

By: Turner of Tarrant

H.B. No. 1328

A BILL TO BE ENTITLED

AN ACT

relating to a credit against the ad valorem taxes imposed on certain real property used to provide housing to certain persons with disabilities.

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

SECTION 1. Chapter 31, Tax Code, is amended by adding Section 31.038 to read as follows:

Sec. 31.038. TAX CREDIT FOR CERTAIN PROPERTY USED TO PROVIDE HOUSING TO PERSONS WITH DISABILITIES. (a) In this section:

(1) "Group home" means a facility that:

(A) furnishes food, shelter, and treatment or services to four or more persons unrelated to the owner of the facility;

(B) is primarily for the diagnosis, treatment, or rehabilitation of persons with an intellectual disability or related conditions; and

(C) provides in a protected setting continuous evaluation, planning, 24-hour supervision, coordination, and integration of health or rehabilitative services to help each resident function at the resident's greatest ability.

(2) "Intermediate care facility for persons with developmental, physical, or intellectual disabilities" means a facility described by Chapter 252, Health and Safety Code.

(3) "Section 1915(c) waiver program" has the meaning

1 assigned by Section 531.001, Government Code.

2 (b) An owner of real property is entitled to a credit  
3 against the taxes imposed in a tax year on the property by each  
4 taxing unit that taxes the property if the property is used as:

5 (1) a group home operating under a Section 1915(c)  
6 waiver program; or

7 (2) an intermediate care facility for persons with  
8 developmental, physical, or intellectual disabilities if at least  
9 95 percent of the residents of the facility are recipients of  
10 medical assistance under Chapter 32, Human Resources Code.

11 (c) The amount of the credit to which a property owner is  
12 entitled under this section against the taxes imposed in a tax year  
13 on the property by a taxing unit is computed by:

14 (1) dividing the amount of taxes imposed on the  
15 property by the taxing unit by the total amount of taxes imposed on  
16 the property by all of the taxing units that tax the property; and

17 (2) multiplying the amount determined under  
18 Subdivision (1) by an amount equal to the costs incurred by the  
19 property owner in maintaining, operating, and making improvements  
20 to the property during the preceding 12-month period.

21 (d) If the amount of the credit to which a property owner is  
22 entitled under this section in any tax year exceeds the amount of  
23 tax imposed on the property in that tax year, the excess amount may  
24 be carried forward and credited against the taxes imposed in a  
25 subsequent tax year so long as the property continues to be used as  
26 a group home described by Subsection (b).

27 (e) A property owner must file an application with the chief

1 appraiser of the appraisal district in which the property is  
2 located each year to receive a credit under this section. The  
3 application must include an affidavit stating the costs incurred by  
4 the property owner in maintaining, operating, or making  
5 improvements to the property during the preceding 12-month period  
6 and include any relevant information or documentation required by  
7 the application form.

8 (f) The chief appraiser shall forward a copy of the  
9 application to each taxing unit described by Subsection (b). The  
10 assessors for the taxing units shall consult with one another as  
11 necessary to compute the amount of the credit to be granted by each  
12 taxing unit.

13 (g) The comptroller shall adopt rules for the  
14 administration of this section, including rules prescribing the  
15 form of an application for a credit and specifying the 12-month  
16 period for which the costs are used to calculate the credit.

17 SECTION 2. This Act applies only to ad valorem taxes imposed  
18 for a tax year beginning on or after the effective date of this Act.

19 SECTION 3. This Act takes effect January 1, 2016, but only  
20 if the constitutional amendment proposed by the 84th Legislature,  
21 Regular Session, 2015, authorizing the legislature to provide for a  
22 credit against the ad valorem taxes imposed on qualifying real  
23 property used to provide housing to persons with disabilities is  
24 approved by the voters. If that amendment is not approved by the  
25 voters, this Act has no effect.