts less than 50 cents. Round up amounts of 50 cents through 99 cents. Do not enter cents (e.g., 129.49 becomes 129, 129.50 becomes 130).

INFORMATION FOR 2012

NEW LEGISLATION

Pension and Retirement Benefits: Roth IRAs

Federal rules for 2010 on rollovers from regular IRAs to Roth IRAs allow installment reporting in 2011 and 2012. The individual must have been 59½ when the rollover occurred in 2010 in order to subtract the income on the Michigan return in 2011 and 2012. The subtraction in each year is subject to statutory limits for pension deductions, and the rollover must be included in total household resources to the extent it is included in federal adjusted gross income.

Legislative Changes to the Michigan Income Tax Act for Tax Year 2012

Public Act (PA) 38 of 2011 and several other public acts contain extensive changes to Michigan's Individual Income Tax (IIT) that will affect IIT returns filed for the 2012 tax year. The income tax rate was 4.35 percent, but a rate reduction to 4.25 percent occurred on October 1, 2012. The annualized rate for 2012 is 4.33 percent. The personal exemption was \$3,700, but an increase to \$3,950 occurred on October 1, 2012. The annualized personal exemption for 2012 is \$3,763. Many taxpayers will be affected as a result of the changes to the Income Tax Act (ITA). Some of the changes are listed below. Additional information can be found at www.michigan.gov/taxes.

- \$600 deduction for children under age 18 is no longer available.
- Special senior exemption is no longer available.
- Special exemption for unemployment compensation greater than 50% of federal adjusted gross income (AGI) is no longer available.
- Some or all pension/retirement benefits may be taxable, depending on taxpayer's filing status and year of birth.
- Homestead property tax credit may be smaller in 2012 or no longer available to many taxpayers in 2012 because of a shift from total household income to total household resources, a lower phase-out level, a cap on the taxable value of a homestead, and because some senior claimants may have the credit reduced from 100 percent to 60 percent.
- Subtractions for political contributions, prizes won from raffles or charity games, certain distributions from IRAs used to pay higher education expenses, gross income from oil and gas without regard to expenses and distributions from a retirement plan that are contributed to a charitable organization are no longer available.

SUMMARY OF CHANGES FOR 2012

Tax Rate (annualized)	4.33%
Personal Exemption (annualized)	\$3,763
Special Exemption for Seniors	\$0
Special Exemption for Disabled	\$2,400
Child Care Deduction	\$0
Qualified Disabled Veteran Deduction	\$300
Special Exemption for Unemployment Compensation greater than 50% of AGI	\$0
Pension Deduction:	
Single Filer	
Born before 1946: private pension limit	\$47,309
Born 1946 through 1952	\$20,000
Born after 1952, pension not deductible	\$0
Jointly Filed	
Born before 1946: private pension limit	\$94,618
Born 1946 through 1952	\$40,000
Born after 1952, pension not deductible	\$0
Senior Interest, Dividend, and Capital Gains	
Single Filer (not available for senior born after 1945)	\$10,545
Jointly Filed (not available for senior born after 1945)	\$21,091

SUMMARY OF CHANGES FOR PRIOR YEARS

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Tax Rate	4.35%	4.35%	4.35%	4.35%
Personal Exemption	\$3,500	\$3,600	\$3,600	\$3,700
Special Exemption	\$2,200	\$2,300	\$2,300	\$2,400
Child Care Deduction	\$600	\$600	\$600	\$600
Qualified Disabled Veteran Deduction	\$250	\$300	\$300	\$300
Pension Deduction				
Single Filer	\$43,440	\$45,120	\$45,120	\$45,842
Jointly Filed	\$86,880	\$90,240	\$90,240	\$91,684
Senior Interest, Dividend, and Capital Gains				
Single Filer	\$9,690	\$10,058	\$10,058	\$10,218
Jointly Filed	\$19,380	\$20,115	\$20,115	\$20,437

FEDERAL/STATE AND STATE STANDALONE ELECTRONIC FILING PROGRAM

Over 100 million people nationwide know electronic filing (e-filing) is the way to go! Two-thirds (over 3.6 million) of all Michigan taxpayers chose to e-file their tax returns. Thank you for making e-file a success.



The IRS mandates preparers filing 11 or more income tax returns to e-file those returns, with minor exceptions. Michigan would expect any preparer e-filing federal returns to also e-file Michigan returns. Software developers producing tax preparation software or computer-generated forms must support e-file for all Michigan income tax forms that are included in the software package.

To optimize operational efficiency and improve customer service, Treasury has joined with the Internal Revenue Service (IRS) by transitioning from the Electronic Management System (EMS) e-file program to the IRS Fed/State Modernized e-File (MeF) program for filing income tax returns. MeF will not change the way tax preparers transmit e-file returns. For tax year 2012, Michigan will accept one return each for 2010, 2011, and 2012 income tax returns through the MeF program when supported by the software.

Ninety-five percent of Michigan taxpayers can e-file their Michigan and federal tax returns. Taxpayers who choose e-file will continue to receive faster refunds. In addition, the software checks the computations before transmission, eliminating data entry mistakes by the filer or data capture process. Treasury also acknowledges receipt of transmitted data within 48 hours from when filed or federal acknowledgement received, overcoming concerns of paper returns being lost in the mail or misplaced. When e-filing federal and State returns together, much of the same data is used so information is entered only once, again lessening the possibility of error.

There are many benefits to tax preparers who participate in the e-file program:

- **Expanded services offered.** E-file is a valuable addition to a tax preparer's list of client services, which can mean more clients. In addition, prospective clients can search for an authorized e-file provider at www.IRS.gov.
- **Faster refunds for e-file returns.** E-filed returns are processed faster than paper returns. **Allow 14 days** before checking the status of the e-filed return by visiting www.michigan.gov/iit. Clients can also choose Direct Deposit and have their refunds deposited directly into their accounts at the financial institution of their choice.
- **Improved return accuracy.** Treasury processes the same data the tax preparer enters into the computer. The computer program checks for math errors. If an error occurs on a return, the e-file software sends an error message and allows the tax preparer to immediately correct the mistake before the return is transmitted. There is two-thirds less chance of error compared to a paper return.

- **Detailed error conditions.** MeF business rules pinpoint the location of the error in the return and provide complete information in the acknowledgement file that is passed back to the transmitter. MeF business rules use simple wording to clarify each error that triggers a rejection. Treasury will provide up to ten business rule errors per return submission.
- **Increased customer satisfaction.** Only tax preparers and their client see the return. Tax information is encrypted and transmitted directly to the IRS and Michigan. Also, an acknowledgment is sent to verify the return was received and accepted for processing.
- **Prior year returns.** One tax return each for 2010, 2011, and 2012 will be accepted during the 2013 processing year. As subsequent tax years are added to the system, MeF will accept the current tax year and two prior tax years.
- **PDF attachments.** MeF accepts Portable Document Format (PDF) attachments with e-filed returns. Refer to the *Michigan Tax Preparer Handbook for 1040 Modernized e-File (MeF)* for more information on attachments that will be accepted by Michigan.
- **Authorization to discuss.** Treasury staff can see immediately if the taxpayer has granted authorization to discuss the return with the tax preparer. The delays of ordering paper returns and mailing correspondence are eliminated.

Note: This is generally available only to paid preparers who enter their name on the return.

How Fed/State (Linked) Electronic Filing Works

Tax preparers and transmitters accepted in the IRS Fed/State MeF Program may submit federal and/or State returns to the IRS. The State submission can be linked to the IRS submission by including the Submission ID of the federal return. If the State submission is linked to an IRS submission (also referred to as the Fed/State return), the IRS will check to see if there is an accepted IRS submission under that Submission ID. If there is not an accepted federal return for that tax type, the IRS will deny the State submission and a rejection acknowledgment will be sent to the transmitter. Treasury has no knowledge that the State return was denied (rejected) by the IRS. If there is an accepted federal return under that Submission ID, MeF will perform minimal validation on the State submission. The State data will then be made available for retrieval by Treasury. After the State data is retrieved, it will be acknowledged and, if accepted, processed by Treasury.

Note: The IRS recommends if a State submission is linked to an IRS submission, sending the IRS submission first and, after it has been accepted, sending in the State submission.

How State Standalone (Unlinked) Electronic Filing Works

Tax preparers and transmitters accepted in the IRS e-file program may submit State Standalone returns when supported by the software. If the Electronic Return Originator (ERO) does not link the State return to a previously accepted federal return (also referred to as State Standalone return), the IRS will perform minimal validation on the State submission. The State data will then be made available for retrieval by Treasury. After the State data is retrieved, it will be acknowledged and, if accepted, processed by Treasury.

Who May Participate

E-filing of Michigan returns is available to all electronic filers who are accepted into the IRS e-file program and who transmit returns to an IRS Service Center. The IRS mandates preparers filing 11 or more income tax returns to e-file those returns, with minor exceptions. Michigan would expect any preparer e-filing federal returns to also e-file the Michigan returns.

Application Process

To participate, applicants must first apply to the IRS and be accepted. Individuals must register with IRS e-Services and create a new (or revised) IRS e-file application. Individuals can contact e-Help toll-free at 1-866-255-0654 for assistance with the IRS e-file application or if unable to register for e-Services.

Publication 3112 IRS e-file Application and Participation specifies the application process and requirements for federal participation. The definitions used by the IRS of the various categories of electronic filers, EROs, transmitters, or software developers also apply for Michigan e-filing purposes.

Upon acceptance, the IRS Service Center assigns an Electronic Filer Identification Number (EFIN) and, if applicable, an Electronic Transmitter Identification Number (ETIN) to the applicant.

After receiving the federal acceptance information, applicants are automatically accepted into the Michigan e-file program.

IRS regulations require paid tax preparers to use Preparer Tax Identification Numbers (PTINs) for all tax returns and refund claims. Visit the IRS Web site at www.irs.gov for more information.

Acceptance Process

Treasury may conduct a suitability check on applicants who have been accepted in the Fed/State e-file program. Participation in the program may be denied if a company is not registered to conduct business in Michigan, or if there is an outstanding tax liability with Michigan.

Treasury will use the EFIN assigned by the IRS in the Fed/State e-file program. Michigan does not assign any additional identification numbers.

To participate in the e-file program, electronic filers must use software that has successfully completed the IRS and Michigan Participant Acceptance Testing System (PATS). Confirm that the software chosen was approved for Michigan and that the Michigan e-file program is operational before transmitting returns.

A list of approved software companies is available on Treasury’s Web site. Tax preparers are not required to file test returns with Michigan.

If, after acceptance, a tax preparer/transmitter or software company has production problems, Treasury reserves the right to disapprove that tax preparer/software company for part or all of the remainder of the filing season.

Michigan Portion of the Electronic Return

The Michigan portion of an electronic return consists of data transmitted electronically and the supporting paper documents. The paper documents contain information that cannot be transmitted electronically.

Electronic Michigan Returns

Michigan e-file will support the following forms and schedules:

<u>Form</u>	<u>Title</u>
3174	Direct Deposit of Refund
4013	Resident Tribal Member Annual Sales Tax Credit
4642	Voluntary Contributions Schedule
4884	Pension Schedule*
4973	Pension Continuation Schedule*
4976	Home Heating Credit Claim MI-1040CR-7 Supplemental*
MI-1040	Individual Income Tax Return
MI-1040CR	Homestead Property Tax Credit Claim
MI-1040CR-2	Homestead Property Tax Credit Claim for Veterans and Blind People
MI-1040CR-5	Farmland Preservation Tax Credit Claim
MI-1040CR-7	Home Heating Credit Claim
MI-1040D	Adjustments of Capital Gains and Losses
MI-1040H	Schedule of Apportionment (e-file limited to six occurrences)
MI-2210	Underpayment of Estimated Income Tax
MI-4797	Adjustments of Capital Gains and Losses from Sales of Business Property
MI-8949	Sales and Other Dispositions of Capital Assets
Schedule 1	Additions and Subtractions
Schedule CR-5	Schedule of Taxes and Allocation to Each Agreement
Schedule NR	Nonresident and Part-Year Resident

***New for Tax Year 2012**

Note: The information from the W-2 and 1099 forms is entered in the software and transmitted with the e-file return. Do not mail W-2 and/or 1099 forms to Treasury. All W-2 and 1099 information, when applicable, is required when submitting a State Standalone return.

When the following forms are included, the MI-1040 **can be filed**, but the forms listed below must be mailed to the address indicated on the form.

<u>Form</u>	<u>Title</u>
4	Application for Extension of Time to File Michigan Tax Returns
MI-1045	Application for Michigan Net Operating Loss Refund

Following is a list of IIT forms, line reference, and filing conditions where attachments are accepted by Michigan. These forms may also be mailed to the address indicated on the form.

<u>Form</u>	<u>Line</u>	<u>Description</u>	<u>File Name</u>	<u>Required</u>
All Forms		Power of Attorney	POA.pdf	No
MI-1040	18	Other State Returns	OtherStateReturn.pdf	No
MI-1040CR	22	Custodial Party End of Year Statement	FEN851.pdf	No
MI-1040CR-2	21			
MI-1040CR-7	24			
All Forms		MI-1310	MI1310.pdf	No

Note: Michigan will accept e-file returns for deceased taxpayers. If a US 1310 is required, that data must be included within the federal folder of the Michigan e-file return. When e-filing on behalf of a single, deceased taxpayer with a balance due federal return and refund Michigan return, the Michigan return can be e-filed and the US 1310 or Form MI-1310 (required documents) included as a PDF attachment when supported by the software or mailed to Michigan.

The taxpayer is **not eligible for e-file** for the 2012 tax year if:

1. Filing federal returns or forms excluded in MeF.
2. Filing the MI-1040 and any of the following apply:
 - Prior year return(s) for tax year 2009 or prior
 - Not required to file a U.S. Form 1040 if filing Fed/State
 - Filing Form MI-1040CR-5 with more than 25 agreements
 - Filing Form MI-8949 with more than 18 short-term capital gains/losses or 24 long-term capital gains/losses
3. Filing Form MI-4797 with any of the following:
 - More than 16 sales/exchanges of property held over one year
 - More than 13 sales/exchanges of property held one year or less
 - More than 14 gains from disposition of property under Sections 1245, 1250, 1252, 1254, and 1255.
4. Filing the following Michigan forms:

<u>Form</u>	<u>Title</u>
3581	Historic Credit
4534	Venture Capital Deduction
MI-1040X	Amended Michigan Income Tax Return – 2011 and prior
MI-1040X-12	Amended Michigan Income Tax Return – 2012*
MI-1041	Fiduciary Income Tax Return

***New for Tax Year 2012**

- Reporting flow-through withholding.

Michigan E-file Signature Process

For Fed/State Returns:

Michigan will accept the federal signature (Self-Selected Personal Identification Number (PIN) or Practitioner PIN). Michigan does not require any additional signature documentation. If the taxpayer chooses to complete Form MI-8453, Treasury recommends that the tax preparer retain it for six years. **Do not** mail Form MI-8453 to Treasury.

For State Standalone Returns:

State Standalone returns that are filed by a tax preparer with or without an MI-1040 can be signed using “shared secrets” or Form MI-8453 signature document. The shared secrets consist of SSNs, previous year’s AGI or household income, and the previous year’s tax due or refund amount. If Form MI-8453 is used, the tax preparer may retain a copy of Form MI-8453. The MI-8453 should **not** be mailed to Treasury.

Note: If the return is signed using shared secrets and the return is rejected because the shared secrets do not validate, the taxpayer/tax preparer may correct the shared secrets information and retransmit. There is no limit on how many times the return can be retransmitted in this circumstance.

Volunteer Groups

If the taxpayer is filing a State Standalone return and chooses Form MI-8453 signature method, Form MI-8453 should be mailed to Treasury. Treasury recommends collecting all of Form MI-8453s at the end of the filing season and sending them to Treasury at the address included in the instructions for the form. Volunteer tax preparers may provide taxpayers with their MI-8453 forms and instruct mailing them to Treasury. If located in a permanent facility, volunteer tax preparers may retain Form MI-8453 on file the same as a paid tax preparer.

Refund Returns

Direct Deposit information is part of the electronic record; therefore, a separate *Direct Deposit of Refund* (Form 3174) does not have to be completed for e-file. However, the Direct Deposit information for the federal and State returns can be different. This is especially important if there is a Rapid Refund or a Refund Anticipation Loan (RAL). Make sure this information is correct for both federal and State refunds. Tax preparers may want to request documentation from the taxpayer to verify bank account information.

Due to recent changes to the rules for Direct Deposit, if the income tax refund Direct Deposit is forwarded or transferred to a bank account in a foreign country, the Direct Deposit may be returned to Treasury. If this occurs, the refund will be converted to a check (warrant) and mailed to the address on the tax return.

Treasury **cannot** make any changes to Direct Deposit information after the return is transmitted.

Balance Due Returns

If tax is due on an e-filed return, the taxpayer must submit payment by check or money order by April 15, 2013, with an *Individual Income Tax e-file Payment Voucher* (Form MI-1040-V). In late March, taxpayers will receive a reminder notice if payment has not been made. If full payment is not submitted by April 15, the taxpayer will receive a bill with applicable penalty and interest. Do not use form MI-1040-V for any other payments to the State of Michigan.

Michigan does not participate in an electronic funds withdrawal process for tax due returns. All e-file payments must be mailed to Treasury along with a copy of form MI-1040- V.

For More Information

Visit the federal Web site at www.irs.gov and Michigan Web site at www.MIfastfile.org for more information on the Fed/State e-file Program.

Assistance is available using TTY through the Michigan Relay Service by calling 1-800-649-3777 or 711. Printed material in an alternative format may be obtained by calling (517) 636-4486.

POST-FILING INFORMATION

Mailing Addresses

General income tax correspondence:

Michigan Department of Treasury
Customer Contact Division
P.O. Box 30757
Lansing, MI 48909

Returning State of Michigan warrants (checks):

Michigan Department of Treasury
Receipts Processing Division
P.O. Box 30788
Lansing, MI 48909

Write “Void” across warrant (check) and include a letter of explanation.

Returning a home heating Energy Draft for a check:

Michigan Department of Treasury
Customer Contact Division
P.O. Box 30757
Lansing, MI 48909

Write “Void” across Energy Draft and include letter of explanation.

Remind taxpayer the dollar amount will only be 50 percent of the draft and there will be further reviews of their account.

Refer to the Treasury Web site at www.michigan.gov/treasury for more information.

Amended Returns (MI-1040X-12 and MI-1040X)

Form MI-1040X-12 is used to correct or amend information reported on Form MI-1040, credit claims and schedules for the 2012 tax year. Form MI-1040X is used to correct or amend information reported on a MI-1040, credit claims, and schedules for the 2011 and prior tax years. When filing either form, indicate the tax year, give an explanation of the change, and provide any supporting documentation.

If the original return was adjusted by Treasury and the taxpayer disagrees with the adjustments, it is not necessary to file an amended return. Simply respond to the adjustment notice with documentation to support the original claim. Treasury will review the documentation for further adjustment.

Exceptions: When correcting a *Homestead Property Tax Credit* (Form MI-1040CR) and no Form MI-1040 was filed with the original claim, an MI-1040X-12 or MI-1040X is not required. File the Form MI-1040CR using the corrected figures and write “Amended” at the top of the form.

When correcting a Form MI-1040CR-7, file a Form MI-1040CR-7 and write “Amended” at the top of the form. An amended claim requesting an additional Home Heating Credit must be submitted by September 30, following the year of the claim.

When correcting a *Farmland Credit* (Form MI-1040CR-5), file a Form MI-1040CR-5 and write “Amended” at the top of the form. Submit the amended form along with a description and any documentation needed to explain the change.

An amended return is not required to change an incorrect SSN or incorrect mailing address. Contact Treasury at www.michigan.gov/iit or call (517) 636-4486.

An amended return claiming an additional refund must be filed within four years of the due date of the original return.

CUSTOMER SELF-SERVICE

Taxpayers and authorized representatives can check on the status of tax returns, get a summary of estimated payments, or ask a question about tax accounts using Treasury’s convenient Customer Self-Service options. Taxpayers and authorized representatives are encouraged to use these channels to get information quickly and efficiently. For individual income tax information, call (517) 636-4486 or access Treasury’s Web site at www.michigan.gov/taxes.

It is very important that Treasury has the proper security measures in place for customers to access account information over the Internet. For privacy and security reasons, customers will have to authenticate and correctly enter a combination of shared secrets (e.g., AGI, SSN, etc.) before information can be accessed.

On the Web site, click on Check My Income Tax Info and then choose the appropriate link. After verification of identification, additional information may need to be entered depending on the request. If more than one account will be checked, use the Login/Logout button located in the upper-right corner at the end of the Michigan banner to return to the customer login page. The next taxpayer can then be authenticated.

The following self-service options are available for individual tax accounts:

- Check the date Treasury is currently processing returns.
- Check if and when a refund, credit claim, or energy draft has been issued for the current year and three prior years.
- Check to see if a refund, credit, or energy draft has been returned to Treasury, direct-deposited into an account, or offset to a debt.
- Check the status of a letter sent to Treasury.
- Request copies of returns filed.
- Ask Treasury a question related to the account or check the status of a service request.
- Download blank current and prior year tax forms
- Check the status of estimated payments
- Change taxpayer address
- Ask a tax preparation question
- Access a list of frequently asked questions (FAQs)

Call Treasury at (517) 636-4486 to reach the automated response system. Entering or saying the information required activates the automated response system. Be cautioned that background noise or other conversations will be picked up by the automated response system.

The automated response system provides the current processing date and promotes self-service on the Web. Options available on the automated response system include:

- Current year status - The customer enters an SSN and AGI (or THR). The automated response system provides the following status information:
 - Current processing date
 - Completed with date
 - Pending review with date return should finish review
 - No record of return
 - The SSN or other information entered may not match Treasury records.
- Estimated payments - Enter the tax year designated on the estimated payment, AGI from the previous year, and the SSN. The automated response system provides payment amount(s) and date(s), credit forward amount and date, no payments on file, or transfers the caller to a Customer Service Representative (CSR).
- Prior year information - Enter the SSN, AGI (or THR), and tax year in question. The automated response system provides the following status information:
 - Completed with date
 - Pending review with date
 - No record of return
 - The SSN or other information entered may not match Treasury records.

Changes on the Return

If corrections must be made once the return has been accepted and acknowledged, the taxpayer must file form MI-1040X (for 2011 and prior tax years) or MI-1040X-12 (for tax year 2012) on paper.

Contact Information

Michigan e-file publications and forms are available on Treasury's Web site at www.MIfastfile.org. For questions about the e-file program, contact the Electronic Filing Programs staff at:

MIfile2D@michigan.gov
(517) 636-4450
(517) 636-4378 (Fax)
TTY Assistance only: (800) 649-3777

Michigan Electronic Filing Programs Office
Michigan Department of Treasury
P.O. Box 30679
Lansing, Michigan 48909

This contact information is for **tax preparers and software developers only** and enables Treasury to provide better service to authorized e-file providers. The Electronic Filing Programs staff is unable to provide return status information or address specific taxpayer account issues.

Tax Preparer Resources

Visit Treasury's Web site at www.Mifastfile.org for more information on Michigan's Electronic Filing Programs including:

- **2012 Michigan Tax Preparer Handbook for Electronic Filing Programs.** Two handbooks are available: *Individual Income Tax Handbook* and *Individual Income Tax Business Rules/Reject Codes and Descriptions*. Go to Treasury's Web site at www.Mifastfile.org, click on Tax Preparer, and scroll down to the Tax Year 2012 handbook links.
- **Treasury Tax Professionals' LISTSERV.** This is a free service that disseminates mass e-mail messages, within seconds, to all subscribers. This includes communications on Treasury's e-file programs, updates to tax instruction booklets, and other information of interest. To subscribe to this service or for additional information, visit Treasury's Web site at www.Mifastfile.org, click on Tax Preparer, and scroll down to the LISTSERV links.
- Frequently asked questions.

CHAPTER 2
MICHIGAN INCOME TAX
FORM MI-1040

INTRODUCTION

FILING REQUIREMENTS

Every person who is a Michigan resident for all or part of the tax year is **required** to file a Michigan income tax return if any of the following are true:

1. Michigan Income Tax is due.
2. The taxpayer is due a refund.
3. A federal return is required.
4. The AGI is greater than the personal exemption allowance on a Michigan Income Tax return.

For tax year 2012, a taxpayer is allowed \$3,763 for each personal exemption.

Anyone eligible to be claimed as a dependent on someone else's return may claim a \$1,500 exemption (\$3,000 on a joint return). This is true whether or not the other person claims the exemption.

To prepare a Michigan income tax return, you must have a copy of the taxpayer's federal income tax return. You will need to complete the Michigan Form MI-1040 if the return is a U.S. Forms *1040*, *1040A*, or *1040EZ*. The U.S. Forms *1040/1040A/1040EZ* return contains information needed to prepare a Michigan income tax return.

Taxpayers who file any of the following schedules or forms with their federal return must attach a copy to their Michigan income tax return and designate the location of any business activity or the location of any real property involved.

Schedule B	Interest and dividend income (if over \$5,000)
Schedule C or C-EZ	Profit or loss from business
Schedule D and Form 4797	Capital and ordinary gains and losses (copies of U.S. Forms <i>1040D</i> and <i>4797</i> are required if taxpayer is filing Forms MI-1040D and MI-4797).
Schedule E	Supplemental income and loss (losses from rents, royalties, partnerships, estates and trusts, and S corporations)
Schedule F	Farm income and expenses (include address of farm)

Schedule R or Form 1040A Schedule 3	Credit for the elderly or totally and permanently disabled
Form 2555	Foreign earned income
Form 3903	Moving expenses
Form 4868	Application for Automatic Extension of Time to File U.S. Individual Income Tax Return
Form 6198	Computation of deductible loss from an activity described in Internal Revenue Code (IRC) Section 465(c)
Form 8829	Expenses for business use of home
Form 8949	Sales and other Dispositions of Capital Assets

MI-1040

This chapter will refer to the “instructions.” This refers to the instruction booklet used to prepare Form MI-1040. Read the instruction booklet. The following information will recap and/or further explain the instructions in the booklet.

DUE DATE OF RETURN

Income tax returns are due on the 15th day of the fourth month following the close of the taxpayer’s calendar or fiscal tax year. If the due date falls on a weekend or a holiday, the next business day will be considered the due date. The due date for 2012 income tax returns will be April 15, 2013.

EXTENSION

If a taxpayer submits a valid extension of time to file a federal income tax return, attach a copy of U.S. Form 4868 if filed by paper or the acknowledgement or confirmation received from IRS if filed electronically to Form MI-1040. Treasury will extend the due date to the new federal due date.

If a taxpayer does not have a federal extension, complete *Application For Extension Of Time To File Michigan Tax Returns* (Form 4) **with the payment of tax due**. Upon receipt of Form 4, Treasury will grant an automatic extension of time to file.

The taxpayer will not receive any notification of approval of a request for an extension.

An extension allows a taxpayer to file later than April 15, 2013. It does not allow a taxpayer to pay the tax later. If the tax is not paid by April 15, 2013, appropriate penalty and interest will be charged.

Do not file an extension request if claiming a refund.

United States military personnel serving in a combat zone on April 15, 2013, will be given 180 days after leaving the combat zone to file their federal and State returns and will be exempt from penalties and interest. Servicemen and women serving in combat zones will simply write "Combat Zone" in ink on the top of page 1 of their return. For e-file returns, enter the word "Combat Zone" in the preparer notes or follow other direction as supplied by the tax software company.

IDENTIFICATION SECTION

Enter taxpayer's:

- Name(s).
- Current mailing address. If the taxpayer changes his or her address after filing a return/claim, the taxpayer should notify Treasury **in writing** of the change of address.

SOCIAL SECURITY NUMBER(S)

Ask to see taxpayer's Social Security card(s). It is important to enter the taxpayer's correct SSN(s). If the claimant is married filing jointly or married filing separately, both SSNs must be included on the form.

SCHOOL DISTRICT CODE

Obtain the code number from pages 60 and 61 of the instruction booklet.

For residents, enter the school district code for where the taxpayer lived on December 31, 2012. For nonresidents and for part-year residents who did not live in Michigan as of December 31, 2012, enter "10000" in the school district code box.

STATE CAMPAIGN FUND

A taxpayer and/or spouse may designate \$3 of their taxes to go to the State campaign fund. This decision will not increase the tax liability or reduce the refund.

FARMERS, FISHERMEN, SEAFARERS or RETIREE

New for 2012, retirees who owed \$500 or less on their 2011 return (or filed no 2011 return because they had no filing obligation) should check this box.

FILING STATUS

The filing status used on Form MI-1040 must be the same as the filing status used for the federal return, with one exception: taxpayers who file “married filing separately” for federal purposes may file either “married filing jointly” or “married filing separately” on the Michigan return.

<u>Federal Status</u>	<u>State Status</u>
Single	Single
Head of Household	Single
Qualifying Widow(er)	Single
Married, Joint	Married, Joint
Married, Separate	Married, Separate or Married, Joint

RESIDENCY STATUS

Check box a, b, or c. If one spouse is a resident and the other spouse a nonresident or part-year resident, check the appropriate box for each spouse. If taxpayer is a part-year resident for the tax year or a nonresident, *Nonresident and Part-Year Resident Schedule* (Schedule NR) must be completed.

1. **Resident.** An individual is a Michigan resident if Michigan is his or her permanent home. A permanent home is the place an individual intends to return to whenever he or she goes away.
2. **Nonresident.** An individual whose permanent home is not in Michigan. A nonresident must file a Michigan return if any income is attributable to Michigan. Some examples are wages earned in Michigan or income received from a business activity located in Michigan.
3. **Part-Year Resident.** An individual who moved in or out of Michigan during the year. A temporary absence from Michigan, such as spending the winter in a southern state, **does not** make the taxpayer a part-year resident. A taxpayer is a part-year resident only if he or she moved his or her permanent home into or out of Michigan.

A taxpayer filing as a nonresident or part-year resident must:

1. Complete Schedule NR and attach it to Form MI-1040 allocating all items of AGI between the states. (Attach appropriate schedules verifying adjustments.)
2. Prorate the exemption allowance by dividing Michigan income by total income.

Michigan has reciprocal agreements with Illinois, Indiana, Kentucky, Minnesota, Ohio, and Wisconsin. Michigan residents pay only Michigan income tax on salaries and wages earned in these states.

A resident of a reciprocal state who earned wages in Michigan must file Form MI-1040 to receive a refund of Michigan tax withheld. Be sure to indicate the taxpayer’s state of residence.

EXEMPTIONS

The following are the exemption allowances for 2012:

- \$3,763 for each exemption the taxpayer is allowed to claim on the federal return.
- An additional \$2,400 for each Michigan special exemption.
- A \$300 deduction for each taxpayer and every dependent of the taxpayer who is a qualified disabled veteran. Defined as a veteran of the active military, naval, marine, coast guard, or air service who received an honorable or general discharge and has a disability incurred or aggravated in the line of duty as described in 38 U.S.C. 101(16) of the U.S. Code.
- \$1,500 for a taxpayer who is single or married filing separately (\$3,000 if married filing jointly) and can be claimed as a dependent on someone else's return.

Note: Part-year residents and nonresidents must prorate the exemption allowance using Schedule NR.

Beginning in 2012, special exemptions are no longer available for seniors or for individuals receiving greater than 50 percent of their AGI from unemployment compensation. Only taxpayers who have one or more of the conditions described below may claim a special exemption.

Special exemptions for 2012 are:

1. A special exemption may be claimed for the taxpayer, spouse, and each dependent of the taxpayer who are in any of the following categories:
 - A. Hemiplegic. An individual who has paralysis of one side of the body.
 - B. Paraplegic. An individual who has paralysis of the lower half of the body.
 - C. Quadriplegic. An individual who has paralysis of both arms and both legs.
 - D. Totally and permanently disabled. An individual who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than 12 months. For an additional reference see 42 U.S.C. 416 of the U.S. Code. Do not claim totally and permanently disabled if the taxpayer is age 66 or older.

Support for this exemption is the receipt of any of the following types of income:

- Social Security Disability benefits
- Supplemental Security Income (SSI) disability benefits
- Veterans' Administration disability retirement payments.

A taxpayer who does not receive any of the above income may be required to furnish a physician's statement to certify total and permanent disability.

Note: An exemption for totally and permanently disabled cannot be claimed for a claimant, spouse, or dependent who is 66 years of age or older at the end of the tax year.

- E. **Blind.** An individual who has a permanent impairment of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of not greater than 20 degrees in the better eye.
- F. **Deaf.** An individual whose hearing is totally impaired or whose hearing, with or without amplification, is so seriously impaired that the primary means of receiving spoken language is through other sensory input, including but not limited to lip reading, sign language, finger spelling, or reading.

ADJUSTED GROSS INCOME

Enter the adjusted gross income (AGI) from the U.S. Form *1040*, *1040A*, or *1040EZ*.

ADDITIONS TO ADJUSTED GROSS INCOME

The following are the most common additions and must be entered on *Additions and Subtractions* (Schedule 1). Enter the total on line 7 and carry total to line 11 of Form MI-1040.

- Interest and dividends from obligations or securities of states other than Michigan and their political subdivisions
- Deduction for self-employment tax on U.S. Form *1040*
- Losses from out-of-state businesses, partnerships, S corporations
- Losses from out-of-state rental of real property
- Out-of-state farm losses
- Net loss from federal column of Form MI-1040D or MI-4797
- Losses from the sale or exchange of U.S. obligations to the extent used in arriving at AGI
- Refund received from the termination of a Michigan Education Trust (MET) contract
- Michigan portion of gain from Form MI-1040D or MI-4797.

SUBTRACTIONS FROM ADJUSTED GROSS INCOME

The following are the most common allowable subtractions and must be entered on Schedule 1. Enter the total on line 21 and carry total to line 13 of form MI-1040. Subtractions are limited to the extent include in AGI.

- Income from U.S. government obligations reduced by any expenses in carrying the obligation used in arriving at AGI
- Compensation and retirement benefits received for services in the U.S. Armed Forces to the extent included in AGI.
- Pension/retirement benefits received from the service in the Michigan National Guard
- Pension/retirement benefits received under the Railroad Retirement Act of 1974
- Capital gain adjustments (from federal column of MI-1040D or MI-4797)
- Income from a business or property located in another state
- Retirement/pension benefits. (*Caution:* these benefits have been limited and are discussed in detail in a separate section on Pension and Retirement Benefits)
- Dividend/interest/capital gains deduction for senior citizens (*Caution:* this subtraction is no longer available for individuals born after 1945)
- Social Security benefits to the extent included in AGI
- Income earned while a resident of a Renaissance Zone that was certified or renewed before January 1, 2012
- Contributions made after October 1, 2000, to the MESP, not to exceed \$5,000 for a single return or \$10,000 for a joint return per year
- The amount of an advance payment under a MET contract during the tax year
- Michigan state and local income tax refunds to the extent included in AGI
- Property tax credit to the extent included in AGI

Do not allow the subtraction of any of the following:

- Income from U.S. Public Health Service
- Itemized deductions (U.S. *Schedule A*)
- Wages, salaries, and personal compensation earned in Michigan of a resident or nonresident, unless a resident of a reciprocal state

- Pensions, if the taxpayer did not meet the minimum requirements for pension under the terms of the plan (see the detailed information that follows)
- Distributions from IRAs before the age of 59½, unless the taxpayer meets the guidelines of IRC 72(t)(2)(A)(iv)
- Distributions from deferred compensation
- Unemployment benefits included in AGI
- Wage continuation plans (disability pension benefits are not from wage continuation plans)
- Stock purchase plans that do not qualify as pension plans under the IRC
- IRA, Keogh contributions (these are subtracted in arriving at AGI)
- Lottery winnings (unless receiving installment payments from prizes won before December 30, 1988).
- Out-of-state gambling winnings taxed by another state (a credit for taxes paid may be available).

PENSIONS AND RETIREMENT BENEFITS

Note: *New Pension Schedule (Form 4884) will be required to support a subtraction.*

For purposes of this section, the term “pension” will include pension and retirement benefits.

A subtraction may be allowed on the Michigan return for qualifying distributions from pension plans. Pension plans include private and public employer plans, and individual accounts governed by various sections of the IRC.

The pension subtraction involves two steps. **First**, the pension distribution must meet certain requirements to be characterized as a qualified distribution. **Second**, a qualified distribution may be subject to a dollar limitation on the amount of the subtraction. Beginning in 2012, the benefit may be further limited based on the date of birth of the retiree on a single return or the date of birth of the oldest spouse on a joint return.

Note: **Generally, all taxpayers are allowed to subtract qualifying Military, Railroad, and Michigan National Guard pensions to the extent included in AGI regardless of their year of birth. See subtraction list on page 29.**

Step 1: Qualified Distribution Requirements

Employer plans and individual plans each have rules for receiving pension distributions. For a pension distribution to qualify for the Michigan subtraction it must comply with the specific distribution rules under its plan.

Employer Plans

Employer plans are created by private companies and by public entities. The employer plan establishes the rules that govern retirement age and the pension formula for its employees. For both public and private employer plans, an employee must retire under the provisions of the plan, the pension benefits must be paid from a retirement trust fund, and the payment must be made to either the employee or the surviving spouse. (Payments made to the surviving spouse are only deductible if the employee qualified for the subtraction at the time of death.)

Although traditional employer plans are defined contribution and defined benefit plans, many employers are now using 401(k) or 403(b) plans that incorporate employee match provisions.

Distributions from a 401(k) or 403(b) plan are qualified distributions to the extent that they are attributable to the employer's contributions or employee's contributions that were mandated by the plan. An employee's contribution required by the plan to elicit an employer match is considered mandated. Amounts distributed from a 401(k) or 403(b) plan that allows the employee to set the amount of compensation to be deferred and does not prescribe retirement age or years of service **do not** qualify as pension benefits.

Individual Plans

Individuals can create their own pension plans. To qualify for the Michigan pension subtraction, the distributions must meet the requirements set forth in the relevant section of the IRC.

- **Individual Retirement Account (IRA) IRC 408 Distribution Requirements.**
 1. 59½ or older, or
 2. Disability, or
 3. Death - Distributions after the death of the participant may only be subtracted by a surviving spouse, and only if the distributions qualified as a subtraction for the participant at the time of death; or
 4. Series of equal periodic payments made for life under IRC Section 72(t)(2)(iii)(iv).

Generally, distributions from a Roth Individual Retirement Account (IRA) are not included in AGI and are not subtractable on the Michigan return. Roth IRAs are treated in more detail later in the text.

- **Senior Citizen Annuity IRC 72 Distribution Requirements.**

1. Received from a retirement annuity policy, and
2. For life, and
3. To a senior citizen.

For purposes of the retirement annuity subtraction, a senior citizen is defined in MCL 206.514(1) as an “individual . . . who is 65 years of age or older at the close of the tax year. The term also includes the unmarried surviving spouse of a person who was 65 years of age or older at the time of death.”

- **401(k), 403(b), and 457 Plans.** If all the contributions are made by the employee or if the employee makes contributions that are **not** matched by the employer, any distributions attributable to the employee contributions will not qualify for the pension subtraction.
- **Keogh or HR 10 Plans for the Self-Employed.** Distributions are subject to the same general rules for other retirement plans, usually not made until a participant separates from service, the plan is discontinued, or the participant reaches age 59½.

The following distributions do not qualify for the pension subtraction:

1. Deferred compensation plans that allow the employee to set the amount of compensation to be deferred and do not prescribe retirement age or years of service
2. Commercial Annuity Policies (unless the payments are made for life to a senior citizen)
3. Premature separation, withdrawal, or discontinuance of a plan prior to the earliest date the recipient could have retired under the provisions of the plan
4. Payments received as an incentive to retire early unless the distributions are from a pension trust
5. Eligible distributions received by a beneficiary of the decedent except the surviving spouse.

Step 2: Dollar Limitations on Pension Subtractions

Once it has been determined that a pension distribution has met the requirements of a qualified distribution set forth in Step 1, the next step is to determine if there are any dollar limitations on the amount of the Michigan pension subtraction.

For 2012 and future tax years, new limitations on pension deductions have been added based on the year of birth of the retiree who is a single filer or on the year of birth of the oldest spouse on a joint return. The sections that follow first discuss dollar limitations based on year of birth. After the date of birth limitations have been discussed, the private pension limitations will be reviewed. Beginning in 2012, maximum private pension limitations only apply to taxpayers who were born before 1946. For taxpayers who were born during or after 1946, public/private pension limitations do not apply because new lower limits have been placed on the pension deduction for these taxpayers.

Pension Limitations Based on Date of Birth

MCL 206.30(8) defines “retirement or pension benefits.” MCL 206.30(9) provides limitations to the deduction, depending upon the birth year of the retiree, as well as filing status and marital status. Retirees are divided into three tiers based on date of birth of the taxpayer or the date of birth of the oldest spouse on a joint return.

Tier 1: For a taxpayer born before 1946, there are no additional restrictions or limitations to the deduction allowed under MCL 206.30(1)(f).

Tier 2: For a taxpayer born in 1946 through 1952, the maximum pension deduction is \$20,000 for a single return or \$40,000 for a joint return. At age 67, the deduction is no longer restricted to pensions but can be applied to all income. This general deduction is sometimes referred to as a “standard deduction” because it is applied against all income.

Tier 3: For a taxpayer born after 1952, there is no pension deduction in 2012. All taxpayers in Tier 3 are eligible for the \$20,000 single/\$40,000 joint standard deduction upon reaching age 67.

**INCOME TAX CHANGES FOR RETIREMENT BENEFITS
EFFECTIVE FOR TAX YEAR 2012**

Taxpayers born before 1946 (Tier 1) No change in current law	Taxpayers born 1946 through 1952 (Tier 2) Before the taxpayer reaches age 67	Taxpayers born after 1952 (Tier 3) Before the taxpayer reaches age 67
<ul style="list-style-type: none"> • Social Security is exempt. • Senior citizen subtraction for interest, dividends, and capital gains up to \$10,545 for single filers and \$21,091 for joint filers. • Public pensions exempt. • For 2012 private pensions, subtract up to \$47,309 for single filers and \$94,618 for joint filers. 	<ul style="list-style-type: none"> • Social Security is exempt. • Railroad pension is exempt. • Military/Michigan National Guard pension is exempt. • Not eligible for the senior citizen subtraction for interest, dividends, and capital gains. • Public and private pension limited subtraction of \$20,000 for single filers or \$40,000 for joint filers. 	<ul style="list-style-type: none"> • Social Security is exempt. • Railroad pension is exempt. • Military/Michigan National Guard pension is exempt. • Not eligible for the senior citizen subtraction for interest, dividends, and capital gains. • Not eligible for public or private pension subtraction.
	After the taxpayer reaches Age 67 (will first occur in 2013)	After the taxpayer reaches Age 67 (will first occur in 2020)
	<ul style="list-style-type: none"> • Social Security is exempt. • Railroad pension is exempt. (see Note below). • Military/Michigan National Guard pension is exempt. (see Note below). • Not eligible for the senior citizen subtraction for interest, dividends, and capital gains. • Subtraction against all income of \$20,000 for single filers and \$40,000 for joint filers. <p>Note: Not eligible for this income subtraction if choosing to claim a Military/Michigan National Guard or railroad pension exemption.</p>	<ul style="list-style-type: none"> • Not eligible for the senior citizen subtraction for interest, dividends, and capital gains. • Not eligible for public or private pension subtraction. • Income exemption election: <ul style="list-style-type: none"> – Elect exemption against all income of \$20,000 for single filers or \$40,000 for joint filer and no exemption for Social Security, Military/Michigan National Guard or railroad retirement. No personal exemptions. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> – Elect to exempt Social Security, Military/Michigan National Guard and railroad pension. May claim personal exemptions.

Unlimited Public Pension Subtraction

Applies only to retirees born before 1946 (Tier 1).

Michigan and Federal Public Pensions

Federal or Michigan public pensions are no longer totally exempt. The amount that may be deducted depends on the year of birth for a retiree who is single filer or on the year of birth of the oldest spouse for joint filers.

Public pensions include benefits received from the federal civil service, State of Michigan, political subdivisions of Michigan, military return, and railroad retirement. If the requirements of the plans under Step 1 are met, these distributions may be deductible depending on the age of the filers.

Public Pensions: Railroad Retirement and Pension Benefits

The taxable amount of Railroad Pension income included in AGI may be subtracted on the Michigan return. (Portions of a Railroad Pension are treated as Social Security (SS) on the federal return and should be subtracted as SS benefits to the extent included in AGI.)

Public Pensions From Other States

Michigan allows a pension subtraction for public pensions earned in other states by Tier 1 retirees if the other state permits a deduction, or exemption of a retirement or pension benefit received from a Michigan public retirement system. To the extent included in AGI, Michigan allows the **greater of:**

- \$47,309 for a single return or \$94,618 for a joint return for the 2012 tax year (private pension limits)

OR

- Amount allowed as a deduction or exemption by the other state to its residents on public pensions received from Michigan.

For most public pensions from other states, the Michigan subtraction for Tier 1 retirees will be limited to the private pension limits of \$47,309 or \$94,618. However, there are 14 states that allow a complete exemption for public pensions earned in Michigan and one state that has a higher pension deduction than Michigan's private pension limits.

The following states allow a 100 percent deduction or exemption for their residents who receive Michigan public pensions. Therefore, **for Tier 1 retirees (those born before 1946)**, the full amount of the pension distribution included in AGI is subtractable on the Michigan return for **public** pensions received by Michigan residents from the following states:

Alaska	New Hampshire
Florida	Pennsylvania
Hawaii	South Dakota
Illinois	Tennessee
Massachusetts	Texas
Mississippi	Washington
Nevada	Wyoming

For all other public pensions from states other than the 14 with complete exemptions, the Michigan private pension limits will be the maximum subtraction allowed for Tier 1 retirees. For all other retirees the pension limitations are based solely on date of birth and there is no difference between a private and a public pension.

Combined Public and Private Pension

Applies only to retirees born before 1946 (Tier 1)

An individual with a pension from both public and private sources must reduce the maximum allowable subtraction for the private pension by any public pension distribution.

Private Pensions

Private pensions include employer plans and individual plans such as IRAs and senior citizen annuities. The maximum subtraction allowed for a Tier 1 retiree with a private pension is adjusted annually by the percentage increase in the U.S. Consumer Price Index. The maximum deduction for the 2012 tax year is \$47,309 on a single return and \$94,618 for a joint return.

The following table outlines the annual maximum pension deductions:

<u>Tax Year</u>	<u>Single Return</u>	<u>Joint Return</u>
2008	43,440	86,880
2009	45,120	90,240
2010	45,120	90,240
2011	45,842	91,684
2012	47,309*	94,618*

***Only applies to retirees born before 1946 (Tier 1). For all other retirees lower limits apply.**

Pension Subtraction Examples

Example 1: Combined Public and Private Pension distributions.

Sam is retired and single and born before 1946. He has a State of Michigan pension of \$33,000 and a private pension of \$15,000. His total pension deduction for 2012 is determined as follows:

Maximum Private Pension Deduction	\$47,309
Less: Public Pension	<u>-33,000</u>
Allowable Private Pension Subtraction	\$ 14,309
Sam's total pension subtraction is:	
Public	\$33,000
Private	14,309
Total	\$47,309

If Sam's public pension was more than \$47,309, he would not be able to subtract any of his private pension.

Example 2: Employer and Employee contributions to a 401(k) plan.

Stuart's employer established a 401(k) plan for its employees. The plan provides for a 50 percent employer match of employee contributions up to the maximum employer match of 3 percent of the employee's salary. The plan also allows the employees to make additional unmatched contributions up to the annual percentage rate allowed by the IRC. In 2012, Stuart, single taxpayer, retired under the provisions of the retirement plan at age 60. At the time of his retirement, Stuart received an annual statement from the 401(k) plan showing total contributions of \$400,000, of which \$100,000 were employer contributions. Stuart took a distribution of \$25,000 in 2012, the year he retired.

Since the plan includes unmatched employee contributions, Stuart must determine what amount of the \$25,000 distribution is attributed to the unmatched contributions. The plan called for a 50 percent employer match; therefore, \$200,000 of the employee contributions was required to elicit \$100,000 employer matching contributions. The remaining account balance of \$100,000 is unmatched employee contributions. The deductible amount of the 2012 distribution is determined as follows:

$$\$100,000/\$400,000 \times \$25,000 = \$6,250 \text{ (distribution attributed to unmatched distribution)}$$

$\$25,000 - \$6,250 = \$18,750$ (Maximum allowable pension subtraction. Actual subtraction may be further limited based on the date of birth of the retiree. Since Stuart was born in 1952 (age 60) in 2012 he is below the upper limit of \$20,000).

Rollovers of Roth IRAs

A Roth IRA is treated differently than a traditional IRA under the IRC. Under a traditional IRA, the contributions are excluded from AGI but the distributions are taxed. Under a Roth IRA the reverse occurs; the contributions are taxed and the distributions are not.

Contributions to a Roth IRA are not tax exempt and are subject to the Michigan income tax to the extent the contributions are included in federal AGI.

A rollover from a regular IRA to a Roth IRA is subject to Michigan income tax to the extent the rollover is included in federal AGI. However, if an individual is 59½ when the rollover occurs, the individual may deduct the rollover as a pension deduction within the statutory limits for deducting pension income.

Also, a rollover from a regular IRA to a Roth IRA is subject to Michigan income tax for a taxpayer moving into and domiciled in Michigan to the extent the rollover is included in AGI. Conversely, a taxpayer moving from Michigan to another state is not taxed on the amount of a rollover from a regular IRA to a Roth IRA during the years the taxpayer is not domiciled in Michigan.

A qualified distribution from a Roth IRA is not subject to Michigan income tax because the distribution is not included in federal AGI.

A rollover from a regular IRA to a Roth IRA is included in total household resources in the year the income is included in the taxpayer's federal AGI. Tax year 2003 was the first year a qualified or tax-free distribution could be made from a Roth IRA. The amount of a qualified distribution in excess of a taxpayer's contributions (rollover or regular contributions) must be included in total household resources. A nonqualified or taxable distribution from a Roth IRA must be included in total household resources to the extent it is included in a taxpayer's federal AGI. Investment losses from the liquidation of a Roth IRA are not allowed in total household resources.

Note: All pension income must be included in total household resources except for any nondeductible contributions that are included in the pension distribution and any amounts that are rolled over into other plans. Generally, only the taxable portion of the pension benefits from the 1099-R is included in total household resources.

2012 Pension and Retirement Subtraction Table for Tier 1 Retirees

The 2012 deductible retirement and pension benefits are limited to the lesser of the amount included in AGI or the amounts shown below.

<u>Source of Retirement Benefits</u>	<u>Single</u>	<u>Joint</u>
U.S. Civil Service	Amount included in AGI	Amount included in AGI
State of Michigan	Amount included in AGI	Amount included in AGI
Michigan political subdivisions	Amount included in AGI	Amount included in AGI
Private	\$47,309	\$94,618
Public pensions (from other states)	\$47,309 or reciprocal limit, whichever is greater	\$94,618 or reciprocal limit, whichever is greater
Qualified senior citizen retirement annuities	\$47,309	\$94,618
Public and private	Limited to public pension or \$47,309, whichever is greater (cannot exceed actual qualified distributions received).	Limited to public pension or \$94,618, whichever is greater (cannot exceed actual qualified distributions received).

Form 1099-R Distribution Codes

Recipients of a pension distribution receive Form 1099-R. There is a box on Form 1099-R titled “Distribution code(s).” Look in the “Distribution code(s)” box for the number that describes the condition under which the pension or retirement benefit was paid.

<u>1099-R Dist. Code</u>	<u>Description</u>	<u>Is the condition eligible for Michigan tax exemption? (Dollar and date of birth limits may still apply.)</u>
1	Early distribution, no known exception	No
2	Early distribution, exception applies	No, unless: <ul style="list-style-type: none"> • Part of a series of substantially equal periodic payments made for the life of the employee or the joint lives of the employee and employee’s beneficiary. • Early retirement under the terms of the plan.
3	Disability	Yes
4	Death	<ul style="list-style-type: none"> • Yes, for surviving spouse only and only if the decedent would have also qualified for a normal distribution under Distribution Code 7 at the time of death. This may be subject to limitations based on the year of birth of the decedent. • No, for all other beneficiaries. • No, if paid as a death benefit payment made by an employer but not made as part of a pension, profit-sharing, or retirement plan.
5	Prohibited transaction	No
6	Section 1035 exchange: tax-free exchange of life insurance, endowment insurance, and annuity contracts	No
7	Normal distribution: normal distribution from a plan; distribution from a traditional IRA if the participant is at least 59½; Roth conversion if the participant is at least age 59½; or distribution from a life insurance, annuity, or endowment contract	Yes
8	Taxable excess contribution plus earnings/excess deferrals (and/or earnings)	No
9	Cost of current life insurance protection	No

DEFERRED COMPENSATION

Distributions received from deferred compensation plans which allow the employee to set the amount of compensation to be deferred and do not prescribe retirement age or years of service are treated as ordinary income. Deferred compensation distributions are usually **not** considered pension income and may **not** be subtracted on the Michigan return.

Federal law, 4 USC 114, prohibits a state from taxing certain deferred compensation distributions received by a nonresident after December 31, 1995. Therefore, nonresidents are no longer subject to Michigan income tax on distributions from deferred compensation plans as defined in IRC Sections 401(k), 457, and 3121(v)(2)(c) for payments received after December 31, 1995.

INTEREST, DIVIDENDS, AND CAPITAL GAINS DEDUCTION FOR SENIOR CITIZENS BORN BEFORE 1946

Senior citizens born before 1946 may take a deduction for interest, dividends, and capital gains up to \$10,545 for a single return and \$21,091 for a joint return for the 2012 tax year. The deduction will be adjusted by the percent increase in the U.S. Consumer Price Index for future years. This maximum deduction must be reduced by the amount of deduction taken for pension and retirement income.

Example: Step 1: James and Joanne are retired senior citizens, James was born before 1946. They file a joint income tax return. A partial listing of their income is as follows:

Pension Income	\$ 4,000
Capital Gains	12,000
Dividend Income	1,800
Interest Income	3,800

Step 2: Calculation of interest, dividend, and capital gains deduction:

Maximum Deduction	\$21,091
Less: Pension Subtraction	<u>4,000</u>
Maximum Allowable Deduction	\$17,091

Step 3: Total interest, dividends, and capital gains = \$17,600

Step 4: Use the **lesser** of the total interest, dividends, and capital gains (\$17,600) or the maximum allowable deduction (\$17,091).

Step 5: The interest, dividends, and capital gains deduction for James and Joanne is **\$17,091**.

Note: The term “senior citizen” as used in this section, refers to a person 65 years of age or older or an unremarried surviving spouse of an individual who was 65 years of age or older at the time of death. Beginning in 2012, this deduction is available only to taxpayers born before 1946 or the surviving spouse.

TAX

The tax rate for 2012 is 4.33%.

For prior years use the following rates:

- 2011 – 4.35%
- 2010 - 4.35%
- 2009 - 4.35%
- 2008 - 4.35%

TAX CREDITS (NONREFUNDABLE)

2012 Changes

Beginning in 2012, the following nonrefundable credits **are no longer available:**

- City Income Tax Credit
- Public Contribution Credit
- Community Foundation Credit
- Homeless Shelter/Food Bank Credit
- College Tuition and Fees Credit
- Vehicle Donation Credit
- Individual or Family Development Account Credit
- Renewable Energy Surcharge Credit

What Is a Nonrefundable Tax Credit

A tax credit is a direct reduction of the tax and is based on a certain formula. Any excess of the credits listed below over tax due is not refundable.

Out-of-State Tax Credit

A Michigan resident is allowed a credit for income tax paid to another government unit(s) on income earned while a resident of Michigan and taxed by Michigan.

Note: Credit is not allowed for tax imposed by another state on business income apportioned to Michigan.

For a **Michigan resident** the allowable credit for tax imposed by:

1. **Another state is the lesser of:**

- The actual tax imposed by the other state governmental unit on salaries/wages earned in that state, **or**
- The percentage of Michigan tax due on salaries/wages earned in the other state.

Tax Imposed on

$$\frac{\text{Out-of-State Income Subject to Tax by Both States}}{\text{Total Income Subject to Michigan Tax (Line 14)}} \times \text{by Michigan (Line 17)}$$

To claim this credit, a return must be filed with the other state and a copy of the other state's return attached to Form MI-1040.

Exceptions: The credit is not allowed on salaries and wages earned in Illinois, Indiana, Kentucky, Minnesota, Ohio, and Wisconsin since this income is not taxable by these states (based on reciprocity agreement). However, the credit is allowed if they pay a city or county tax in a reciprocal state.

The credit is not allowed on salaries and wages which are subtracted as "Income Attributable to Another State" (by a part-year or nonresident) since no Michigan income tax is calculated on this income.

2. A **Canadian province** is the **lesser** of:

- The Michigan tax due on Canadian income taxed by Michigan, **or**
- The portion of provincial tax not claimed as credit for U.S. income tax on income derived from Canadian sources also subject to Michigan income tax.

To claim this credit, file Michigan *Resident Credit For Tax Imposed By A Canadian Province* (Form 777). Instructions are included. Attach copies of Canadian federal Individual Income Tax Return, Canadian Form T-4, U.S. Form 1116, Computation of Foreign Tax Credit, and U.S. Form 1040.

Michigan Historic Preservation Credit

For plans approved before 2012, a taxpayer is allowed a nonrefundable credit of 25 percent of the qualified expenditures made for the rehabilitation of a historic resource pursuant to a rehabilitation plan. The rehabilitation plan and completed rehabilitation of the historic resource must be certified by the State Historic Preservation Office. Any unused portion of the credit may be carried forward for a maximum of ten years. For more information on how to qualify, visit the State Historic Preservation Office at www.michigan.gov/shpo or call (517) 373-1630.

VOLUNTARY CONTRIBUTIONS

The taxpayer can make contributions to certain funds listed on *Voluntary Contribution Schedule* (Form 4642). These contributions are treated as additional taxes. Any contributions will increase tax due or reduce any refund.

USE TAX

The taxpayer must use Worksheet 1, page 9, in the instruction booklet to calculate the use tax and enter the amount of use tax due on line 23 of the Form MI-1040.

TAX CREDITS (REFUNDABLE)

2012 Changes

Beginning in 2012 the following refundable credits are no longer available:

- Energy Efficient Qualified Home Improvement Credit
- Stillbirth Credit
- Adoption Credit

Other changes to nonrefundable credits for 2012 include:

- Substantial changes to the Homestead Property Tax Credit (see Chapter 3)
- Earned income credit has been reduced from 20% to 6% of federal EITC

Homestead Property Tax Credit

This credit is covered in Chapter 3 of this Manual.

Farmland Preservation Tax Credit

This credit is for taxpayers who have entered into a Farmland Development Rights Agreement with the Department of Agriculture. To receive this credit, complete Form MI-1040CR-5 and attach it to Form MI-1040.

When a Farmland Preservation Tax Credit is claimed, the taxpayer must attach the following items to Form MI-1040:

1. Property tax bills for 2012, with the agreement number listed on each of the tax bills and a receipt verifying payment of 2011 or 2012 property taxes. (Failure to show proof of payment will result in a check jointly payable to the taxpayer and the county treasurer.)
2. If ownership of the agreement is other than individual, appropriate distribution statement or partnership schedules.

Taxpayers who claim a farmland preservation tax credit may also claim a credit for a homestead property tax credit using the same taxes. However, total credits cannot exceed property taxes levied for the tax year.

Earned Income Tax Credit

Beginning January 1, 2008, a taxpayer may claim a refundable credit against the income tax for an amount equal to a percentage of the credit the taxpayer is allowed to claim as a credit under IRC Section 32 (i.e., the Earned Income Tax Credit (EITC)) for a tax year on a return filed under the Income Tax Act for the same year. For tax years beginning after December 31, 2011, an eligible taxpayer may claim a credit of 6 percent of his or her federal EITC.

Income Tax Withheld

This appears on the taxpayer's W-2 statement under "Michigan Tax Withheld." Be sure to include withholding for each W-2. Complete Schedule W and attach it to the return. Note that withholding can be shown on other forms such as W-2G and 1099s, as well as flow-through withholding. Do not attach W-2 statements to the return.

Claim of Right Doctrine

The Michigan ITA allows a refundable credit for tax paid on income in an earlier year because the taxpayer thought he or she had an unrestricted right to it, but had to repay that amount in the current year. For example, if the taxpayer received the money in 2009 and had to repay it in 2012, he or she may claim a credit on the 2012 return.

The amount of the repayment must have been deducted on U.S. *Schedule A* or claimed as a credit on U.S. Form *1040* to claim a credit on the Michigan return. If the repayment was deducted in arriving at AGI, no additional credit is allowed on the Michigan return.

To compute the credit, multiply the amount that was repaid in 2012 by the tax rate in effect in the year the money was received. Then add the amount of the credit to the Michigan tax withheld total from Schedule W and include it on the withholding line on Form MI-1040. Write "Claim of Right" next to the withholding line.

The following documents must be attached to Form MI-1040:

1. Schedule showing the computation of the Michigan credit
2. Proof of the repayment
3. Portion of the federal return showing the deduction or credit claimed under the claim of right.

Estimated Payments/Credit Forward

Ask the taxpayer if any estimated payments were made for the tax year or if there is a credit forward to be applied from the previous tax year. Any taxpayer who expects his or her tax liability for the year to exceed \$500 after withholding and tax credits should file Form MI-1040ES and make quarterly estimated payments for the year.

CHAPTER 3
HOMESTEAD PROPERTY TAX CREDIT
MI-1040CR AND MI-1040CR-2

GENERAL INFORMATION

**LEGISLATIVE CHANGES TO THE PROPERTY TAX CREDIT
FOR TAX YEAR 2012**

The property tax credit may be smaller in tax year 2012 or no longer available to many taxpayers in tax year 2012 due to the following legislative changes:

- A shift from total household income to total household resources, which does not allow the inclusion of any net business loss after netting all business income and loss, net rent or royalty loss, or any carryback or carryforward of a net operating loss (NOL).
- A lower phase-out level.
- A cap on the taxable value of a homestead of \$135,000 for homeowners. (The taxable value cap only applies to the residential portion of farms. The taxable value cap does not apply to rented homesteads.)
- Some senior claimants may have the credit reduced from 100 percent to 60 percent.

INTRODUCTION

A homestead property tax credit is given by the State of Michigan to assist residents in paying their property taxes. Property taxes are taxes paid by a homeowner directly to a Michigan city, township, or county, or that portion of rent paid to a landlord which represents property tax on an apartment, duplex, home, or other rental unit.

Note: The taxes do not have to be paid to the taxing authority in order to claim the homestead property tax credit. The credit is based on taxes levied for the tax year.

CREDIT REFUND

The taxpayer will be refunded the total credit unless he or she has a liability for:

- Income tax, business tax, etc.
- Other State agencies
- Friend of the Court
- Third-party liabilities.

If the taxpayer has a liability, the credit will be used to offset the amount due. However, should the credit be greater than the liability, the balance of the credit will be refunded.

INSTRUCTIONS

This chapter will often refer to the “instructions.” These are the instruction booklets used to prepare the homestead property tax credit forms MI-1040CR and MI-1040CR-2. Read the instruction booklets. The following information will recap and/or further explain the instructions.

WHO MAY CLAIM A CREDIT

A credit may be claimed for a person who:

1. Was a Michigan resident for at least six months of the year, **and**
2. Owned or rented and occupied a Michigan homestead on which either property tax or a service fee was levied, **and**
3. Has property taxes that exceed 3.5 percent of total household resources **and**
4. Has total household resources that does not exceed \$50,000, **and**
5. For a homeowner, has a taxable value on their homestead that does not exceed \$135,000 (with an exception for unoccupied farmland classified as agricultural, discussed on page 55).

HOMESTEADS THAT DO NOT QUALIFY

A homestead property tax credit may **not** be claimed for:

1. Rent paid to a city housing project if no property taxes or service fees are paid by the property owner.
2. Rent or property taxes on a summer cottage.
3. Rent or property taxes on property not located in Michigan.
4. Rent paid by anyone who is not a domiciled resident of Michigan.
5. Property taxes on a homestead with a taxable value greater than \$135,000 (with an exception for unoccupied farmland classified as agricultural, discussed on page 55).
6. Homesteads with a poverty exemption from paying property taxes for the tax year.

CALCULATION OF THE CREDIT

Homeowner

The credit is equal to a percentage (60% - 100%) of the amount that property taxes exceed 3.5 percent of THR, limited to \$1,200.

Renter

The credit is equal to a percentage (60% - 100%) of the amount that 20 percent of the annual rent exceeds THR, limited to \$1,200.

Calculation

The calculation of the credit begins with the amount that property taxes or 20 percent of the annual rent exceeds 3.5 percent of total household resources (THR). A credit-phase out applies for all claimants once THR exceeds \$41,000. (See the Phase-Out Chart on page 50.) No credit is allowed for claimants with THR exceeding \$50,000.

1. For most filers, the credit is equal to 60 percent of the amount that property taxes or 20 percent of annual rent exceeds 3.5 percent of THR, limited to \$1,200, if THR is \$41,000 or less. The credit-phase out applies once THR exceeds \$41,000. (See the Phase-Out Chart on page 50.) The credit is completely phased out once THR exceeds \$50,000.
2. For a claimant who, at the end of the tax year, are deaf, hemiplegic, paraplegic, quadriplegic, or “totally and permanently disabled”, he or she will receive 100 percent of the credit, limited to \$1,200, if THR is \$41,000 or less. “Totally and permanently disabled” status stops when the claimant reaches the age of 66. The credit phase-out applies once THR exceeds \$41,000. (See the Phase-Out Chart on page 50.) The credit is completely phased out once THR exceeds \$50,000.
3. For a senior citizen claimant age 65 or older at the end of the tax year (at least one spouse is 65 years of age or older), the amount that can be claimed depends on the senior claimant’s THR:
 - A. For senior claimants whose THR is \$21,000 or less, 100 percent of the credit can be claimed, limited to \$1,200.
 - B. For senior claimants whose THR is \$21,001 to \$30,000, the credit is reduced by 4% for each \$1,000 of total household resources in excess of \$21,000 and up to \$30,000. The \$1,200 maximum then applies. (See the Senior Credit Reduction Chart below/on page 49.)
 - C. For senior claimants whose THR is \$30,001 to \$41,000, 60 percent of the credit can be claimed, limited to \$1,200.
 - D. For senior claimants whose THR exceeds \$41,000, the credit phase-out applies after the \$1,200 limitation. (See Phase-Out Chart on page 50.)

SENIOR CREDIT REDUCTION CHART

Senior claimants are entitled to a 100 percent credit if their total household resources is \$21,000 or less. The credit is reduced by four percent once total household resources exceeds \$21,000.

<u>Total Household Resources</u>	<u>Reduction Percent</u>
\$21,001 - \$22,000	4%
22,001 - 23,000	8%
23,001 - 24,000	12%
24,001 - 25,000	16%
25,001 - 26,000	20%
26,001 - 27,000	24%
27,001 - 28,000	28%
28,001 - 29,000	32%
29,001 - 30,000	36%
30,001 - above	40%

PERCENT NOT REFUNDABLE TOTAL HOUSEHOLD RESOURCES OF \$6,000 OR LESS

For most filers, 3.5 percent of THR is subtracted from the annual property tax or 20 percent of annual rent to arrive at the credit. However, if the claimant or spouse is 65 or older or is a paraplegic, quadriplegic, hemiplegic, deaf, or is totally and permanently disabled, **and** the THR is \$6,000 or less, use the percentage found in the table below.

Total Household Resources	Percent of <u>THR</u>
\$3,000 or less	0%
\$3,001 - \$4,000	1%
\$4,001 - \$5,000	2%
\$5,001 - \$6,000	3%
Greater than \$6,000	3.5%

MAXIMUM CREDIT

The maximum credit is \$1,200, even if the calculated amount is greater than \$1,200. The limit is imposed before the phase-out.

PHASE-OUT

For taxpayers whose THR exceeds \$41,000, the computed credit (maximum \$1,200) must be reduced by 10 percent for each thousand or portion of thousand over \$41,000 and up to \$50,000. No credit is allowed for taxpayers whose THR is above \$50,000.

PHASE-OUT CHART	
<u>Total Household Resources</u>	<u>Reduction Percent</u>
\$41,001 - \$42,000	10%
42,001 - 43,000	20%
43,001 - 44,000	30%
44,001 - 45,000	40%
45,001 - 46,000	50%
46,001 - 47,000	60%
47,001 - 48,000	70%
48,001 - 49,000	80%
49,001 - 50,000	90%
50,001 - above	No Credit

Example 1: A senior citizen has total household resources of \$45,000 and property taxes of \$2,500. The property taxes exceed 3.5 percent of total household resources by \$925. The senior citizen's total household resources exceeds \$30,000, therefore the credit is reduced from 100 percent to 60 percent, or \$555. The phase-out applies and will further reduce the \$555 credit by 40 percent to \$333.

Example 2: A claimant has total household resources of \$48,500 and property taxes of \$4,000. The property taxes exceed 3.5 percent of total household resources by \$2,302. The credit is first reduced to 60 percent or \$1,381. The credit is then limited to \$1,200, the maximum allowed. After the \$1,200 limit is applied, the phase-out further reduces the credit by 80 percent to \$240.

WHEN TO FILE CLAIM

Claims must be filed within four years from the due date of Form MI-1040.

WHICH FORM TO USE (MI-1040CR OR MI-1040CR-2)

Use *Homestead Property Tax Credit Claim* (Form MI-1040CR) for:

- General claimant.
- Paraplegic, quadriplegic, hemiplegic, deaf, or totally and permanently disabled persons.
- Senior citizen – regular method.
- Senior citizen - alternate rent credit (rent larger than 40 percent of THR).
- Senior citizen - homeowner over age 104 optional method.

Use *Homestead Property Tax Credit Claim for Veterans and Blind People* (Form MI 1040CR 2) for:

- Veteran with a service-connected disability or veteran's surviving spouse, a surviving spouse of a veteran deceased in service, or a veteran of wars before World War I.
- Person in active military whose total household resources is \$7,500 or less.
- Pensioned veteran or his/her surviving spouse whose total household resources is \$7,500 or less.
- Surviving spouse of a nondisabled or nonpensioned veteran of the Korean War, World War II, or World War I whose total household resources is \$7,500 or less.
- Blind person who owns his or her home.

Claimants eligible for the credit for veterans and blind people should prepare both the MI-1040CR and the MI-1040CR-2. File the credit claim that results in a larger credit.

IDENTIFICATION

SOCIAL SECURITY NUMBER

Both SSNs must be included on the form for married filing jointly and filing separately. This claim must be filed jointly unless there is a legal separation **and** separate homesteads are maintained.

SCHOOL DISTRICT CODE

Obtain the code number from pages 60-61 of the instruction booklet.

For residents, enter the code for the school district that the taxpayer lived on December 31, 2012. For part-year residents who did not live in Michigan as of December 31, 2012, enter “10000” in the school district code box.

AGE 65 OR OLDER

One spouse must be 65 or older on December 31, 2012, to qualify. The unremarried spouse, regardless of age, of a person who was 65 or older at the time of death also qualifies as a senior.

DISABILITY DEFINITIONS

Use the following definitions to determine if the taxpayer is eligible to check box 5b of Form MI-1040CR:

- Deaf An individual whose hearing is totally impaired or whose hearing, with or without amplification, is so seriously impaired that the primary means of receiving spoken language is through other sensory input, including but not limited to lip reading, sign language, finger spelling, or reading.
- Hemiplegic An individual who has paralysis of one side of the body.
- Paraplegic An individual who has paralysis of the lower half of the body.
- Quadriplegic An individual who has paralysis of both arms and both legs.
- Totally and permanently disabled An individual who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than 12 months. A person who is blind is generally considered totally and permanently disabled. For an additional reference, see 42 U.S.C. 416.

Support for the totally and permanently disabled exemption is the receipt of any of the following types of income:

- Social Security Disability benefits (SSDI)
- Supplemental Security Income (SSI) disability benefits
- Veterans' Administration (VA) disability retirement payments

A taxpayer who did not receive any of the above income in the tax year may be required to furnish a physician's statement to certify total and permanent disability.

Note: The credit calculation for totally and permanently disabled claimants does not apply for a claimant who is 66 years of age or older at the end of the tax year.

Example:

Jacob is 66, but before he turned age 66 he was receiving SSDI for being totally and permanently disabled. Assuming Jacob is not deaf, paraplegic, quadriplegic, or hemiplegic, Jacob is no longer considered a disabled claimant. He is not eligible for the 100 percent credit calculation because the normal retirement age of individuals born between 1943 and 1954 is 66. Since Jacob has reached normal retirement age, he is no longer receiving disability income but is instead considered a retired senior. As a claimant 65 or older, he must follow the credit calculation for senior citizen claimants discussed on page 65 of this manual. Although Jacob's condition did not change when he reached the age of 66, he may no longer claim 100 percent of the credit for being totally and permanently disabled.

FILING STATUS

Check the applicable box for the claimant's filing status. If the claimant filed a joint federal return, they must file a joint property tax credit. Married couples who file married filing separate must include the total household resources of both spouses unless they filed separate federal returns and maintained separate homesteads. If a claimant filed their federal return as head of household or qualifying widow(er), the claimant must file the property tax credit as single or, if married, married filing separately. For more instructions on filing status, see Special Situations on page 72.

Note: If married taxpayers filed a Form MI-1040, it may be possible for the filing status on the property tax credit claim to be different than the filing status checked on the income tax return, Form MI-1040.

RESIDENCY STATUS

Check all applicable boxes on line 7. If one spouse was a resident and the other spouse was a nonresident or part-year resident, check the appropriate box for each spouse. If either spouse was a part-year resident, enter the dates of Michigan residency.

COMPUTATION

This section identifies the allowable taxes, rent, and THR, which are the key figures needed to calculate the credit.

Line references below in sections titled “Property Owner” through “Senior Citizen - Homeowner Age 104 or Older in 2012” refer to lines on the 2012 Form MI-1040CR.

Instructions on completing the 2012 Form MI-1040CR-2 can be found on page 69.

PROPERTY OWNER

Property Taxes

The taxable value (TV) and property taxes must be entered on lines 9 and 10 of the return. The TV can be found on the property tax statement or it can be obtained from the local tax assessor.

Homestead Property Owner

Determine that the property is occupied by the owner. Remember:

1. Claim only the taxes **billed** for the year of claim regardless of when tax was paid.
2. Administrative fees of up to 1 percent of the taxes may be included in the amount of taxes used to compute the credit.
3. Special assessments may **not** be included in taxes unless special assessments are based on the TVA, are levied using a uniform millage rate, and are applied to the entire taxing jurisdiction. Public Act 28 of 2003 allows an assessment that is levied township-wide but not on a village within the township to be included in the credit calculation if the assessment meets the first two criteria and is for police, fire, or advanced life support.
4. Delinquent taxes paid in 2012 may **not** be included in the amount of taxes used to compute the credit for 2012.
5. If the homestead was bought or sold during 2012, the taxes must be prorated for the time each homestead was occupied.

Farmland Property Owner

A claimant is entitled to a homestead property tax credit on farmland under the following conditions:

- If the taxable value of the homestead excluding the taxable value of the unoccupied farmland classified as agricultural exceeds \$135,000, the claimant is not eligible for the homestead property tax credit.
- If gross receipts from farming are greater than claimant's THR, all property taxes on farmland may be claimed for credit, including taxes on unoccupied land. A claimant may not include taxes on land that is not adjacent or contiguous to his or her home and is rented or leased to another person.
- If gross receipts from farming are less than claimant's THR, taxes are limited to property taxes on farmland adjacent and contiguous to the home providing claimant lived on the land ten years or more, **or**
- If claimant has not lived on the land for ten years and the gross receipts from farming are less than THR, only the taxes on the home and five acres of adjacent or contiguous farmland may be claimed for credit. The township assessor can give the claimant this information.

Home Owner, Full-Year

Indicate taxable value (TV) on line 9 and all allowable property taxes on line 10.

Home Owner, Part-Year

Property taxes must be prorated if the claimant was a part-year resident **or** a full-year resident who bought or sold a home during the year. The total time claimed for all homesteads must not exceed 12 months or 366 days, and the taxes must be prorated for the time the claimant owned and occupied each homestead. Part-year residents are limited to the number of days they actually lived in Michigan. They must live in Michigan for at least **six months to qualify**. Complete lines 46 through 52 on page 3 of the return. Use both columns if necessary. Then carry the figure on line 52 to line 10.

<p>Note: If either of the homesteads owned has a taxable value that exceeds \$135,000, the property taxes on that homestead may not be included on line 10.</p>
--

Example:

Raymond Smith sold his homestead (House A) on March 31. He occupied it until March 31. On April 1, he moved into a new homestead (House B) which he purchased. Property taxes billed for that year are as follows:

<u>Taxing Authority</u>	<u>Date Billed</u>	<u>House A</u>	<u>House B</u>
City	July	\$600	\$ 1,050
County	November	<u>130</u>	<u>235</u>
Total		<u>\$730</u>	<u>\$1,285</u>

Mr. Smith occupied House A for 91 days and House B for 275 days in the tax year. He is entitled to use the following percentage of property taxes on each house for the credit:

<u>House A</u>	<u>House B</u>
$\frac{91 \text{ Days}}{366 \text{ Days}} = 25\%$	$\frac{275 \text{ Days}}{366 \text{ Days}} = 75\%$

Therefore, assuming both houses have a TV of \$135,000 or less, Mr. Smith is entitled to use the following taxes:

	<u>Total Tax</u>		<u>%</u>		<u>Allowable Tax</u>
House A	\$ 730	x	25%	=	\$ 183
House B	<u>1,285</u>	x	<u>75%</u>	=	<u>964</u>
Total	<u>\$2,015</u>		<u>100%</u>		<u>\$1,147</u>

RENTER

Rent

If a landlord does not pay property tax or a service fee, no portion of the rent is considered to be property tax. Therefore, no credit is allowed.

Rent should not include security deposits, late fees, or charges for other services provided, such as meals or housekeeping.

The property tax included in rent is as follows:

1. 20 percent of rent paid, if the landlord pays property tax.

2. 10 percent of rent paid, if the landlord pays a service fee to the local unit of government instead of property tax (PILOT (Payment in lieu of taxes) program).

Renter, Full-Year

Claimant rented homestead for the full year (12 months). Complete lines 53 and 54 on page 3 of the return. Carry the figure on line 54 to line 11 on the front of the return. Calculate 20 percent of line 11 and enter on line 12.

Renter, Part-Year

Claimant either moved from a rental situation to owning a home, was a part-year resident, or is filing on behalf of a deceased taxpayer. Claimant may only claim rent for the period of time he or she was a resident and actually occupied the rental unit. Do not include rent beyond the dates claimant lived in the unit (e.g., paid additional rent to fulfill a lease when he or she moved to another homestead). Complete lines 53 and 54 on page 3 of the return. Carry the figure on line 54 to line 11 on the front of the return. Calculate 20 percent of line 11 and enter on line 12. If the claimant also bought or sold a home, complete lines 46 through 52 on page 3 of the return, and carry the figures to line 10.

TYPES OF HOUSING

To determine whether the claimant should be reporting a property tax figure or rent, consider the various types of housing and/or circumstances that may affect how the claimant should file.

Mobile Home

A claimant living in a mobile home park may claim \$3 per month in addition to 20 percent of the balance of the rent paid. The \$3 per month is a specific tax in addition to the general property tax paid. If the renter also pays a **separate property tax** for an additional attached building (such as a garage, carport, or shed), he or she may also claim the specific property tax for the attached building. The taxes must be billed separately to qualify. Complete lines 53 and 54 on page 3 of the return. Include the lot rent minus the \$3 per month tax. Carry the figure on line 54 to line 11. Calculate 20 percent of line 11 and enter on line 12. Also, enter \$3 a month for the specific tax on line 10 (e.g., enter \$36 if claimant lived all 12 months of the tax year in the mobile home park).

Example:

John Jackson lives in the Happy Motor Trailer Park. Mr. Jackson showed his lease agreement for the lot which disclosed total rent paid for the entire tax year of \$1,656. Included in each month's rent is a \$3 specific tax, which totals \$36 a year. The following entries are made on the credit claim:

- Page 3, line 53:
 - Column A, enter the address where John Jackson lived and rented
 - Column B, enter the landowner's name and address

- Column C, enter 12 as the number of months rented in the tax year
 - Column D, enter \$138 as the rent paid per month ($\$1,656 \div 12$)
 - Column E, enter \$1,620 as the total rent paid ($\$1,656 - \36)
- Page 1
 - Line 10: Enter \$36 as taxes levied
 - Line 11: Enter \$1,620 as total rent paid
 - Line 12: Enter 20% of the rent paid, \$324 (line 11, $\$1,620 \times 20\%$)
 - Line 13: Enter \$360 as the total taxes claimed for the property tax credit

Subsidized Housing

If the claimant's rent was subsidized, complete lines 55, 56, and 59 on page 3 of the return. Enter the total rent paid by the claimant on line 56 and carry that amount to line 11 on page 1 of the return. Do not include amounts paid on behalf of the claimant by a government agency.

Service Fee Housing

Complete lines 55 through 57, and line 59 on page 3 of the return. Carry the figure on line 57 to line 10 on page 1 of the return. This is the total service fee paid in lieu of taxes. Assuming the claimant lived in service fee housing for the full tax year, leave line 9 blank and **do not** complete lines 11 and 12.

Nursing Home, Home for the Aged, and Adult Foster Care Home

A permanent resident of a nursing home, home for the aged, or adult foster care home is entitled to a homestead property tax credit if the facility pays local property taxes (many do not) and bills a lump sum for rent and services. The resident **cannot** claim rent. The resident's allocable share is calculated by dividing the facility's property tax by the number of licensed beds.

If the facility received a direct payment from a State or federal agency for the care of the resident, then the allocable share may be limited. The resident cannot claim an allocable share that is greater than the charges paid by the resident to the facility.

Example: Mrs. Brown's nursing home charges for the entire tax year were billed in a lump sum of \$13,000 (for rent, food, and other nursing services) to the State of Michigan, of that sum, \$12,000 was paid directly to the nursing home by the State. Mrs. Brown paid the balance due of \$1,000. Mrs. Brown's "allocable share" of property taxes on the nursing home, based on 100 beds and \$60,000 in real property taxes, is \$600. Since Mrs. Brown's total charges paid by her are greater than her "allocable share," the allocable share of \$600 may be used by her for calculating a property tax credit.

On page 3 of the return, check box 58c and enter \$600 on line 58 as Mrs. Brown's prorated share of taxes. Carry the figure on line 58, \$600, to line 10 on page 1 of the return. Leave line 9 blank and **do not** complete lines 11 and 12.

Room and Board

If the claimant pays room and board in **separate** billings, the claimant must base the credit on the rent. If the claimant pays room and board in **one** billing, the credit must be based on a prorated share of the property taxes on the facility. If the landlord does not provide this figure, divide the square footage of the claimant's living space by the total square footage of the facility, then multiply the total taxes on the facility by that percentage.

Special Housing

If the claimant resides in housing where the rent includes meals and other services (housekeeping, laundry, transportation, etc.), the credit must be based on the prorated share of the taxes on the entire property. The facility must provide the claimant with the prorated share of the property taxes for use in the credit calculation. Claimants may not calculate the credit by using the portion of the monthly payment as rent.

Cooperative Housing

Use the claimant's share of property taxes on the building. Ask to see a statement from the co-op giving the amount of taxes or percentage of the monthly payment that is considered tax on the claimant's unit. Enter the taxable value on line 9. Check box 58a on page 3 of the return and enter the claimant's prorated share of taxes on line 58. Carry the figure on line 58 to line 10 on page 1 of the return.

If the claimant lives in a co-op where residents also pay rent on the land under the building, they may also claim 20 percent of that land rent. Complete lines 53 and 54 for the land rent on page 3 of the return. Carry the figure from line 54 to line 11 on page 1 of the return. Calculate 20 percent of line 11 and enter on line 12.

TOTAL HOUSEHOLD RESOURCES (THR)

Complete lines 14 through 33 according to the instructions.

THR is the total income of a husband and wife or a single person maintaining a household. It is made up of taxable and nontaxable income. THR is federal Adjusted Gross Income (AGI) plus income that is specifically excluded or exempted from federal tax, and increased by the following deductions from federal gross income:

- A. Any net business loss after netting all business income and loss
- B. Any net rental or royalty loss
- C. Any carryback or carryforward of a net operating loss (NOL) as defined in Section 172(b)(2) of the internal revenue code.

(See Income and Deductible Items, page 91)

The following is a **partial list** of excluded income that must be included in a claimant's THR:

1. Benefits received from Social Security, including Supplemental Security Income (SSI) and Railroad Retirement benefits. Do not include Medicare payments in this total.
2. Family Independence Program (FIP) assistance and other Department of Human Services (DHS) assistance. Other public assistance may include State Disability. Do not include Food Assistance Program benefits.
3. Other public assistance benefits such as State Disability Assistance (SDA), State Family Assistance (SFA), Repatriate Assistance, Refugee Assistance, and vendor payments for shelter, heat, and utilities.
4. Workers' compensation payments.
5. Veteran's disability payments, pension benefit, or mustering out payments.
6. Amounts received for loss of wages due to permanent disability.
7. Amounts received as damages to character for personal injury or sickness.
8. Amounts in excess of the claimant's contributions received from a pension plan or annuity. This includes reimbursement payments, such as an increase in a pension to pay for Medicare charges.
9. Life insurance proceeds, except benefits from insurance on a spouse.
10. Money received from a person who is legally obligated to support a member of the household.
11. An inheritance, bequest, or devise, excluding an inheritance from a spouse.
12. Educational benefits received under federal or State legislation with respect to services in the military or naval forces of the United States.
13. Scholarships, stipends, other educational grants.
14. Income from an obligation issued by a state or its political subdivisions, including this State (e.g., tax-exempt municipal bonds).
15. Value over \$300 in gifts of cash, merchandise, or expenses paid on claimant's behalf (rent, taxes, utilities, food, medical care, etc.).
16. Payments in kind exceeding \$300 from nongovernmental sources.
17. The portion of capital gains and dividends excluded or deducted from federal AGI.

18. All capital gains. This is the total of short- and long-term gains less short- and long-term losses from U.S. *Schedule 1040D*. Include gains realized on the sale or foreclosure of taxpayer's residence regardless of age or whether or not these gains are exempt from federal income tax. Losses may not be deducted.
19. Death benefits paid by or on behalf of an employer, excluding benefits paid for a spouse.
20. Earned income from foreign sources excluded from federal gross income.
21. Accumulation distributions received from a trust.
22. Net rental income.
23. Child support.
24. Lump sum distributions that have been deducted in arriving at federal AGI.
25. Amounts received for minor children or other dependent adults who lived with the claimant.

Total household resources **does not include** (partial list):

1. Minor child's income.
2. Loan proceeds.
3. Surplus foods.
4. Receipt of original contributions to pension plans.
5. Relief in kind paid by a governmental unit, such as Medicaid payments to a nursing home or doctor or rent paid in whole or in part directly to the landlord. Chore service payments are income to the provider but not to the person receiving the benefits.
6. Governmental grants which must be used by the claimant to improve a homestead.
7. State and city income tax refunds, including homestead property tax and home heating credits. Farmland preservation tax credits are included in federal AGI and total household resources.
8. Amounts deducted from SSI or railroad retirement benefits for Medicare premiums.
9. Amounts paid by an employer for life, health, or accident insurance.
10. First \$300 in income from gambling, bingo, lottery, or prizes and awards during the year.

11. Stipends received by a person 60 years of age or older who is acting as a foster grandparent under the Foster Grandparent Program or as a senior companion of the Domestic Volunteer Service Act.
12. An inheritance from a spouse.
13. Life insurance benefits from a policy on the claimant's spouse.

Note: Any net business loss after netting all business income and loss, net rental and royalty loss, and any carryback or carryforward of a NOL as defined in Section 172(b)(2) of the internal revenue code cannot be included in total household resources.

Enter the following on line 30, "Other Adjustments," taken from the adjustments to income portion of *U.S. Form 1040*:

1. Payments made to an Individual Retirement Account (IRA), Keogh (HR10), SEP, or Simple Plans if deducted from federal AGI.
2. Student loan interest deduction.
3. Health savings account deduction.
4. Moving expenses when moving into Michigan.
5. Deduction for ½ of the self-employment tax.
6. Self-employed health insurance deduction.
7. Penalty on early withdrawal of savings.
8. Alimony paid.
10. Educator expenses.
11. Tuition and fees deduction.
12. Domestic production activities deduction.

The adjustments listed above for line 30 should be supported by attaching a copy of the front page of U.S. Form 1040.

Enter medical insurance/HMO premiums that the claimant paid on line 31.

Note: Any health insurance premiums paid, in whole or in part, by the claimant and not by the employer for both claimant and family are deductible from gross income to arrive at THR. The filer may not claim protection insurance premiums for monetary compensation if he or she acquires a specific disease or becomes disabled. Also, a deduction may not be taken for insurance premiums covering the cost of nursing home or in-home care. The taxpayer may claim the portion of an auto insurance policy that covers medical coverage.

See instruction booklet for additional information. Refer to Income and Deductible Items, page 91, for other items which may or may not be included in THR.

INSUFFICIENT INCOME TO COVER LIVING EXPENSES

THR must be sufficient to pay property taxes or rent plus all other living expenses. If income is insufficient, attach a note explaining the extenuating circumstances. General questions may be asked of the taxpayer to obtain additional information.

Example:

A claimant comes into the office with W-2s showing total wages of \$2,500 which he or she claims to be the only income received for the year. This claimant also shows you rent receipts totaling \$3,000. Upon questioning the claimant, you discover the claimant has three children and claims no other money was received during the year. Obviously, something is wrong. The claimant spent \$3,000 towards rent but only had \$2,500 available to spend. In addition, there must have been other living expenses incurred to maintain the household.

The following are some questions you might ask the claimant to ascertain other possible sources of income:

- Did you receive ANY other income during the year from other sources, such as child support?
- Did you receive food stamps or other non-cash assistance during the year?
- Did you share living expenses with anyone else (rent, food, etc.)?
- Did you receive gifts of cash or were expenses paid on your behalf by friends or relatives?

State returns suspected to contain false information should be sent to the Treasury Discovery and Tax Enforcement Division, with a note of explanation.

CREDIT COMPUTATION METHODS

This section discusses how to compute a property tax credit. If the claimant is eligible for more than one method, choose the method that produces the largest credit.

All filers must reduce the computed property tax credit by 10 percent for every \$1,000 (or part of \$1,000) that THR exceeds \$40,000. A property tax credit is not available to any filer whose total household resources exceeds \$50,000.

The credit computation methods are:

- General claimant
- Paraplegic, quadriplegic, hemiplegic, totally and permanently disabled, or deaf persons.
- Senior citizen – regular method
- Senior citizen - alternate rent credit method (rent larger than 40 percent of THR)
- Senior citizen - optional method (homeowner age 104 or older)
- Service persons or veterans or their widows or widowers
- Blind persons
- FIP recipient.

GENERAL CLAIMANT

Qualifications

This method is available when the claimant or spouse does not qualify for any other method or when the taxpayer or spouse does qualify for one or more of the other methods but the other method(s) results in a smaller refund or credit.

Method of Computation

The credit is equal to 60 percent of the amount by which property taxes or 20 percent of the rent paid exceeds 3.5 percent of THR, subject to a credit maximum of \$1,200 and phase-out limitations.

Examples:

<u>Homeowner</u>		<u>Renter</u>	
Property Taxes	\$900	Rent/Year	\$4,200
			<u>x 0.2</u>
			840
THR	\$9,500	THR	\$9,500
	<u>x 0.035</u>		<u>x 0.035</u>
Amount Not Refundable	<u>- 333</u>	Amount Not Refundable	<u>- 333</u>
Balance	567	Balance	507
	<u>x 0.6</u>		<u>x 0.6</u>
Credit	<u>\$340</u>	Credit	<u>\$ 304</u>

Note: A general claimant will always apply 3.5 percent to THR, even when the THR is \$6,000 or less.

**PARAPLEGIC, QUADRAPLEGIC, HEMIPLEGIC, DEAF,
OR TOTALLY AND PERMANENTLY DISABLED PERSONS**

Qualifications

See page 52 of this text.

Method of Computation

The credit equals the amount by which property taxes or 20 percent of the rent paid exceeds 3.5 percent of THR, subject to a credit maximum of \$1,200 and phase-out limitations. The following examples illustrate the computation for both the homeowner and the renter.

Examples:

<u>Homeowner</u>		<u>Renter</u>	
Property Taxes	\$620	Rent/Year	\$4,000
			<u>x 0.2</u>
			800
THR	\$8,000	THR	\$8,000
	<u>x 0.035</u>		<u>x 0.035</u>
Amount Not Refundable	<u>- 280</u>	Amount Not Refundable	<u>- 280</u>
Credit	<u>\$340</u>	Credit	<u>\$ 520</u>

Notes: If THR is \$6,000 or less, substitute the 3.5 percent with the lower percentage found in the table on page 49 of this text or in the Michigan 1040 instruction booklet.

A homeowner who is blind should also complete Form MI-1040CR-2 and select the form that results in the larger credit.

**SENIOR CITIZEN – REGULAR METHOD FOR
HOMEOWNER OR RENTER**

Qualifications

A claimant is eligible for this method if either spouse is 65 or over, and they rent or own their homestead.

Method of Computation

For seniors with total household resources of \$21,000 or less, the credit is equal to 100 percent of the amount by which property taxes or 20 percent of the rent paid exceeds 3.5 percent of THR. The credit is reduced by four percent once THR exceeds \$21,000, down to 60 percent credit once THR exceeds \$30,000. Lastly, a \$1,200 credit maximum and phase-out limitations apply.

Examples:

<u>Homeowner</u>		<u>Renter</u>	
Property Taxes	\$3,400	Rent/Year	\$8,400
			<u>x 0.2</u>
			1,680
THR	\$37,000	THR	\$37,000
	<u>x 0.035</u>		<u>x 0.035</u>
Amount Not Refundable	- <u>1,295</u>	Amount Not Refundable	- <u>1,295</u>
Balance	1,905	Balance	385
	<u>x 0.6</u>		<u>x 0.6</u>
Credit	\$1,263	Credit	<u>\$ 231</u>
Credit Limit	<u>\$1,200</u>		

Note: If THR is \$6,000 or less, substitute the 3.5 percent with the lower percentage found in the table on page 49 of this text or in the Michigan 1040 instruction booklet.

**SENIOR CITIZEN - ALTERNATE METHOD FOR RENTER
(RENT LARGER THAN 40% OF THR)**

Qualifications

A claimant is eligible for this method if either spouse is 65 or over, and they rent their homestead.

Method of Computation

The credit is equal to the amount by which the annual rent paid exceeds 40 percent of the THR, subject to a credit maximum of \$1,200. The illustration below compares this method to the regular method for a senior citizen.

<u>Regular Method</u>		<u>Alternate Method</u>	
Rent/Year	\$5,000	Rent/Year	\$5,000
	<u>x 0.2</u>		
	1,000		
THR	\$8,500	THR	\$8,500
x 3.5%	<u>x 0.035</u>	x 40%	<u>x 0.4</u>
Amount Not Refundable	- 298	Amount Not Refundable	- <u>3,400</u>
Regular Method Credit	<u>\$ 702</u>	Alternate Method Credit	<u>\$ 1,600*</u>

* Use the Alternate Method = \$1,200 (maximum amount allowed).

SENIOR CITIZEN – HOMEOWNER AGE 104 OR OLDER IN 2012

Qualifications

To qualify for this method, the taxpayer must meet all of the following:

1. The claimant or spouse must have received a senior citizen homestead exemption in 1973.
2. The THR must be \$6,000 or less.
3. The claimant’s age is at least 104 in 2012.

Method of Computation

Use the following formula to determine the property tax credit:

$$\frac{\$2,500}{TV*} \times \text{Property Tax} = \text{Credit}$$

* If the taxable value is \$2,500 or less, use 100% of the property taxes.

Example:

Harry Freeman is 104 years old and his THR is \$5,500. The TV on his house is \$10,000, while the property taxes are \$320. Using the senior homestead exemption method, Mr. Freeman’s credit is \$80, determined as follows:

$$\frac{\$ 2,500}{\$10,000} \times \$320 = \$80$$

However, using the lower percent of income allowed for seniors and disabled claimants with THR of \$6,000 or less, as discussed on page 49, Mr. Freeman’s credit is \$155, determined as follows:

Property Taxes	\$320
Taxes Not Refundable (Table 2 in instructions)	
(3% x \$5,500)	<u>-165</u>
Allowable Credit	<u>\$155</u>

In this situation, prepare the form using the traditional senior calculation with the lower percent of income, even though the claimant qualifies for both methods. If a senior citizen is qualified to use the senior homestead exemption method, attach a sheet showing the computation.

Senior citizens who are renters are not entitled to use the senior homestead exemption method.

SERVICE PERSONS, VETERANS, OR THEIR WIDOWS OR WIDOWERS

Qualifications

A serviceman, servicewoman, veteran, and his or her widow or widower who owns a home and meets one of the following descriptions is entitled to use a special TV calculation (Form MI-1040CR-2):

1. Veteran with service-connected disability or widow or widower
2. Widow or widower of a veteran deceased in service
3. Veteran of war before World War I or widow or widower
4. Pensioned veteran or widow or widower
5. Active serviceperson or widow or widower
6. Widow or widower of a nondisabled or non-pensioned veteran of certain wars.

To qualify under categories 3 through 6 above, the claimant cannot have THR greater than \$7,500. FIP/DHS benefits must be included in the THR.

Method of Computation - Home Owner

The credit calculation for an eligible serviceman, servicewoman, veteran, widow, or widower is:

$$\frac{TVA}{TV} \times \text{Property Tax} = \text{Credit}$$

Table 2 in the MI-1040CR-2 instruction booklet lists the taxable value allowance (TVA) for each category of serviceman, servicewoman, veteran, widow, or widower.

To determine the refundable percentage for TVs, divide the TVA by the TV.

Method of Computation - Renter

The following formula is used to compute the TV:

$$\frac{20\% \text{ of Rent Paid}}{\text{Combined Millage Rate of the Locality of the Homestead (Non-homestead rate must be used)}} = \text{TV}$$

Example:

Martin Barnum is a 70 percent disabled veteran. He lived all year in an apartment and paid \$250 per month in rent. The combined county and city millage rate on the property is 56 mills (.056). Mr. Barnum’s property tax credit is calculated as follows:

- 1. Property tax included in rent:

Monthly Rent	\$ 250
	<u> x 12</u>
Annual Rent	3,000
	<u> x 0.20</u>
Property Tax	<u>\$ 600</u>

- 2. TV:

Property Tax divided by Combined Millage Rate = TV

$$\frac{\$600}{0.056} = \$10,714$$

- 3. TVA for a 70 percent disabled veteran is \$4,000. (See Table 2 in Form MI-1040CR-2 instruction booklet.)

4. Percent of taxes refundable from $\frac{TVA}{TV} = \frac{\$4,000}{\$10,714} = 37.3\%$

5. Property Tax Credit:

$$20\% \text{ of Annual Rent multiplied by } \% \text{ of Taxes Refundable} = \text{Allowable Credit}$$

$$\$600 \times 37.3\% = \$224$$

BLIND PERSON

Qualifications

To use the following method, a person must qualify as blind under Michigan Compiled Law (MCL) 206.504(1). Generally, this is vision of 20/200 or less in the better eye with corrective lenses, or peripheral field vision of 20 degrees or less.

Method of Computation

The credit calculation for a blind person is:

$$\frac{TVA}{TV} \times \text{Property Tax} = \text{Credit}$$

The TVA for the following categories of blindness is:

<u>Claimant</u>	<u>TVA</u>
Blind individual	\$3,500
Husband and wife (one blind)	3,500
Husband and wife (both blind)	7,000

A blind claimant who is a homeowner may use the TVA/TV method. A blind claimant who is a renter may **not** use Form MI-1040CR-2.

PUBLIC ASSISTANCE / DEPARTMENT OF HUMAN SERVICES BENEFITS RECIPIENT

Qualifications

An individual whose only income is from DHS is not eligible for a homestead property tax or rent credit. Assistance payments include FIP and State Disability Assistance (SDA). A taxpayer who received other income in addition to these benefits may be eligible to file for the credit.

Method of Computation

Prorate the credit for a DHS recipient by using the ratio (percentage) of non-DHS income to total THR. To prorate the credit, use the information from your form to complete MI-1040CR Worksheet 3 on page 30 of the instruction booklet.

Example:

Jane Canton earned wages of \$4,000 and received DHS payments of \$6,000 during the tax year. She will receive a credit equal to 40 percent of the property tax credit.

$$\frac{\text{Non-DHS Income (Wages)}}{\text{THR}} = \frac{\$ 4,000}{\$10,000} = 40\%$$

If her property tax or rent credit was computed at \$400, she would receive a credit of \$160 (\$400 x 40%).

Child Support

Subtract child support payments included in the DHS benefits from the amount on the DHS statement when calculating the non-DHS income. Include the child support as other income when computing the ratio of non-DHS income to total THR.

Example:

Jane Canton informs you that her husband pays child support. She should obtain a child support statement from the Friend of the Court indicating the amount of child support paid. If the statement indicates her husband paid \$2,000 in child support, compute the percentage as follows:

DHS			\$ 6,000
Less: Child Support Per Statement			
From Friend of the Court		<u>2,000</u>	
Net DHS			<u>\$ 4,000</u>
<u>Wages + Child Support</u>	=	<u>\$4,000 + \$2,000</u>	= 60%
THR		\$10,000	

In this example, Jane can claim 60 percent of the credit. Make the following three entries on the total household resources schedule:

Wages			\$ 4,000
FIP/DHS			4,000
Child Support		<u>2,000</u>	
Total THR			<u>\$ 10,000</u>

Attach the annual statement from Friend of the Court, FEN-851, to Form MI-1040CR or MI-1040CR-2, whichever is being completed. The FEN-851 form may be attached as a PDF to an e-filed return.

SPECIAL SITUATIONS

Married-Joint Filers, Separate Homesteads

A claimant may file for one 12-month period. Even though a husband and wife maintain separate homesteads, if they file a joint State income tax return, they must file a joint property tax credit. They may claim only one homestead and must include their total combined THR.

Married-Separate Filer, Joint Homestead

If a husband and wife file separate federal and Michigan returns and maintain a joint homestead they must:

1. Enter combined THR.
2. Enter total property taxes and/or rent paid for the year.
3. Split the credit between spouses.
4. Attach a copy of the CR form to each return.

Example:

Jason and Ruth Gordon (husband and wife) maintain one homestead at 111 Main Street, Anytown, Michigan. They filed separate federal and Michigan income tax returns. Their only income is wages. Jason earned \$25,000 and Ruth earned \$17,500. Homestead property taxes are \$2,525. The correct property tax credit is computed as follows:

Jason's Wages	\$25,000
Ruth's Wages	<u>17,500</u>
Combined THR	<u>\$42,500</u>
Homestead Property Tax	\$ 2,525
Less 3.5% of THR (0.035 x \$42,500)	<u>- 1,488</u>
Net Property Tax x 60%	<u>1,037</u> <u>x 0.60</u>
Homestead Property Tax Credit	\$ 622
Phase-out (Reduce Credit by 20%)	<u>- \$124</u>
Homestead Property Tax Credit	<u>\$498</u>

The total of the Gordon's' property tax credit cannot exceed \$498. If the Gordons elect to split the credit evenly, each would claim \$249.

Married-Separate Filer, Separate Homestead

If a husband and wife file separate federal and Michigan returns and maintain separate homesteads for the entire year, they must:

1. Determine that each spouse has established his or her separate domicile. See the section on domicile in the Form MI-1040 Instruction book, page 23.
2. Enter only his or her THR.
3. Enter only the property taxes and/or rent paid on his or her homestead.

Divorced or Separated Filer

If a married couple separates or obtains a divorce during the year, each party usually establishes a separate homestead. The rules for determining homestead property tax credit for each claimant are:

1. Each claimant is entitled to a prorated share of the taxes or rent paid for the period prior to separation or divorce, based on each claimant's income to total income for the period.
2. Each claimant is entitled to his or her own prorated property tax or rent paid after separation plus his or her share of taxes or rent paid in the period prior to separation or divorce.
3. If applicable, a claimant must include house payments or rent paid by the other claimant in THR.

Example:

A husband and wife separated on May 1. The property taxes on the home are \$800. The husband continued to pay the mortgage on the home of \$225 per month. In addition, he rented an apartment for \$200 per month from May 1 through December 31. His income for the period prior to divorce is \$4,000, and her income is \$2,000.

Husband:

1. Ratio of Months in Year With Spouse	x	Property Tax	x	<u>Husband's Income</u> Total Income	=	Prorated Property Tax for Period Living Together
4/12	x	\$800	x	<u>\$4,000</u> \$6,000	(0.667)	= \$178

2. No. of Months Rented	x	Monthly Rent	x	20%	=	Tax in Rent
8	x	\$200	x	0.20	=	\$320
3. Prorated Property Tax for Period Living Together	+	Tax in Rent			=	Eligible Property Taxes plus Tax in Rent
\$178	+	\$320			=	\$498

Wife:

1. Ratio of Months in Year With Spouse	x	Property Tax	x	<u>Wife's Income</u> Total Income	=	Prorated Property Tax for Period Living Together
4/12	x	\$800	x	<u>\$2,000</u> \$6,000 (.333)	=	\$89
2. Remainder of Months per Year	x	Property Tax			=	Prorated Property Tax
8/12	x	\$800			=	\$533
3. Prorated Property Tax for Period Living Together	+	Prorated Property Tax			=	Total Eligible Property Taxes
\$89	+	\$533			=	\$622

The wife must include \$1,800 in THR because her husband paid the monthly mortgage payments of \$225 for eight months after the separation ($\$225 \times 8 = \$1,800$).

Part-Year Resident

If claimant resided in Michigan for at least six months of the year of the claim:

1. Enter THR received during the time claimant resided in Michigan. It may be necessary to annualize THR to determine if income exceeds phase-out limit. (See "Annualized Household Resources" on page 75.)

2. Enter rent paid or prorated property tax for length of time claimant occupied a Michigan homestead. (See page 57 for proration of property tax.)

Note: Business income and/or losses that occurred in another state must be included in Michigan THR, based on the number of days the claimant was a Michigan resident to 365 days.

Deceased Claimant, Single Individual

If filing for a deceased claimant with no surviving spouse:

1. Enter THR received up to the date of death. (See “Annualized Household Resources” below.)
2. Enter prorated property taxes or use the amount of rent paid to decedent’s date of death.

Note: The heir, personal representative, or person (other than spouse) filing for decedent must file Form MI-1310 with claim. This form may be attached as a PDF to an e-filed return.

Annualized Total Household Resources

A part-year resident or claimant filing on behalf of a deceased taxpayer must annualize the THR to determine if income exceeds the phase-out limit. If the claimant is 65 years of age or older or is a paraplegic, quadriplegic, hemiplegic, or totally and permanently disabled, and is filing either as a part-year resident or on behalf of the deceased, the THR must be annualized to determine the percentage of taxes not refundable.

To annualize THR, compute income as follows:

$$\frac{\text{Michigan Income}}{\text{\# of Days in Michigan}} = \text{Income Per Day} \times 365 \text{ Days} = \text{Annualized Income}$$

Example:

A claimant and spouse were residents of Michigan for 212 days of the tax year and had THR of \$20,417 during their Michigan residency. Compute their annualized income as follows:

$$\frac{\$20,417}{212} = \$96.31 \times 365 \text{ days} = \$35,153$$

Owner-Occupied Rental Property

If a claimant owns and lives in a multiple dwelling homestead and rents a portion of it, not all the property tax can be claimed for credit.

Note: School operating taxes are only levied on the non-homestead portion of the property and may not be included in taxes levied when computing the property tax credit.

Owner-occupied duplexes. When both units are equal, the taxes that can be claimed are limited to 50 percent of the tax on both units, after subtracting the school operating taxes from the total taxes billed.

Owner-occupied income property. Apartment building owners who live in one of the units or single family homeowners who rent a room(s) to a tenant(s) must do two calculations to figure the tax they can claim and base their credit on the **lower** amount. First, subtract 20 percent of the rent collected from the tax that can be claimed for credit. Second, reduce the tax claimed for credit by the amount of tax claimed as a business deduction on U.S. Form *1040*.

Example:

A home has an upstairs apartment that is rented to a tenant for \$395 a month. Total property taxes on the home are \$2,150. The calculations are as follows:

Step 1: $\$395 \times 12 = \$4,740$ annual rent
 $\$4,740 \times 0.20 = \948 taxes attributable to the apartment
 $\$2,150$ total taxes - $\$948 = \$1,202$ taxes attributable to owner's homestead.

Step 2: $\$2,150$ total taxes - $\$858$ taxes claimed as a business deduction = $\$1,292$ taxes attributable to homestead.

The owner's taxes that can be claimed for credit are \$1,202, the smaller of the two computations.

Adults Sharing a Homestead

Two or more unrelated adults may be entitled to claim a property tax credit as explained below.

1. If one of the individuals signed the lease and makes all payments or owns the homestead and pays the property tax, only that adult is entitled to claim a credit on the total property tax or rent paid. If the other person contributes to the household, that amount must be included in the claimant's THR. Include it on line 25 (Other Nontaxable Income).

Or

2. If each of the adult occupants owns the homestead or has contracted to pay a share of the rent, each is a claimant and is entitled to file a claim based on his or her own THR and his or her share of the taxes or rent paid.

Example:

A claimant owns and occupies a homestead that she shares with her two adult children. Neither child paid rent or room and board but contributes to their mother's total household resources. Since the children are not owners of the home nor did they contract to pay rent, the mother is entitled to claim all the property taxes in computing her homestead property tax credit. She must include the children's contributions in THR on line 25 (Other Nontaxable Income).

CHAPTER 4
HOME HEATING CREDIT
MI-1040CR-7

GENERAL INFORMATION

**LEGISLATIVE CHANGES TO THE HOME HEATING CREDIT
FOR TAX YEAR 2012**

The home heating credit may be smaller in tax year 2012 or no longer available to many claimants in tax year 2012 due to the following legislative changes:

- Special exemption for senior claimants is no longer available.
- Special exemption for unemployment compensation greater than 50 percent of AGI is no longer available.
- A shift from household income to total household resources, which does not allow the inclusion of any net business loss after netting all business income and loss, net rent or royalty loss, or any carryback or carryforward of a NOL.

INTRODUCTION

A home heating credit helps low-income families pay their heating costs. This credit is claimed on Form MI-1040CR-7.

Note: Michigan's home heating credit is funded by federal Low-Income Home Energy Assistance Program Grants. The credit for 2012 may be reduced if the grant from the Low-Income Home Energy Assistance Program has been reduced.

Do not attach Form MI-1040CR-7 to Form MI-1040. The home heating credit cannot offset an income tax liability. If Form MI-1040CR-7 is attached to Form MI-1040, it may cause delays in processing the credit.

Under **Public Act 335 of 2004** for certain claimants, the amount of a credit that exceeded outstanding heating bills would have to be applied by the energy provider to subsequent bills until used up or until nine months had passed. If there was any remaining energy draft amount after the nine-month period (or if the claimant was no longer a customer of the provider before the end of the nine-month period), the heating fuel provider would remit it to the claimant within 14 days. This would apply only if the claimant was a DHS recipient or received home heating assistance from a governmental agency or a nonprofit organization 12 months prior to remitting an energy draft to the claimant's enrolled heating fuel provider.

As a result of this legislation, taxpayers who receive their heat from DTE Energy, Consumers Energy, or SEMCO Energy will have their home heating credit sent directly to their heat provider whether or not they are enrolled in DHS's direct payment program.

The current refund provisions would continue to apply to a claimant who did not fit the category described above.

INSTRUCTIONS

Read the MI-1040CR-7 instruction booklet. The following information will recap and/or further explain the instructions in the booklet. (“Instructions” refers to the booklet used to prepare Form MI-1040CR-7.)

WHEN TO FILE CLAIM

A home heating credit claim must be filed **September 30** of the year following the year of the claim.

ELIGIBILITY

Who May Claim a Credit

A credit may be claimed if each of the following is true for the tax year:

1. Taxpayer’s homestead is in Michigan.
2. Taxpayer owned or rented the home where he or she lived.
3. Taxpayer’s total household resources (THR) are within the income limits listed on page 19 of the instruction booklet.

Who May Not Claim a Credit

A home heating credit cannot be claimed if:

1. Taxpayer was a full-time student claimed as a dependent by another person.
2. Taxpayer was a resident of a licensed congregate care facility (e.g., nursing home, adult foster care home, home for the aged, substance abuse center, etc.)

Exceptions: A claimant who did not reside in a licensed congregate care facility for the full tax year may claim a home heating credit based on a proration of the standard allowance. If the claim is for less than 12 months, only the standard credit method can be used.

If one spouse lived in a licensed congregate care facility and the other spouse lived in the family homestead, they may still qualify for a credit.

IDENTIFYING INFORMATION

Note: Do not mark through, cross out, etc., any box that does not apply to the claimant. Leave the box blank.

FILING STATUS

Check the applicable box for the claimant's filing status as of the end of the tax year. See the instruction booklet for further details.

RESIDENCY STATUS

Check all applicable boxes on line 6. If one spouse is a resident and the other spouse a nonresident or part-year resident, check the appropriate box for each spouse.

HOW MUCH WERE YOU BILLED FOR HEAT?

Enter total heating costs for November 1, 2011 through October 31, 2012 on line 11. If the taxpayer's heating bill does not indicate the amount, the taxpayer should call their heat provider.

Leave this line blank if the claimant:

- Checked the box on line 7 that their heating costs are included in their rent or in someone else's name,
- Died during the tax year and is not filing a joint claim,
- Was a part-year resident, or
- Was not billed for 12 months of heating costs between November 1, 2011 and October 31, 2012.

LICENSED CARE FACILITY

Check one box only (a–d) on line 12 if the claimant lived in a licensed care facility for the entire tax year. Do not check a box if the taxpayer is filing a joint return and only one spouse lived in a care facility.

EXEMPTIONS

Enter the number that applies on the appropriate line using the following definitions:

- A Personal Exemption. (Claimant and spouse.)
- B An exemption(s) may be entered for the claimant, spouse, and each dependent of the claimant who is:
- Deaf – Defined as an individual whose hearing is totally impaired or whose hearing, with or without amplification, is so seriously impaired that the primary means of receiving spoken language is through other sensory input, including but not limited to lip reading, sign language, finger spelling, or reading.)

- Disabled – Hemiplegic, paraplegic, quadriplegic, or totally and permanently disabled. Totally and permanently disabled means disabled as defined under the Social Security Guidelines (see 42 U.S.C. 416 of the U.S. Code).

Note: An exemption for totally and permanently disabled cannot be claimed on the home heating credit for a claimant, spouse, or dependent who is 66 years of age or older at the end of the tax year.

- Blind – Defined as a permanent impairment of both eyes of the following status: central visual acuity of 20/200 or less in the better eye with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of not greater than 20 degrees in the better eye.

C Qualified Disabled Veteran – Veteran with a service-connected disability. Defined as a veteran of the active military, naval, marine, coast guard, or air service who received an honorable or general discharge and has a disability incurred or aggravated in the line of duty as described in 38 U.S.C. 101(16) of the U.S. Code.

D, E, F Enter number of children that lived with the claimant:

- An exemption **can** be claimed on Form MI-1040CR-7 for any child(ren) that lived with the claimant.
- An exemption **cannot** be claimed on Form MI-1040CR-7 for any child(ren) that did **not** live with the claimant, even if the claimant paid most of the support and is entitled to an exemption(s) on Form MI-1040.

G Enter the number of dependent adults other than claimant’s spouse who lived with the claimant (including children over 18) **and for whom the claimant provided more than half of the dependent’s support.**

DEPENDENTS

For every exemption claimed for children or dependent adults other than the spouse, the following information for each person **must** be listed: name, relationship to you, Social Security number, and age in years. If more space is needed, complete the *Michigan Home Heating Credit Claim MI-1040CR-7 Supplemental* (Form 4976).

COMPUTATION

TOTAL HOUSEHOLD RESOURCES (THR)

Total household resources (THR) is the total income received by a husband and wife or a single person. It includes income from all sources. It is the federal Adjusted Gross Income (AGI) plus income that is specifically excluded or exempted from federal tax, and increased by the following deductions from federal gross income:

1. Any net business loss after netting all business income and loss
2. Any net rental or royalty loss
3. Any carryback or carryforward of a net operating loss (NOL) as defined in Section 172(b)(2) of the internal revenue code.

(See Total Household Resources, page 59, and Income and Deductible Items, page 91)

Example 1:

Mr. and Mrs. Smith have total wages of \$7,500 and interest of \$250. Federal AGI was \$7,750. Mrs. Smith receives child support of \$3,500 (which is not taxable) from a previous marriage. Total household resources are \$11,250.

Example 2:

Ms. Jones has a rental loss of \$1,350, retirement benefits of \$2,400, and nontaxable Social Security benefits of \$12,084. Her federal AGI was \$1,050. Total household resources are \$14,484.

STANDARD CREDIT OR ALTERNATE CREDIT COMPUTATION: WHICH METHOD TO USE

A standard credit is computed based on the number of exemptions and THR.

The alternate credit is computed based on THR and total heating costs.

If the claimant **currently** does not contract to pay heating costs, use the standard credit.

If the claimant was a part-year resident or filing on behalf of a taxpayer deceased during 2012 use the standard credit.

If the claimant lives in a condominium and does not contract to pay for heating costs, use the standard credit.

If the claimant contracts to pay for heating costs, calculate both methods and claim the larger credit.

STANDARD CREDIT COMPUTATION FOR 2012

The standard credit computation is based on the number of exemptions and THR.

First, the number of exemptions is used to determine the standard allowance from the table below (the table is also on page 19 of the instruction booklet):

<u>Exemptions</u>	<u>Standard Allowance</u>	<u>Income Ceiling</u>
0 or 1	\$431	\$12,299
2	\$584	\$16,671
3	\$736	\$21,014
4	\$888	\$25,357
5	\$1,041	\$29,728
6	\$1,193	\$34,071
Each over 6*	+ \$152	+ \$4,343

***Example:** If eight exemptions are claimed, the standard allowance for 2012 is \$ 1,497.
(2 x \$ 152 = \$ 304 + \$ 1,193 = \$ 1,497)

IMPORTANT: Heating credits may be prorated for the tax year 2012. The proration percentage was not available at the time this manual was prepared.

Renter

If claimants are renters and heating costs are **currently** included in their rent, the standard home heating credit is reduced by 50 percent. An individual who currently pays the landlord separately for heat, and not the heat provider, must also reduce the credit by 50 percent.

Michigan Resident, Full-Year

The following example illustrates how to compute the credit for full-year residents based on the above table, which can also be found on page 19 (Table A) of the instruction booklet. If the eligible claimant's THR exceeds the income ceiling corresponding to the number of exemptions allowed on the home heating credit claim, the individual is not eligible for a credit.

Example:

John and Mary, both 65 years old in 2012, had total household resources of \$8,400. Mary was totally and permanently disabled in 2012. They are entitled to three exemptions on the 2012 claim.

Standard Allowance for 3 exemptions	\$ 736
Less 3.5% of Total Household Resources (0.035 x \$8,400)	<u>-294</u>
Home Heating Credit	\$ 442 (subject to possible proration)

If John and Mary rented their homestead and heating costs were included in their rent, the credit would be computed as follows:

Home Heating Credit (From Above)	\$ 442
Less 50% of the Credit (0.5 x \$442)	<u>- 221</u>
Reduced Home Heating Credit	\$ 221 (subject to possible proration)

Part-Year Resident or Deceased Claimant

The standard allowance is prorated and only the THR received while the taxpayer was a Michigan resident is used to compute the credit.

Example:

John and Mary Doe moved to Michigan on May 1. They have four children which entitles them to a total of six exemptions. Their Michigan income is \$14,800.

1. <u>No. of Days in Michigan</u>	x	Standard Allowance	=	Prorated Standard Allowance
366 Days				
<u>245</u> = (67%)	x	\$ 1,193	=	\$ 799
366				
2. Prorated Standard Allowance				\$ 799
Less 3.5% of Total Household Resources (0.035 x \$14,800)				<u>-518</u>
Home Heating Credit				\$ 281 (subject to possible proration)

If John and Mary Doe rented their homestead and heating costs were included in their rent, the home heating credit would be reduced by 50 percent.

Home Heating Credit	\$ 281
Less 50% (0.5 x \$281)	<u>- 141</u>
Reduced Home Heating Credit	\$ 140 (subject to possible proration)

Adults Sharing a Homestead

If a claimant **shares** a home but is **not** the owner or did **not** have a lease agreement to pay rent, he or she cannot claim a credit.

When people who are not spouses **own or rent a home jointly**, each can claim a home heating credit based on individual THR and his or her share of the standard allowance. Determine the standard allowance from Table A on page 19 in the instruction booklet, using the total number of personal exemptions in the home. Do **not** include Michigan special exemptions or dependent exemptions in this total. Divide the standard allowance by the number of claimants in the home.

Example:

Three unrelated men share an apartment. Each has a signed lease and pays 1/3 of the rent. The standard allowance for three exemptions is \$736. Each person must use a standard allowance of \$245 ($\$736 \div 3$) to compute his credit.

If eligible for a dependent exemption or for a special exemption for deafness, blindness, disability, or qualified disabled veteran, compute the standard allowance following this example.

Example:

Emma and Ruth (sisters) share a home. Emma is age 61 and Ruth is age 63 and blind. They file separate Form MI-1040CR-7 claims. They must first divide the \$584 standard allowance by 2. Emma's allowance is \$292. However, Ruth qualifies for an extra exemption for blindness. She adds to her share of the standard allowance of \$292, the difference between the standard allowance for three (\$736) and the standard allowance for two (\$584) as follows:

$$\$736 - \$584 = \$152 + \$292 = \$444 \text{ allowance for Ruth}$$

The claimants in these situations may want to attach a letter of explanation when more than one individual is claiming a credit for the same address.

Condominium Owner

The owner of a condominium who does not contract separately for heating costs but pays a maintenance fee, does not have to reduce the claim to 50 percent. Leave box 7 blank, do not make an entry on line 38, and attach a letter of explanation.

ALTERNATE CREDIT COMPUTATION FOR 2012

The alternate credit computation is based on THR and total heating costs.

For 2012, a claimant's THR may not exceed the maximum income amount corresponding to the number of exemptions claimed on the form based on the following table (Table B is on page 19 of the instruction booklet.):

<u>Exemptions</u>	<u>Maximum Income</u>
0 or 1	\$13,317
2	\$17,920
3	\$22,527
4 or more	\$23,618

Heating Costs

A claimant must provide his or her total heating costs for the 12 consecutive monthly billing periods ending in October of the tax year. A claimant should contact his or her enrolled heating provider for this information. If claimant is not a customer of an enrolled heating fuel provider, use billing statements to calculate the total cost for the 12 consecutive months ending in October of the tax year. Enter the smaller of \$2,598 or the total cost.

Heating costs include amounts paid for fuel oil, electricity (if homestead has electric heat), gas, coal, wood, or propane. The cost of wood is the amount spent during the 12 consecutive months ending sometime in October of the tax year or the fair market value if harvested from property owned by the claimant.

Michigan Resident, Full-Year

The following example illustrates how to compute the alternate credit for a full-year resident based on Table B on page 19 of the instruction booklet.

Example:

James and Jean Smith have THR of \$13,000 and three exemptions. Their total heating cost is \$1,950. Their THR does not exceed the maximum income allowed for 3 exemptions.

Maximum Fuel Cost	\$1,950
Less 11% of Total Household Resources (0.11 x \$13,000)	<u>-1,430</u>
Balance	520
Multiply by 70%	<u>x 0.70</u>
Home Heating Credit	\$ 364 (subject to possible proration)

Part-Year Resident or Deceased Claimant

The alternate credit is not available for part-year residents or deceased claimants if the claim is for less than 12 months. Use the standard credit.

Adults Sharing a Homestead

If a claimant **shares** a home but is **not** the owner or did **not** have a lease agreement to pay rent, he or she cannot claim a credit.

When people who are not spouses **own or rent a home jointly**, each can claim a home heating credit based on individual THR.

If the heating costs are in all of the names of those who share the homestead divide the heating costs by the number of claimants in the home and enter that amount in box 11. Complete both the standard credit and alternate credit computations on page 2; the claimant's credit is the higher of the two calculations. Use the shared housing standard allowance when computing the standard credit.

CREDIT PAYMENTS

ENERGY DRAFTS OR WARRANTS (CHECKS)

If, at the time of filing, the claimant pays his or her own heating costs, the taxpayer will receive an energy draft.

If, at the time of filing, the taxpayer's heat is included in rent, the taxpayer will receive a check.

For taxpayers whose heat is provided by DTE Energy, Consumers Energy, or SEMCO Energy, the home heating credit will be sent directly to the heat provider. If the credit amount exceeded the heat account balance, check the box on line 15 to receive a refund from the heat provider for the overpayment, if eligible. If not eligible, the excess refund will be used toward future bills. If after nine months there is still refund money due, the heat provider will send the excess refund to the individual. Eligibility requirements are: 1) no outstanding balance with the heat provider **and** 2) no heat assistance received in the past 12 months.

DIRECT DEPOSIT

Taxpayers who will receive the home heating credit payment as a check may choose to direct deposit the credit payment. Direct deposit information for a Home Heating Credit Claim is entered on Form 3174. See the end of the instruction booklet for this form and its instructions. Ask to see proof of the taxpayer's RTN (routing number) and account number. It is important to enter all direct deposit information accurately.

CHAPTER 5

ADDITIONAL INFORMATION

TAXABILITY OF FEDERAL OBLIGATIONS

Income from certain U.S. Obligations, reduced by any expenses in carrying the obligation used in arriving at federal AGI, can be subtracted on the Michigan return.

The following U.S. Obligations are exempt from Michigan Individual Income Tax:

U.S. Government Bonds	U.S. Saving Bonds - Series E, F, G, and H
U.S. Government Certificates	U.S. Treasury Bills and Notes

Obligations issued by the following U.S. Agencies are exempt:

Banks for Cooperatives	Federal Intermediate Credit Banks
Central Banks for Cooperatives	Federal Intermediate Credit Corp.
Commodity Credit Corp.	Federal Land Banks
Consolidated Bonds	Federal Land Banks Association
Consolidated Discount Notes	Federal Savings and Loan Insurance Corporation
Consolidated System Bond, Series L	Home Owner's Loan Corp.
Consolidated Systemwide	Joint Stock Land Banks
Discount Notes	Maritime Administration
District of Columbia	Production Credit Association
Farm Credit Banks	Small Business Administration
Farmers Home Corp.	Student Loan Marketing Association (Sallie Mae)
Federal Deposit Insurance Corp.	Tennessee Valley Authority (bonds only)
Federal Farm Credit Bank	U.S. Housing Authority
Federal Farm Loan Corp.	U.S. Maritime Commission
Federal Farm Mortgage Corp.	U.S. Possessions (obligations Puerto Rico, Virgin Islands, etc.)
Federal Financing Banks	U.S. Postal Service (bonds)
Federal Home Loan Banks	
Federal Housing Administration (General Insurance Fund Debentures)	

The following debentures issued under the General Insurance Fund are exempt:

Interest from Armed Services Housing Mortgage Debentures
Interest from debentures issued under War Housing Insurance Law
Interest from debentures to acquire rental housing projects

The following General Services Administration Public Building Trust Participation Certificates are exempt:

1st series A through E
2nd series F
3rd series G
4th series H and I

The Guam Obligations issued by Government of Guam are exempt.

Notes: Income from exempt U.S. Obligations received by the taxpayer through Money Market Funds, Money Market Certificates, Mutual Funds, Trusts, etc., generally qualifies for a subtraction.

Treasury Bill Futures are not U.S. obligations.

The following U.S. Obligations are taxable:

- Building and Loan Associations
- Credit Union Share Accounts
- District of Columbia Armory Board
- Export/Import Bank of Washington, D.C.
- Federal Home Loan Mortgage Corporation (Freddie Mac) mortgages and other securities
- Federal Housing Administration (debentures, notes, and participation certificates)
- Federal National Mortgage Association (Fannie Mae) participation and other instruments
- Federal Savings and Loan Associations
- Government National Mortgage Association (Ginnie Mae) (debentures, notes, and participation certificates)
- International Bank for Reconstruction and Development (World Bank)
- Panama Canal Bonds
- Participation Certificates issued by the Federal National Mortgage Association
- Philippine Bonds
- U.S. Department of Agriculture Farmers Home Administration Insured Notes
- U.S. Government Insured Merchant Marine Bonds

Other examples of taxable interest from federal obligations:

- Debentures issued to mortgages or mortgages foreclosed under the provisions of the National Housing Act
- Farmer's Home Administration
- Federal Home Loan time deposits
- FSLIC secondary reserve prepayments
- Government National Mortgage Association participation certificates and on Federal Home Loan Mortgage Corporation participation certificates in mortgage pools
- Interest-bearing certificates issued in lieu of tax exempt securities, such income losing its identity when merged with other funds
- Participating loans in the Federal Reserve System for member banks (Federal Funds)
- Promissory notes of a federal instrumentality
- Refunds of federal income tax
- U.S. Postal Service certificates and savings deposits

INCOME ALLOCATION CHART

The following chart may be used to determine which types or sources of income are taxable to Michigan. This chart is not inclusive of all types of income, but reflects the most common.

<u>Type of Income</u>	<u>Allocate To</u>
Salaries, wages, tips, director fees, commissions, etc.	State where earned and state of residence. A Michigan resident may be entitled to a credit if income also taxed by another state. Exception: Residents of reciprocal states are not taxed by Michigan on this type of income and vice versa.
Deferred compensation:	
1. Principal portion	State of residence when received. (See RAB 1997-2 for tax years prior to 1996.)
2. Interest portion	State of residence when received.
Dividends and interest	State of residence. Exception: If earned by a partnership or S corporation, allocate or apportion to the state of the business activity if business income.
Business income or loss (Schedule C)	State where business activity takes place. Business income attributable to Michigan and one or more states must be apportioned. (Form Schedule H.)
Partnerships, S corporations, or other flow-through entities income or loss:	
1. Ordinary business income or (Schedule E)	State where business activity takes place.
2. All other business income or	State where business activity takes place.
3. Nonbusiness income or loss	State of residence.
Capital gain or loss (Schedule D or 4797):	
1. Intangible personal property such as stocks, bonds, commodities, futures, etc.	State of residence unless business income.
2. Section 1231	State where property is located unless business income.
3. Real property	State where real property is located unless business income.

<u>Type of Income</u>	<u>Allocate To</u>
Pension, retirement, annuity, qualifying IRA distributions, and Social Security benefits	State of residence when received.
Rent and royalty income or loss (Schedule E): <ol style="list-style-type: none"> <li data-bbox="261 422 764 485">1. Tangible and intangible personal property <li data-bbox="261 516 764 611">2. Real property (includes royalties for minerals which came from real property such as oil and coal) 	Michigan if used in this State, or if a resident and not taxable in the state where property is used. State where real property is located unless business income.
Estate or trust income or loss	Look to type and source of income and apply guidelines in this chart.
Farm income or loss (Schedule F)	State where farm is located.
Unemployment compensation	State of residence.
Alimony and state and local refunds	State of residence when received.
Gambling winnings from casinos and licensed horse tracks located in Michigan, and winnings from raffle, bingo, and prizes won in Michigan.	State where earned and state of residence. (Michigan Lottery won by nonresidents is taxable in Michigan.)

INCOME AND DEDUCTIBLE ITEMS, SUMMARY CHART

Notes: N = Not included
 Y = Included
 AGI = Adjusted Gross Income
 THR = Total Household Resources

<u>Income Items</u>	<u>AGI</u>	<u>Michigan Taxable Income</u>	<u>THR</u>
Alimony received	Y	Y	Y
Awards, prizes (in excess of \$300 for THR)	Y	Y	Y
Bingo:			
First \$300	Y	Y	N
In excess of \$300	Y	Y	Y
Bonuses	Y	Y	Y
Business (Schedule C) income or loss:			
In Michigan (except Michigan oil and gas subject to severance tax)	Y	Y	Y*
From another state and/or net income from Michigan oil and gas subject to severance tax	Y	N	Y*
Capital gains:			
100% taxable	Y	Y	Y
Note: Senior citizen born before 1946 may subtract interest, dividends, and capital gains included in AGI. The maximum deduction must be reduced by the pension subtraction. Allowable deduction is the smaller of the calculation or actual total interest, dividends, and capital gains.			
This subtraction is adjusted by the percentage increase in the U.S. Consumer Price Index for the preceding calendar year. See MI-1040 instruction booklet for the year being reviewed.			
Gains on sale of principal residence	N	N	Y
Casualty loss reimbursement in excess of loss of property	Y	Y	Y
Child support payments:			
Payer	Y	Y	Y
Receiver	N	N	Y

* All business income and loss must be netted before considering the effect on THR. If the netting results in a loss, this cannot be used to reduce THR. Exception: Farmland Preservation Tax Credit continues to be based on household income and not THR. Business losses and NOL deductions are allowed in household income. (See MI-1040CR-5 instructions.)

<u>Income Items</u>	<u>AGI</u>	<u>Michigan Taxable Income</u>	<u>THR</u>
Chore service payments:	Y	Y	Y
Provider of service	N	N	N
Receiver of service	Y	Y	Y
Commissions	Y	Y	Y
Compensation for personal services rendered	Y	Y	Y
Damages for personal injury or sickness	N	N	Y
Deferred compensation	Y	Y	Y
Director's fees	Y	Y	Y
Disability income (limited)	Y	Y	Y
Policeman and Fireman On-Duty "J-Days"	N	N	Y
Dividends received (see Note under "Capital gains")	Y	Y	Y
Educational expenses paid by employer	N	N	Y
Employee business expenses: cash allowance or reimbursement	Y	Y	Y
Energy assistance grants or tax credit	N	N	N
Estates or trusts income or loss	Y	Y	Y*
FIP benefits (see "Public assistance . . .")			
Farm income or loss from:			
Michigan	Y	Y	Y*
Another state	Y	N	Y*
Farm portion of homestead property tax credit	Y	Y	N
Farmland preservation tax credits	Y	Y	Y
Foreign earned income exclusion	N	N	Y
Foster care payments	N	N	Y

<u>Income Items</u>	<u>AGI</u>	<u>Michigan Taxable Income</u>	<u>THR</u>
Gambling:			
Winnings (in excess of \$300 for THR)	Y	Y	Y
Losses:			
Professional gamblers (Net losses)	Y	Y	N*
All others	N	N	N
Gifts - cash:			
First \$300	N	N	N
Excess over \$300	N	N	Y
Government grant for home repair or improvement	N	N	N
Government payments made directly to educational institutions or housing projects	N	N	N
Health, life (unless benefits exceed \$50,000), and accident insurance premiums paid by employer	N	N	N
Homestead property tax credits	Y	N	N
Housing allowance for clergy	N	N	Y
Inheritance bequest or devise from:			
Non-spouse	N	N	Y
Spouse	N	N	N
Interest received on:			
Banking, savings and loan assoc., etc., accounts	Y	Y	Y
Insurance dividends	Y	Y	Y
Land contracts	Y	Y	Y
Money market and savings certificates	Y	Y	Y
Municipal bonds issued by another state	N	Y	Y
Municipal bonds issued by Michigan	N	N	Y
Tax refunds	Y	Y	Y
U.S. Obligations (only specific agencies exempt)	Y	N	Y
Interest taxable to Michigan (see Note under “Capital gains”)			
Life insurance proceeds paid to:			
Non-spouse	N	N	Y
Spouse	N	N	N
Life insurance - cash in amount in excess of premiums	Y	Y	Y
Living expenses of claimant paid by another person	N	N	Y

* All business income and loss must be netted before considering the effect on THR. If the netting results in a loss, this cannot be used to reduce THR. Exception: Farmland Preservation Tax Credit continues to be based on household income and not THR. Business losses and NOL deductions are allowed in household income. See MI-1040CR-5 instructions.

<u>Income Items</u>	<u>AGI</u>	<u>Michigan Taxable Income</u>	<u>THR</u>
Loans received or paid	N	N	N
Long-term disability payments received (if all or part of premium paid by employer)	Y	Y	Y
Lottery:			
100% taxable (in excess of \$300 for THR)	Y	Y	Y
Installment winners of Michigan lottery who won prior to 12-30-88	Y	N	Y
Lump sum distribution included in 10-year averaging (for individuals born before 1936)	N	N	Y
Medicare payments	N	N	N
Military wages or retirements	Y	N	Y
Combat pay not excluded from taxable on federal return	Y	N	Y
Combat pay excluded from taxable on federal return	N	N	Y
Moving expenses, reimbursement:			
Moving into Michigan	Y	Y	Y
Moving out of Michigan	Y	N	N
Net operating loss deduction [The NOL is allowed in household income when computing the Farmland Preservation Tax Credit]	Y	Y	N
Partnership income or loss:			
In Michigan (except net income from Michigan oil and gas subject to severance tax)	Y	Y	Y*
From another state and/or net income from Michigan oil and gas subject to severance tax	Y	N	Y*
Pension and retirement benefits for persons born after 1945 [<i>refer to Pension and Retirement Benefits section of this manual.</i>]	Y	Y/N	Y
Private pensions (e.g., qualified annuity plans) up to amount allowed as subtraction for claimed year for persons born before 1946	Y	N**	Y
Private pensions or qualified annuity plans in excess of amount allowed as subtraction for claimed year for persons born before 1946	Y	Y	Y
Public Pensions (federal, state, or municipal governments) for persons born before 1946	Y	N	Y

* All business income and loss must be netted before considering the effect on THR. If the netting results in a loss, this cannot be used to reduce THR. Exception: Farmland Preservation Tax Credit continues to be based on household income and not THR. Business losses and NOL deductions are allowed in household income. See MI-1040CR-5 instructions.

** This subtraction is adjusted by the percentage increase in the U.S. Consumer Price Index for the preceding calendar year. See the MI-1040 instruction book for the year being reviewed.

<u>Income Items</u>	<u>AGI</u>	<u>Michigan Taxable Income</u>	<u>THR</u>
Public assistance payments from DHS			
FIP paid to grandparents for care of grandchildren	N	N	Y
FIP paid to parents for children	N	N	Y
Public health officer's income:			
Michigan resident	Y	Y	Y
Nonresident	Y	N	N
Railroad sick pay	Y	Y	Y
Railroad Tier 1 retirement benefits:			
Taxable amount for persons born before 1946	Y	N	Y
Nontaxable portion	N	N	Y
Railroad Tier 2 retirement benefits for persons born before 1946	Y	N	Y
Railroad unemployment benefits	N	N	Y
Refunds - Michigan state and local income tax	Y	N	N
Relief in kind	N	N	N
Rents and royalties income or loss:			
In Michigan (except net income from Michigan oil and gas royalties subject to severance tax)	Y	Y	Y
From another state and/or net income from Michigan oil and gas royalties subject to severance tax	Y	N	Y
Note: All rent and royalty income and loss must be netted before considering the effect on THR. If the netting results in a loss, this cannot be used to reduce THR.			
Retirement benefits (see "Private and Public pensions . . .")	Y	N/Y	Y
S corporation business activity:			
In Michigan (except net income from Michigan oil and gas subject to severance tax)	Y	Y	Y*
In another state and/or net income from Michigan oil and gas subject to severance tax	Y	N	Y*
Scholarship, stipends, education grants, GI bill benefits	N	N	Y
Note: Scholarship must be received and used for qualified tuition and related expenses such as fees, books, supplies, and equipment required for courses of instruction at a qualified organization.			

* All business income and loss must be netted before considering the effect on THR. If the netting results in a loss, this cannot be used to reduce THR. Exception: Farmland Preservation Tax Credit continues to be based on household income and not THR. Business losses and NOL deductions are allowed in household income. See MI-1040CR-5 instructions.

<u>Income Items</u>	<u>AGI</u>	<u>Michigan Taxable Income</u>	<u>THR</u>
Scholarships or grants received and used for nonqualified expenses that are included in federal AGI such as room and board.	Y	Y	Y
Severance pay	Y	Y	Y
Sick pay	Y	Y	Y
Social Security benefits:			
Taxable amount	Y	N	Y
Nontaxable portion	N	N	Y
Stipends received for benefit of grantor (interns, resident doctors)	Y	Y	Y
Strike pay	Y	Y	Y
Supplemental gain (Form 4797)	Y	Y	Y
Supplemental unemployment benefits	Y	Y	Y
Surplus foods	N	N	N
Unemployment compensation	Y	Y	Y
Unemployment compensation from railroad	N	N	Y
Vacation allowance	Y	Y	Y
Veterans Administration benefits	N	N	Y
Wages, salaries, tips	Y	Y	Y
Workers' Compensation	N	N	Y

<u>Deductible Items</u>	<u>AGI</u>	<u>Michigan Taxable Income</u>	<u>THR</u>
Alimony paid	Y	Y	Y
Capital losses:			
Short-term, maximum \$3,000 (THR, maximum \$3,000)	Y	Y	Y
Long-term, maximum \$3,000 (THR, maximum \$3,000)	Y	Y	Y
Casualty Loss:			
Claimed as itemized deduction	N	N	N
Claimed as business deduction	Y	Y	Y

<u>Deductible Items</u>	<u>AGI</u>	<u>Michigan Taxable Income</u>	<u>THR</u>
“Claim of Right” (repayment of items previously included in income) taken as:			
Itemized deduction (taken as Michigan credit)	N	N	N
Federal tax credit (taken as Michigan credit)	N	N	N
Deduction reflected in AGI	Y	Y	Y
Health and accident insurance paid by taxpayer for self and family (not including pre-tax payroll deductions)	N	N	Y
IRA or Keogh, (payments to)	Y	Y	Y
Moving Expenses:			
Moving to Michigan	Y	Y	Y
Moving out of Michigan	Y	N	N
Penalty on early withdrawal of savings	Y	Y	Y
Self-employment tax deduction	Y	N	Y
Venture Capital deduction	Y	N	N

MICHIGAN CITIES LEVYING AN INCOME TAX

The following Michigan cities levy an income tax of **1 percent** on residents and **0.5 percent** on nonresidents except those cities where rates are indicated:

Albion	Ionia
Battle Creek	Jackson
Big Rapids	Lansing
Detroit (2.45% on residents, 1.225% on nonresidents)	Lapeer
Flint	Muskegon
Grand Rapids (1.5% on residents, 0.75% on nonresidents)	Muskegon Heights
Grayling	Pontiac
Hamtramck	Port Huron
Highland Park (2% on residents, 1% on nonresidents)	Portland
Hudson	Saginaw (1.5% on residents, 0.75% on nonresidents)
	Springfield
	Walker