

By: Schofield

H.J.R. No. 21

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing a limitation on  
2 the total amount of ad valorem taxes that certain political  
3 subdivisions may impose on the residence homesteads of persons who  
4 are disabled or elderly and their surviving spouses.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 1-b(h), Article VIII, Texas  
7 Constitution, is amended to read as follows:

8 (h) Except as otherwise provided by this subsection, [~~The~~  
9 ~~governing body of a county, a city or town, or a junior college~~  
10 ~~district by official action may provide that~~] if a person who is  
11 disabled or is 65 [~~sixty-five (65)~~] years of age or older receives a  
12 residence homestead exemption prescribed or authorized by this  
13 section, the total amount of ad valorem taxes imposed on that  
14 homestead by a political subdivision of this state other than a  
15 school [~~the county, the city or town, or the junior college~~]  
16 district may not be increased while it remains the residence  
17 homestead of that person or that person's spouse who is disabled or  
18 is 65 [~~sixty-five (65)~~] years of age or older and receives a  
19 residence homestead exemption on the homestead. [~~As an alternative,~~  
20 ~~on receipt of a petition signed by five percent (5%) of the~~  
21 ~~registered voters of the county, the city or town, or the junior~~  
22 ~~college district, the governing body of the county, the city or~~  
23 ~~town, or the junior college district shall call an election to~~  
24 ~~determine by majority vote whether to establish a tax limitation~~

1 ~~provided by this subsection.]~~ If a ~~[county, a city or town, or a~~  
2 ~~junior college district establishes a tax limitation provided by~~  
3 ~~this subsection and a disabled]~~ person who is disabled or is 65 ~~[a~~  
4 ~~person sixty-five (65)]~~ years of age or older dies in a year in  
5 which the person received a residence homestead exemption, the  
6 total amount of ad valorem taxes imposed on the homestead by the  
7 political subdivision ~~[county, the city or town, or the junior~~  
8 ~~college district]~~ may not be increased while it remains the  
9 residence homestead of that person's surviving spouse if the spouse  
10 is 55 ~~[fifty-five (55)]~~ years of age or older at the time of the  
11 person's death, subject to any exceptions provided by general law.  
12 The legislature, by general law, may provide for the transfer of all  
13 or a proportionate amount of a tax limitation provided by this  
14 subsection for a person who qualifies for the limitation and  
15 establishes a different residence homestead within the same  
16 political subdivision ~~[county, within the same city or town, or~~  
17 ~~within the same junior college district. A county, a city or town,~~  
18 ~~or a junior college district that establishes a tax limitation~~  
19 ~~under this subsection must comply with a law providing for the~~  
20 ~~transfer of the limitation, even if the legislature enacts the law~~  
21 ~~subsequent to the county's, the city's or town's, or the junior~~  
22 ~~college district's establishment of the limitation].~~ Taxes  
23 otherwise limited by ~~[a county, a city or town, or a junior college~~  
24 ~~district under]~~ this subsection may be increased to the extent the  
25 value of the homestead is increased by improvements other than  
26 repairs and other than improvements made to comply with  
27 governmental requirements and except as may be consistent with the

1 transfer of a tax limitation under a law authorized by this  
2 subsection. [~~The governing body of a county, a city or town, or a~~  
3 ~~junior college district may not repeal or rescind a tax limitation~~  
4 ~~established under this subsection.~~]

5 SECTION 2. The following temporary provision is added to  
6 the Texas Constitution:

7 TEMPORARY PROVISION. (a) This temporary provision applies to  
8 the constitutional amendment proposed by the 87th Legislature, 3rd  
9 Called Session, 2021, establishing a limitation on the total amount  
10 of ad valorem taxes that certain political subdivisions may impose  
11 on the residence homesteads of persons who are disabled or elderly  
12 and their surviving spouses.

13 (b) The amendment to Section 1-b(h), Article VIII, of this  
14 constitution takes effect January 1, 2023.

15 (c) This temporary provision expires January 1, 2024.

16 SECTION 3. This proposed constitutional amendment shall be  
17 submitted to the voters at an election to be held November 8, 2022.  
18 The ballot shall be printed to permit voting for or against the  
19 proposition: "The constitutional amendment establishing a  
20 limitation on the total amount of ad valorem taxes that a political  
21 subdivision of this state other than a school district may impose on  
22 the residence homesteads of persons who are disabled or elderly and  
23 their surviving spouses."