

By: Van de Putte

S.B. No. 1853

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the qualification of a disabled person for an exemption
3 from ad valorem taxation on the person's residence homestead.

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

5 SECTION 1. Section 11.42(c), Tax Code, is amended to read as
6 follows:

7 (c) An exemption authorized by Section 11.13(c) or (d) [~~for~~
8 ~~an individual 65 years of age or older~~] is effective as of January 1
9 of the tax year in which the person qualifies for the exemption and
10 applies to the entire tax year.

11 SECTION 2. Section 11.43(k), Tax Code, is amended to read as
12 follows:

13 (k) A person who qualifies for an [~~the~~] exemption authorized
14 by Section 11.13(c) or (d) [~~for an individual 65 years of age or~~
15 ~~older~~] must apply for the exemption no later than the first
16 anniversary of the date the person qualified for the exemption.

17 SECTION 3. Section 26.10(b), Tax Code, is amended to read as
18 follows:

19 (b) If the appraisal roll shows that a residence homestead
20 exemption for an individual 65 years of age or older or a residence
21 homestead exemption for a disabled individual applicable to a
22 property on January 1 of a year terminated during the year and if
23 the owner qualifies a different property for one of those [~~a~~]
24 residence homestead exemptions [~~exemption~~] during the same year,

1 the tax due against the former residence homestead is calculated
2 by:

3 (1) subtracting:

4 (A) the amount of the taxes that otherwise would
5 be imposed on the former residence homestead for the entire year had
6 the individual qualified for the residence homestead exemption for
7 the entire year; from

8 (B) the amount of the taxes that otherwise would
9 be imposed on the former residence homestead for the entire year had
10 the individual not qualified for the residence homestead exemption
11 during the year;

12 (2) multiplying the remainder determined under
13 Subdivision (1) by a fraction, the denominator of which is 365 and
14 the numerator of which is the number of days that elapsed after the
15 date the exemption terminated; and

16 (3) adding the product determined under Subdivision
17 (2) and the amount described by Subdivision (1)(A).

18 SECTION 4. Section 26.112, Tax Code, is amended to read as
19 follows:

20 Sec. 26.112. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD OF
21 ELDERLY OR DISABLED PERSON. (a) Except as provided by Section
22 26.10(b), if at any time during a tax year property is owned by an
23 individual who qualifies for an exemption under Section 11.13(c) or
24 (d) [~~for an individual 65 years of age or older~~], the amount of the
25 tax due on the property for the tax year is calculated as if the
26 person qualified for the exemption on January 1 and continued to
27 qualify for the exemption for the remainder of the tax year.

1 (b) If a person qualifies for an exemption under Section
2 11.13(c) or (d) [~~for an individual 65 years of age or older~~] with
3 respect to the property after the amount of the tax due on the
4 property is calculated and the effect of the qualification is to
5 reduce the amount of the tax due on the property, the assessor for
6 each taxing unit shall recalculate the amount of the tax due on the
7 property and correct the tax roll. If the tax bill has been mailed
8 and the tax on the property has not been paid, the assessor shall
9 mail a corrected tax bill to the person in whose name the property
10 is listed on the tax roll or to the person's authorized agent. If
11 the tax on the property has been paid, the tax collector for the
12 taxing unit shall refund to the person who paid the tax the amount
13 by which the payment exceeded the tax due.

14 SECTION 5. This Act takes effect January 1, 2004, and
15 applies only to an ad valorem tax year that begins on or after that
16 date.