

By: Olivo

H.B. No. 4697

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an exemption of a portion of the appraised value of the
3 residence homestead of an elderly person from ad valorem taxation
4 by a fresh water supply district.

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

6 SECTION 1. Section 11.13, Tax Code, is amended by adding
7 Subsection (s) to read as follows:

8 (s) In addition to the other exemptions provided by this
9 section, an individual who is 65 or older is entitled to an
10 exemption from ad valorem taxation by a fresh water supply district
11 established under Chapter 53, Water Code, of \$100,000 of the
12 appraised value of the individual's residence homestead.

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

15 (c) An exemption authorized by Section 11.13(c), ~~(d)~~,
16 or (s) is effective as of January 1 of the tax year in which the
17 person qualifies for the exemption and applies to the entire tax
18 year.

19 SECTION 3. Sections 11.43(k), (l), and (m), Tax Code, are
20 amended to read as follows:

21 (k) A person who qualifies for an exemption authorized by
22 Section 11.13(c), ~~(d)~~, or (s) must apply for the exemption no
23 later than the first anniversary of the date the person qualified
24 for the exemption.

1 (1) The form for an application under Section 11.13 must
2 include a space for the applicant to state the applicant's date of
3 birth. Failure to provide the date of birth does not affect the
4 applicant's eligibility for an exemption under that section, other
5 than an exemption under Section 11.13(c), ~~or~~ (d), or (s) for an
6 individual 65 years of age or older.

7 (m) Notwithstanding Subsections (a) and (k), a person who
8 receives an exemption under Section 11.13, other than an exemption
9 under Section 11.13(c), ~~or~~ (d), or (s) for an individual 65 years
10 of age or older, in a tax year is entitled to receive an exemption
11 under Section 11.13(c), ~~or~~ (d), or (s) for an individual 65 years
12 of age or older in the next tax year on the same property without
13 applying for the exemption if the person becomes 65 years of age in
14 that next year as shown by:

15 (1) information in the records of the appraisal
16 district that was provided to the appraisal district by the
17 individual in an application for an exemption under Section 11.13
18 on the property or in correspondence relating to the property; or

19 (2) the information provided by the Texas Department
20 of Public Safety to the appraisal district under Section 521.049,
21 Transportation Code.

22 SECTION 4. Section 26.112, Tax Code, is amended to read as
23 follows:

24 Sec. 26.112. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD OF
25 ELDERLY OR DISABLED PERSON. (a) Except as provided by Section
26 26.10(b), if at any time during a tax year property is owned by an
27 individual who qualifies for an exemption under Section 11.13(c),

1 ~~(d)~~, or (s), the amount of the tax due on the property for the
2 tax year is calculated as if the person qualified for the exemption
3 on January 1 and continued to qualify for the exemption for the
4 remainder of the tax year.

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

17 SECTION 5. Section 33.01(d), Tax Code, is amended to read as
18 follows:

19 (d) In lieu of the penalty imposed under Subsection (a), a
20 delinquent tax incurs a penalty of 50 percent of the amount of the
21 tax without regard to the number of months the tax has been
22 delinquent if the tax is delinquent because the property owner
23 received an exemption under:

24 (1) Section 11.13 and the chief appraiser subsequently
25 cancels the exemption because the residence was not the principal
26 residence of the property owner and the property owner received an
27 exemption for two or more additional residence homesteads for the

1 tax year in which the tax was imposed;

2 (2) Section 11.13(c), ~~[or]~~ (d), or (s) for a person who
3 is 65 years of age or older and the chief appraiser subsequently
4 cancels the exemption because the property owner was younger than
5 65 years of age; or

6 (3) Section 11.13(q) and the chief appraiser
7 subsequently cancels the exemption because the property owner was
8 younger than 55 years of age when the property owner's spouse died.

9 SECTION 6. This Act applies only to ad valorem taxes imposed
10 for a tax year beginning on or after the effective date of this Act.

11 SECTION 7. This Act takes effect January 1, 2010, but only
12 if the constitutional amendment authorizing the legislature to
13 exempt a portion of the assessed value of the residence homestead of
14 an elderly person from ad valorem taxation by a fresh water supply
15 district is approved by the voters. If that amendment is not
16 approved by the voters, this Act has no effect.