

By: Rodriguez

H.J.R. No. 136

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the governing
2 body of a political subdivision other than a school district to
3 adopt an exemption from ad valorem taxation of a portion, expressed
4 as a dollar amount, of the market value of an individual's residence
5 homestead.

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

7 SECTION 1. Section 1-b, Article VIII, Texas Constitution,
8 is amended by adding Subsections (q) and (r) to read as follows:

9 (q) The governing body of a political subdivision other than
10 a school district by official action may exempt from ad valorem
11 taxation a portion of the market value of the residence homestead of
12 an individual. The amount of the exemption is \$5,000, except that
13 if the average market value of residence homesteads in the
14 political subdivision in the tax year in which the exemption is
15 adopted exceeds \$25,000, the governing body may authorize an
16 exemption in a larger dollar amount not to exceed an amount equal to
17 20 percent of the average market value of residence homesteads in
18 the political subdivision in the tax year in which the exemption is
19 adopted. The legislature by general law shall specify the method
20 for computing the average market value of residence homesteads for
21 purposes of this subsection. Where ad valorem tax has previously
22 been pledged for the payment of debt, the governing body may
23 continue to levy and collect the tax against the value of the
24 homesteads exempted under this subsection until the debt is

1 discharged if the cessation of the levy would impair the obligation
2 of the contract by which the debt was created. The legislature by
3 general law may prohibit the governing body of a political
4 subdivision that adopts an exemption under this subsection from
5 reducing the amount of or repealing the exemption.

6 (r) This subsection applies only to a political subdivision
7 the governing body of which has ceased granting an exemption under
8 Subsection (e) of this section and has adopted an exemption under
9 Subsection (q) of this section. An individual who would have been
10 entitled to an exemption from ad valorem taxation by the political
11 subdivision under Subsection (e) of this section had the governing
12 body not ceased granting an exemption under that subsection is
13 entitled to continue to receive an exemption under that subsection
14 in lieu of the exemption under Subsection (q) of this section if the
15 individual otherwise qualifies for the exemption under Subsection
16 (e) of this section and the amount of the exemption under that
17 subsection exceeds the amount of the exemption under Subsection (q)
18 of this section. The exemption applies only to property for which
19 the individual received an exemption under Subsection (e) of this
20 section in the last tax year in which the governing body granted an
21 exemption under that subsection. The exemption expires in the
22 event of a change in ownership of the property or, if the property
23 is owned by a trust and the trustor of the trust or a beneficiary of
24 the trust has the right to use and occupy the property as the
25 trustor's or beneficiary's principal residential property, there is
26 a change in the trustor or beneficiary of the trust, respectively.

27 SECTION 2. The following temporary provision is added to

1 the Texas Constitution:

2 TEMPORARY PROVISION. (a) This temporary provision applies
3 to the constitutional amendment proposed by the 87th Legislature,
4 Regular Session, 2021, authorizing the governing body of a
5 political subdivision other than a school district to adopt an
6 exemption from ad valorem taxation of a portion, expressed as a
7 dollar amount, of the market value of an individual's residence
8 homestead.

9 (b) The amendments to Section 1-b, Article VIII, of this
10 constitution take effect beginning with the tax year that begins
11 January 1, 2022.

12 (c) This temporary provision expires January 1, 2023.

13 SECTION 3. This proposed constitutional amendment shall be
14 submitted to the voters at an election to be held November 2, 2021.
15 The ballot shall be printed to permit voting for or against the
16 proposition: "The constitutional amendment authorizing the
17 governing body of a political subdivision other than a school
18 district to adopt an exemption from ad valorem taxation of a
19 portion, expressed as a dollar amount, of the market value of an
20 individual's residence homestead."