

By: Guillen

H.B. No. 3928

A BILL TO BE ENTITLED

1 AN ACT
2 relating to proof of ownership of homestead property after a
3 disaster.

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

5 SECTION 1. Subchapter H, Chapter 418, Government Code, is
6 amended by adding Section 418.198 to read as follows:

7 Sec. 418.198. PROOF OF OWNERSHIP OF HOMESTEAD. (a) In this
8 chapter:

9 (1) "Governmental entity" means an agency of this
10 state or political subdivision of this state or the federal
11 government.

12 (2) "Public benefit" includes federal, state, or local
13 financial assistance.

14 (b) A person may demonstrate ownership of the person's
15 homestead if:

16 (1) the person is applying for a public benefit to
17 improve real property damaged as a result of a natural disaster; and

18 (2) any part of the property is located in an area
19 designated by:

20 (A) an executive order or proclamation issued by
21 the governor under this chapter declaring a state of disaster as a
22 result of a natural disaster, such as a hurricane or tornado; or

23 (B) a declaration of the president of the United
24 States under the Robert T. Stafford Disaster Relief and Emergency

1 Assistance Act (42 U.S.C. Section 5121 et seq.), declaring a major
2 disaster as a result of a natural disaster, such as a hurricane or
3 tornado.

4 (c) A person may demonstrate ownership of the person's
5 homestead by proving that the person was in possession of the real
6 property on the date of the natural disaster that severely damaged
7 or destroyed the real property and:

8 (1) proving that the person is the record title holder
9 of the real property; or

10 (2) providing two or more of the following documents
11 to establish ownership of the property for purposes of this section
12 only:

13 (A) an escrow or title insurance company document
14 relating to the purchase of the property;

15 (B) a mortgage payment book or other mortgage
16 documents that list the person's name and the property's address;

17 (C) a policy of real property insurance showing
18 the person as the named insured and the property as the insured
19 property;

20 (D) an affidavit of heirship; or

21 (E) a property tax bill or receipt showing the
22 person as the party responsible for the assessments and the
23 property as the taxed parcel.

24 (d) A person proving ownership under this section who cannot
25 locate other persons who may have an ownership interest in the
26 person's homestead property:

27 (1) shall publish a notice in a newspaper of general

1 circulation in the county in which the property is located stating
2 that a claim for public benefits, which may be secured by a lien on
3 the property under this section, is being made with a governmental
4 entity; and

5 (2) may accept a public benefit only if, after the 45th
6 day after the date the notice is published, no other person claiming
7 an ownership interest in the homestead property objects to the
8 claim for public benefits under this section.

9 (e) Any debt or other obligation incurred by the person who
10 obtains a public benefit under Subsection (d) to improve the
11 property is secured by a lien on the property to the extent of the
12 value of the improvements made to the property.

13 (f) The validity of a lien under Subsection (e) may be
14 challenged by a person who may have an ownership interest in the
15 homestead property, other than the person who made the claim for
16 public benefits under this section, not later than the first
17 anniversary of the date the notice was published under Subsection
18 (d).

19 SECTION 2. This Act takes effect September 1, 2009.