

RESOLUTION FOR 2021 POVERTY EXEMPTION GUIDELINES

At a Regular Meeting of the Middlebury Township Board held at the Middlebury Township Hall, 7627 W. M-21, Ovid, MI on the 8th day of December, 2020, at 7:00 p.m.

PRESENT: Members Stevens, S. Swan, J. Swan, Herendeen
Ruess

ABSENT: Members Ø

The following Resolution was offered by Member Stevens and supported by Member Ruess.

WHEREAS, Public Act (PA) 390 of 1994, which amended PA 206 of 1893 and PA 313 of 1993, concerning section MCL 211.7u of the Michigan Compiled Laws, requires the local governing body of the unit to annually determine and make available to the public the policy and guidelines for granting of poverty exemptions;

and

WHEREAS, the adoption of guidelines for poverty exemptions is within the purview of the township board; and

WHEREAS, the Principal Residence of persons who, in the judgment of the Supervisor and Board of Review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under PA 390 of 1994 (MCL 211.7u); and

WHEREAS, PA 390 of 1994, MIDDLEBURY TOWNSHIP, Shiawassee County, Michigan adopts the following Poverty Exemption Guidelines for the Supervisor and Board of Review. The guidelines shall include, but not be limited to, the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

NOW, BE IT RESOLVED: That to be eligible for a Poverty Exemption in Middlebury Township, an applicant must be the owner of and must occupy the property as a Principal Residence for which the exemption is requested; file a completed and notarized application in the form prescribed by the Township Assessor; and file copies of Federal and State Income Tax Returns for all persons residing in the homestead, including any property tax credit forms and/or Statement

of Benefits Paid from Michigan Department of Social Services or Social Security Administration;

BE IT FURTHER RESOLVED: That the applicant must have an annual income that equals, or is less than, the Federal Poverty Income Standards as defined and determined annually by the United States Department of Health and Human Services; (Exhibit Attached)

BE IT FURTHER RESOLVED: The applicants, and any persons residing in the Principal Residence, shall NOT have assets in excess of THIRTEEN THOUSAND EIGHT HUNDRED DOLLARS (\$13,800) fair market value excluding the Principal Residence and one automobile. Assets to be included may be personal property, recreational vehicles, checking/savings accounts, certificates of deposit, stocks, bonds, life insurance, retirement funds, etc;

BE IT FURTHER RESOLVED: That the applicant may not have ownership interest in any Real Estate other than the Principal Residence;

BE IT FURTHER RESOLVED: The applicant will provide to the Board of Review a valid driver's license, or other form of identification, and proof of ownership of the Principal Residence;

BE IT FURTHER RESOLVED: That the Board of Review may request from the applicant any supporting documents which may be utilized in determining a Poverty Exemption request;

BE IT FURTHER RESOLVED: That the completed Poverty Exemption application must be filed after January 1, but not later than one day prior to the last day of the Board of Review in the year for which the exemption is sought;

BE IT FURTHER RESOLVED: That MIDDLEBURY TOWNSHIP Policy and Guidelines for Applicants, attached hereto and incorporated herein, shall be followed by the applicant, Township Assessor, and the Middlebury Township Board of Review in processing of applications for and the granting of Poverty Tax Exemptions unless said policy and guidelines shall hereafter be modified by resolution of the Middlebury Township Board of Trustees or subject to deviation by the Board of Review as hereafter provided;

BE IT FURTHER RESOLVED: That the Board of Review may deviate from the established policy and guidelines only for substantial and compelling reasons. The applicant and Board of Trustees will be notified, in writing, the reasons for deviating from the Policy and Guidelines for Poverty Exemption;

BE IT FURTHER RESOLVED: That to conform to the provisions of PA 390 of 1994 this resolution is hereby effective December 8, 2020.

VOTE: AYES 5 NAYS 0 ABSENT 0

The foregoing Resolution is adopted.

Susan K. Tomasi DATED 12/8/20

Middlebury Township Clerk

**POLICY AND GUIDELINES FOR APPLICANTS REQUESTING CONSIDERATION
FOR A POVERTY EXEMPTION
TAX YEAR 2021**

In order to be eligible for a poverty exemption, the claimant must do all of the following on an annual basis:

1. Applicant must obtain the proper applications from the Assessor's Office. Handicapped or infirm applicants may call the Assessor's Office to make necessary arrangements for assistance.
2. Applicant must be the owner and occupant of the property.
 - A. Must provide valid driver's license or other acceptable methods of identification.
 - B. Must produce a deed, land contract or other evidence of ownership, as specified by the Assessor.
3. Applicant must fill out the application form in its entirety and return it, in person, to the Assessor's office, except as noted in item 1 above.
 - A. Must not sign the application until it is returned.
 - B. Applicant's signature must be witnessed by the Assessing Officer or Board of Review.
4. All applicants and any persons residing in the homestead shall submit the latest copy of the following:
 - A. Federal Income Tax Return -- 1040 or 1040A
 - B. State Income Tax Return – MI-1040.
 - C. Homestead Property Tax Claim MI-1040 CR.
 - D. Statement of benefits paid from Michigan Department of Social Services and/or Social Security Administration.
 - E. Form 4988 "Poverty Exemption Affidavit" from the MI Dept of Treasury if applicable.
5. Applications must be filed with the Assessor after January 1, but one day prior to the last day of the Board of Review. Applications may be reviewed by the Board without

applicant being present. However, the Board may request that an applicant be physically present to respond to any questions the Board or Assessor may have.

6. An applicant may have to answer questions regarding their financial affairs, or the status of people living in their home at a meeting before the Board of Review which is open to and may be attended by the public at large.
7. The Board of Review may vote to go into closed session pursuant to MCL 15.268(h) to review an applicant's state or federal return claimed as exempt under state or federal law, if the applicant requests confidentiality. If the Board wishes to go into closed session, the Open Meetings Act requirements must be followed.
8. Applicant appearing before the Board will be administered an oath, as follows;

"Do you _____ swear and affirm that evidence and testimony you will give in your own behalf before this Board of Review is the truth, the whole truth, and nothing but the truth, so help you."
9. Applicant will be evaluated based on:
 - A. Data submitted to the Assessor or Board of Review.
 - B. Information taken from petitioner and information gathered from any source the Assessor or Board may wish to use. The Board will also consider all revenue and non-revenue producing assets owned by the petitioner.
10. Applicant will not be eligible for consideration if he or she does not meet the federal income guidelines determined annually by the United States Department of Health and Human Services.
11. Applicant will not be eligible for consideration if total household assets exceed Thirteen Thousand Eight Hundred Dollars (\$13,800), excluding the principal residence and one automobile.
12. An exemption shall not be granted if the applicant owns real property or holds a partial interest in any other real estate other than their homestead. (A joint interest, life estate or remainder interest in property which is the homestead of another will not be considered).
13. The filing of a claim with the Board of Review constitutes an appearance before the Board of Review for the purpose of preserving the right to appeal to the Michigan Tax Tribunal.

14. Any successful applicant may be subject to personal investigation by the Township to verify information submitted or statements made to the Assessor or Board of Review for this poverty exemption claim.
15. The Board of Review shall follow the policy and guidelines of the Board of Trustees in granting or denying an exemption unless the Board of Review determines there are substantial and compelling reasons why there should be deviation from the policy and guidelines. The substantial reasons will be communicated in writing to the applicant and Board of Trustees.
16. A partial poverty exemption may be allowed and granted by the Board of Review, at their discretion, if they determine it to be appropriate to the specific applicant. A partial poverty exemption is an exemption of only a part of the taxable value for the property rather than the reduction of the entire taxable value. The applicant must still meet the Federal Poverty Guidelines and the Asset test to qualify.

The following are the federal poverty income guidelines which are updated annually by the United States Department of Health and Human Services. The annual allowable income includes income for all persons residing in the principal residence.

Federal Poverty Guidelines for 2021 Assessments

Number of Persons Residing in Principal Residence	Allowable Annual Income
1 person	\$ 12,760
2 persons	\$ 17,240
3 persons	\$ 21,720
4 persons	\$ 26,200
5 persons	\$ 30,680
6 persons	\$ 35,160
7 persons	\$ 39,640
8 persons	\$ 44,120
Each additional person, add	\$ 4,480

If you believe you comply with both the Federal Income and Asset Level Standards, you may submit the Poverty Exemption Application with supporting documents to the Assessing Office. Please call our office at (989) 845-5611 for filing deadlines.