

By: Bernal

H.B. No. 119

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an exemption from ad valorem taxation of the total  
3 appraised value of the residence homestead of an unpaid caregiver  
4 of an individual who is eligible to receive long-term services and  
5 supports under the Medicaid program while the individual is on a  
6 waiting list for the services and supports.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by  
9 adding Section 11.136 to read as follows:

10 Sec. 11.136. RESIDENCE HOMESTEAD OF UNPAID CAREGIVER. (a)

11 In this section:

12 (1) "Qualifying caregiver" means a person who:

13 (A) is the parent, grandparent, or other legal  
14 guardian of a qualifying individual; and

15 (B) provides care to the qualifying individual  
16 without cost to the individual.

17 (2) "Qualifying individual" means a person who:

18 (A) is eligible to receive long-term services and  
19 supports under the Medicaid program; and

20 (B) resides with a qualifying caregiver.

21 (3) "Residence homestead" has the meaning assigned by  
22 Section 11.13.

23 (4) "Section 1915(c) waiver program" has the meaning  
24 assigned by Section 531.001, Government Code.

1        (b) A qualifying caregiver is entitled to an exemption from  
2 taxation of the total appraised value of the qualifying caregiver's  
3 residence homestead for the period prescribed by Subsection (c).

4        (c) A qualifying caregiver is eligible to receive an  
5 exemption under this section only for the period during which the  
6 qualifying individual for whom the qualifying caregiver provides  
7 care is on an interest list for long-term services and supports  
8 under the Medicaid program, including services and supports  
9 provided under a Section 1915(c) waiver program, the STAR Kids  
10 managed care program, or the STAR+PLUS home and community-based  
11 services and supports program.

12        SECTION 2. Section 11.42(e), Tax Code, is amended to read as  
13 follows:

14        (e) A person who qualifies for an exemption under Section  
15 11.131, 11.136, or 11.35 after January 1 of a tax year may receive  
16 the exemption for the applicable portion of that tax year  
17 immediately on qualification for the exemption.

18        SECTION 3. Section 11.43(c), Tax Code, is amended to read as  
19 follows:

20        (c) An exemption provided by Section 11.13, 11.131, 11.132,  
21 11.133, 11.134, 11.136, 11.17, 11.18, 11.182, 11.1827, 11.183,  
22 11.19, 11.20, 11.21, 11.22, 11.23(a), (h), (j), (j-1), or (m),  
23 11.231, 11.254, 11.27, 11.271, 11.29, 11.30, 11.31, 11.315, or  
24 11.35, once allowed, need not be claimed in subsequent years, and  
25 except as otherwise provided by Subsection (e), the exemption  
26 applies to the property until it changes ownership or the person's  
27 qualification for the exemption changes. However, except as

1 provided by Subsection (r), the chief appraiser may require a  
2 person allowed one of the exemptions in a prior year to file a new  
3 application to confirm the person's current qualification for the  
4 exemption by delivering a written notice that a new application is  
5 required, accompanied by an appropriate application form, to the  
6 person previously allowed the exemption. If the person previously  
7 allowed the exemption is 65 years of age or older, the chief  
8 appraiser may not cancel the exemption due to the person's failure  
9 to file the new application unless the chief appraiser complies  
10 with the requirements of Subsection (q), if applicable.

11 SECTION 4. Section 26.10(c), Tax Code, is amended to read as  
12 follows:

13 (c) If the appraisal roll shows that a residence homestead  
14 exemption under Section 11.131 or 11.136 applicable to a property  
15 on January 1 of a year terminated during the year, the tax due  
16 against the residence homestead is calculated by multiplying the  
17 amount of the taxes that otherwise would be imposed on the residence  
18 homestead for the entire year had the individual not qualified for  
19 the residence homestead exemption [~~under Section 11.131~~] during the  
20 year by a fraction, the denominator of which is 365 and the  
21 numerator of which is the number of days that elapsed after the date  
22 the exemption terminated.

23 SECTION 5. Section 26.1125, Tax Code, is amended to read as  
24 follows:

25 Sec. 26.1125. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD  
26 OF 100 PERCENT OR TOTALLY DISABLED VETERAN OR UNPAID CAREGIVER. (a)  
27 If a person qualifies for an exemption under Section 11.131 or

1 11.136 after the beginning of a tax year, the amount of the taxes on  
2 the residence homestead of the person for the tax year is calculated  
3 by multiplying the amount of the taxes that otherwise would be  
4 imposed on the residence homestead for the entire year had the  
5 person not qualified for the applicable exemption [~~under Section~~  
6 ~~11.131~~] by a fraction, the denominator of which is 365 and the  
7 numerator of which is the number of days that elapsed before the  
8 date the person qualified for the applicable exemption [~~under~~  
9 ~~Section 11.131~~].

10 (b) If a person qualifies for an exemption under Section  
11 11.131 or 11.136 with respect to the property after the amount of  
12 the tax due on the property is calculated and the effect of the  
13 qualification is to reduce the amount of the tax due on the  
14 property, the assessor for each taxing unit shall recalculate the  
15 amount of the tax due on the property and correct the tax roll. If  
16 the tax bill has been mailed and the tax on the property has not been  
17 paid, the assessor shall mail a corrected tax bill to the person in  
18 whose name the property is listed on the tax roll or to the person's  
19 authorized agent. If the tax on the property has been paid, the tax  
20 collector for the taxing unit shall refund to the person who was the  
21 owner of the property on the date the tax was paid the amount by  
22 which the payment exceeded the tax due.

23 SECTION 6. Section 403.302(d-1), Government Code, is  
24 amended to read as follows:

25 (d-1) For purposes of Subsection (d), a residence homestead  
26 that receives an exemption under Section 11.131, 11.133, [~~or~~]  
27 11.134, or 11.136, Tax Code, in the year that is the subject of the

1 study is not considered to be taxable property.

2 SECTION 7. Section 11.136, Tax Code, as added by this Act,  
3 applies only to ad valorem taxes imposed for a tax year beginning on  
4 or after the effective date of this Act.

5 SECTION 8. This Act takes effect January 1, 2022, but only  
6 if the constitutional amendment proposed by the 87th Legislature,  
7 First Called Session, 2021, authorizing the legislature to exempt  
8 from ad valorem taxation the total assessed value of the residence  
9 homestead of an unpaid caregiver of an individual who is eligible to  
10 receive long-term services and supports under the Medicaid program  
11 while the individual is on a waiting list for the services and  
12 supports is approved by the voters. If that constitutional  
13 amendment is not approved by the voters, this Act has no effect.