10047.0200

Sixty-second
Legislative Assembly
of North Dakota

SECOND DRAFT:
Prepared by the Legislative Council staff for the
Taxation Committee

August 2010

Introduced by

1 A BILL for an Act to amend and reenact subsection 8 of section 57-02-08 of the North Dakota

2 Century Code, relating to exclusion of certain subsidized rental property from the property tax

3 exemption for property used for charitable or other public purposes; and to provide an effective

4 date.

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

6   **SECTION 1. AMENDMENT.** Subsection 8 of section 57-02-08 of the North Dakota

7 Century Code is amended and reenacted as follows:

8   8.   All buildings belonging to institutions of public charity, including public hospitals

9   and nursing homes licensed pursuant to section 23-16-01 under the control of

10   religious or charitable institutions, used wholly or in part for public charity, together

11   with the land actually occupied by such institutions not leased or otherwise used

12   with a view to profit~~, and this~~.

13   a.   The exemption provided by this subsection includes any dormitory, dwelling,

14   or residential-type structure, together with necessary land on which such

15   structure is located, owned by a religious or charitable organization

16   recognized as tax exempt under section 501(c)(3) of the United States

17   Internal Revenue Code which is occupied by members of said organization

18   who are subject to a religious vow of poverty and devote and donate

19   substantially all of their time to the religious or charitable activities of the

20   owner.

21   b.   For purposes of this subsection and section 5 of article X of the Constitution

22   of North Dakota, property is not used wholly or in part for public charity or

23   charitable or other public purposes if that property is residential rental units

1   leased to tenants based on income levels that enable the owner to receive a

2   federal low-income housing income tax credit.

3   **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after

4 December 31, 2010.