

By: Bohac

H.B. No. 2399

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the effect on certain interest and penalties of the  
3 deferral or abatement of the collection of ad valorem taxes on  
4 certain residence homesteads.

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

6 SECTION 1. Section 33.06(d), Tax Code, is amended to read as  
7 follows:

8 (d) A tax lien remains on the property and interest  
9 continues to accrue during the period collection of taxes is  
10 deferred or abated under this section. The annual interest rate  
11 during the deferral or abatement period is eight percent instead of  
12 the rate provided by Section 33.01. Interest and penalties that  
13 accrued or that were incurred or imposed under Section 33.01, ~~[or]~~  
14 33.07, or 33.08, or under Section 33.11 if the residence homestead  
15 is a manufactured home treated as personal property, before the  
16 date the individual files the deferral affidavit under Subsection  
17 (b) or the date the judgment abating the suit is entered, as  
18 applicable, are preserved. A penalty under Section 33.01 is not  
19 incurred during a deferral or abatement period. An ~~[The]~~  
20 additional penalty under Section 33.07 or 33.08, or under Section  
21 33.11 if the residence homestead is a manufactured home treated as  
22 personal property, may be imposed and collected only if the taxes  
23 for which collection is deferred or abated remain delinquent on or  
24 after the 181st day after the date the deferral or abatement period

1 expires. A plea of limitation, laches, or want of prosecution does  
2 not apply against the taxing unit because of deferral or abatement  
3 of collection as provided by this section.

4 SECTION 2. Section 33.065(g), Tax Code, is amended to read  
5 as follows:

6 (g) A tax lien remains on the property and interest  
7 continues to accrue during the period collection of delinquent  
8 taxes is deferred or abated under this section. The annual interest  
9 rate during the deferral or abatement period is eight percent  
10 instead of the rate provided by Section 33.01. Interest and  
11 penalties that accrued or that were incurred or imposed under  
12 Section 33.01, ~~[or]~~ 33.07, or 33.08, or under Section 33.11 if the  
13 residence homestead is a manufactured home treated as personal  
14 property, before the date the individual files the deferral  
15 affidavit under Subsection (c) or the date the judgment abating the  
16 suit is entered, as applicable, are preserved. A penalty is not  
17 incurred on the delinquent taxes for which collection is deferred  
18 or abated during a deferral or abatement period. An ~~[The]~~  
19 additional penalty under Section 33.07 or 33.08, or under Section  
20 33.11 if the residence homestead is a manufactured home treated as  
21 personal property, may be imposed and collected only if the  
22 delinquent taxes for which collection is deferred or abated remain  
23 delinquent on or after the 91st day after the date the deferral or  
24 abatement period expires. A plea of limitation, laches, or want of  
25 prosecution does not apply against the taxing unit because of  
26 deferral or abatement of collection as provided by this section.

27 SECTION 3. Sections 33.06(d) and 33.065(g), Tax Code, as

1 amended by this Act, apply to interest and penalties that accrued or  
2 that were incurred or imposed on a delinquent tax before the  
3 effective date of this Act or that accrue or that are incurred or  
4 imposed on or after that date, regardless of whether the deferral or  
5 abatement period under the applicable section of that code began  
6 before the effective date of this Act or begins on or after that  
7 date.

8 SECTION 4. This Act takes effect September 1, 2015.