

Introduced by

Senators Piepkorn, Hogan, Mathern

Representatives Conmy, Dakane, Hager

1 A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to  
2 subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to a primary  
3 residence income tax credit; and to provide an effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 57-38 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Primary residence income tax credit - Rules.**

- 8 1. In addition to any other credit or deduction allowed by law for a homeowner, an  
9 individual is entitled to a refundable credit against the tax imposed under section  
10 57-38-30.3 in the amount of ten percent of property taxes or mobile home taxes that  
11 became due during the income tax taxable year and are paid which were levied  
12 against the individual's primary residence in this state. For purposes of this section,  
13 "property taxes" include special assessments.
- 14 2. For purposes of this section, "primary residence" means a dwelling in this state owned  
15 and occupied by an individual as that individual's primary place of residence which is  
16 not exempt from property taxes as a farm residence. An individual may not have more  
17 than one primary residence.
- 18 3. The amount of the credit under this section may not exceed one thousand dollars.
- 19 4. The tax commissioner shall issue a refund in the amount of the credit under this  
20 section in excess of the taxpayer's tax liability in the same manner as a claim for  
21 refund or credit of an overpayment of the tax imposed under section 57-38-30.3.
- 22 5. Persons owning property together are entitled to only one credit for a parcel of  
23 property between or among them under this section. Persons owning property

1           together are each entitled to a percentage of the credit for a single individual under  
2           this section equal to their ownership interests in the property.

3           6. The tax commissioner shall adopt rules to provide for filing and verification of claims of  
4           credits under this section and may adopt rules necessary for issuance of refunds  
5           under subsection 4 in excess of the taxpayer's tax liability.

6           **SECTION 2.** A new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota  
7 Century Code is created and enacted as follows:

8                   Primary residence income tax credit under section 1 of this Act.

9           **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
10 December 31, 2022.