

By: Villalba

H.B. No. 360

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of a limitation on the total amount of
3 ad valorem taxes that taxing units may impose on the residence
4 homesteads of individuals who are disabled or elderly and their
5 surviving spouses.

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

7 SECTION 1. The heading to Section 11.26, Tax Code, is
8 amended to read as follows:

9 Sec. 11.26. LIMITATION OF TAXES [~~SCHOOL TAX~~] ON HOMESTEADS
10 OF INDIVIDUALS WHO ARE ELDERLY OR DISABLED.

11 SECTION 2. Sections 11.26(a), (a-1), (a-2), (a-3), (b),
12 (c), (e), (g), (h), (j), (k), and (o), Tax Code, are amended to read
13 as follows:

14 (a) The tax officials shall appraise [~~the~~] property to which
15 this section applies and calculate taxes as on other property, but
16 if the tax [~~so~~] calculated exceeds the limitation imposed by this
17 section, the tax imposed is the amount of the tax as limited by this
18 section, except as otherwise provided by this section. A taxing
19 unit [~~school district~~] may not increase the total annual amount of
20 ad valorem tax it imposes on the residence homestead of an
21 individual 65 years of age or older or on the residence homestead of
22 an individual who is disabled, as defined by Section 11.13, above
23 the amount of the tax it imposed in the first tax year in which the
24 individual qualified that residence homestead for the applicable

1 exemption provided by Section 11.13(c) for an individual who is 65
2 years of age or older or is disabled. If the individual qualified
3 that residence homestead for the exemption after the beginning of
4 that first year and the residence homestead remains eligible for
5 the same exemption for the next year, and if the [~~school district~~]
6 taxes imposed by a taxing unit on the residence homestead in the
7 next year are less than the amount of those taxes imposed in that
8 first year, the taxing unit [~~a school district~~] may not
9 subsequently increase the total annual amount of ad valorem taxes
10 it imposes on the residence homestead above the amount it imposed in
11 the year immediately following the first year for which the
12 individual qualified that residence homestead for the same
13 exemption, except as provided by Subsection (b). [~~If the first tax
14 year the individual qualified the residence homestead for the
15 exemption provided by Section 11.13(c) for individuals 65 years of
16 age or older or disabled was a tax year before the 2015 tax year, the
17 amount of the limitation provided by this section is the amount of
18 tax the school district imposed for the 2014 tax year less an amount
19 equal to the amount determined by multiplying \$10,000 times the tax
20 rate of the school district for the 2015 tax year, plus any 2015 tax
21 attributable to improvements made in 2014, other than improvements
22 made to comply with governmental regulations or repairs.]~~

23 (a-1) If the first tax year the individual qualified the
24 residence homestead for the exemption provided by Section 11.13(c)
25 for individuals 65 years of age or older or disabled was a tax year
26 before the 2018 tax year, the amount of the limitation on school
27 district taxes provided by this section is the amount of those taxes

1 imposed for the 2017 tax year plus any 2018 tax attributable to
2 improvements made in 2017, other than improvements made to comply
3 with governmental regulations or repairs [~~Notwithstanding the~~
4 ~~other provisions of this section, if in the 2007 tax year an~~
5 ~~individual qualifies for a limitation on tax increases provided by~~
6 ~~this section on the individual's residence homestead and the first~~
7 ~~tax year the individual or the individual's spouse qualified for an~~
8 ~~exemption under Section 11.13(c) for the same homestead was the~~
9 ~~2006 tax year, the amount of the limitation provided by this section~~
10 ~~on the homestead in the 2007 tax year is equal to the amount~~
11 ~~computed by:~~

12 [~~(1) multiplying the amount of tax the school district~~
13 ~~imposed on the homestead in the 2006 tax year by a fraction the~~
14 ~~numerator of which is the tax rate of the district for the 2007 tax~~
15 ~~year and the denominator of which is the tax rate of the district~~
16 ~~for the 2006 tax year; and~~

17 [~~(2) adding any tax imposed in the 2007 tax year~~
18 ~~attributable to improvements made in the 2006 tax year as provided~~
19 ~~by Subsection (b) to the lesser of the amount computed under~~
20 ~~Subdivision (1) or the amount of tax the district imposed on the~~
21 ~~homestead in the 2006 tax year].~~

22 (a-2) If the first tax year the individual qualified the
23 residence homestead for the exemption provided by Section 11.13(c)
24 for individuals 65 years of age or older or disabled was a tax year
25 before the 2018 tax year and the homestead qualified for a
26 limitation on county, municipal, or junior college district taxes
27 under former Section 11.261, the amount of the limitation on

1 county, municipal, or junior college district taxes, as applicable,
2 provided by this section is the amount of the tax imposed by the
3 applicable taxing unit for the 2017 tax year, plus any 2018 tax
4 attributable to improvements made in 2017, other than improvements
5 made to comply with governmental regulations or repairs
6 ~~[Notwithstanding the other provisions of this section, if in the~~
7 ~~2007 tax year an individual qualifies for a limitation on tax~~
8 ~~increases provided by this section on the individual's residence~~
9 ~~homestead and the first tax year the individual or the individual's~~
10 ~~spouse qualified for an exemption under Section 11.13(c) for the~~
11 ~~same homestead was a tax year before the 2006 tax year, the amount~~
12 ~~of the limitation provided by this section on the homestead in the~~
13 ~~2007 tax year is equal to the amount computed by:~~

14 ~~[(1) multiplying the amount of tax the school district~~
15 ~~imposed on the homestead in the 2005 tax year by a fraction the~~
16 ~~numerator of which is the tax rate of the district for the 2006 tax~~
17 ~~year and the denominator of which is the tax rate of the district~~
18 ~~for the 2005 tax year;~~

19 ~~[(2) adding any tax imposed in the 2006 tax year~~
20 ~~attributable to improvements made in the 2005 tax year as provided~~
21 ~~by Subsection (b) to the lesser of the amount computed under~~
22 ~~Subdivision (1) or the amount of tax the district imposed on the~~
23 ~~homestead in the 2005 tax year;~~

24 ~~[(3) multiplying the amount computed under~~
25 ~~Subdivision (2) by a fraction the numerator of which is the tax rate~~
26 ~~of the district for the 2007 tax year and the denominator of which~~
27 ~~is the tax rate of the district for the 2006 tax year; and~~

1 ~~[(4) adding to the lesser of the amount computed under~~
2 ~~Subdivision (2) or (3) any tax imposed in the 2007 tax year~~
3 ~~attributable to improvements made in the 2006 tax year, as provided~~
4 ~~by Subsection (b)].~~

5 (a-3) Except as provided by Subsection (a-2), for the
6 purpose of calculating a limitation on tax increases by a taxing
7 unit other than a school district under this section, an individual
8 who qualified a residence homestead before January 1, 2018, for an
9 exemption under Section 11.13(c) for individuals 65 years of age or
10 older or disabled is considered to have qualified the homestead for
11 that exemption on January 1, 2018 ~~[(b), a limitation on tax~~
12 ~~increases provided by this section on a residence homestead~~
13 ~~computed under Subsection (a-1) or (a-2) continues to apply to the~~
14 ~~homestead in subsequent tax years until the limitation expires].~~

15 (b) If an individual makes improvements to the individual's
16 residence homestead, other than improvements required to comply
17 with governmental requirements or repairs, a taxing unit ~~[the~~
18 ~~school district]~~ may increase the tax on the homestead in the first
19 year the value of the homestead is increased on the appraisal roll
20 because of the enhancement of value by the improvements. The amount
21 of the tax increase is determined by applying the taxing unit's
22 current tax rate to the difference in the assessed value of the
23 homestead with the improvements and the assessed value it would
24 have had without the improvements. A limitation under ~~[imposed by]~~
25 this section ~~[then]~~ applies to the increased amount of tax in
26 subsequent tax years until more improvements, if any, are made.

27 (c) The limitation on tax increases required by this section

1 expires if on January 1:

2 (1) none of the owners of the structure who qualify for
3 the exemption under Section 11.13(c) for individuals 65 years of
4 age or older or disabled and who owned the structure when the
5 limitation first took effect is using the structure as a residence
6 homestead; or

7 (2) none of the owners of the structure qualifies for
8 the exemption described by Subdivision (1).

9 (e) For each school district participating in an appraisal
10 district, the chief appraiser shall determine the portion of the
11 appraised value of residence homesteads of individuals on which
12 school district taxes are not imposed in a tax year because of the
13 limitation on tax increases imposed by this section. That portion
14 is calculated by determining the taxable value that, if multiplied
15 by the tax rate adopted by the school district for the tax year,
16 would produce an amount equal to the amount of tax that would have
17 been imposed by the school district on those residence homesteads
18 if the limitation on tax increases imposed by this section were not
19 in effect, but that was not imposed because of that limitation. The
20 chief appraiser shall determine that taxable value and certify it
21 to the comptroller as soon as practicable for each tax year.

22 (g) Except as provided by Subsection (b), if an individual
23 who receives a limitation on tax increases imposed by this section,
24 including a surviving spouse who receives a limitation under
25 Subsection (i), subsequently qualifies a different residence
26 homestead for the same exemption under Section 11.13, a taxing unit
27 [~~school district~~] may not impose ad valorem taxes on the

1 subsequently qualified homestead in a year in an amount that
2 exceeds the amount of taxes the taxing unit [~~school district~~] would
3 have imposed on the subsequently qualified homestead in the first
4 year in which the individual receives that same exemption for the
5 subsequently qualified homestead had the limitation on tax
6 increases imposed by this section not been in effect, multiplied by
7 a fraction the numerator of which is the total amount of [~~school~~
8 ~~district~~] taxes imposed by the taxing unit on the former homestead
9 in the last year in which the individual received that same
10 exemption for the former homestead and the denominator of which is
11 the total amount of [~~school district~~] taxes that would have been
12 imposed by the taxing unit on the former homestead in the last year
13 in which the individual received that same exemption for the former
14 homestead had the limitation on tax increases imposed by this
15 section not been in effect.

16 (h) An individual who receives a limitation on tax increases
17 under this section, including a surviving spouse who receives a
18 limitation under Subsection (i), and who subsequently qualifies a
19 different residence homestead for an exemption under Section 11.13,
20 or an agent of the individual, is entitled to receive from the chief
21 appraiser of the appraisal district in which the former homestead
22 was located a written certificate providing the information
23 necessary to determine whether the individual may qualify for that
24 same limitation on the subsequently qualified homestead under
25 Subsection (g) and to calculate the amount of taxes the taxing units
26 [~~school district~~] may impose on the subsequently qualified
27 homestead.

1 (j) If an individual who qualifies for an exemption provided
2 by Section 11.13(c) for an individual 65 years of age or older dies
3 in the first year in which the individual qualified for the
4 exemption and the individual first qualified for the exemption
5 after the beginning of that year, except as provided by Subsection
6 (k), the amount to which the surviving spouse's ~~[school-district]~~
7 taxes imposed by a taxing unit are limited under Subsection (i) is
8 the amount of ~~[school-district]~~ taxes imposed by the taxing unit on
9 the residence homestead in that year determined as if the
10 individual qualifying for the exemption had lived for the entire
11 year.

12 (k) If in the first tax year after the year in which an
13 individual dies in the circumstances described by Subsection (j)
14 the amount of ~~[school-district]~~ taxes imposed by a taxing unit on
15 the residence homestead of the surviving spouse is less than the
16 amount of ~~[school-district]~~ taxes imposed by the taxing unit in the
17 preceding year as limited by Subsection (j), in a subsequent tax
18 year the ~~[surviving spouse's school-district]~~ taxes imposed by that
19 taxing unit on that residence homestead are limited to the amount of
20 taxes imposed by the district in that first tax year after the year
21 in which the individual dies.

22 (o) Notwithstanding Subsections (a) [~~(a-3)~~] and (b), an
23 improvement to property that would otherwise constitute an
24 improvement under Subsection (b) is not treated as an improvement
25 under that subsection if the improvement is a replacement structure
26 for a structure that was rendered uninhabitable or unusable by a
27 casualty or by wind or water damage. For purposes of appraising the

1 property in the tax year in which the structure would have
2 constituted an improvement under Subsection (b), the replacement
3 structure is considered to be an improvement under that subsection
4 only if:

5 (1) the square footage of the replacement structure
6 exceeds that of the replaced structure as that structure existed
7 before the casualty or damage occurred; or

8 (2) the exterior of the replacement structure is of
9 higher quality construction and composition than that of the
10 replaced structure.

11 SECTION 3. Sections 23.19(b) and (g), Tax Code, are amended
12 to read as follows:

13 (b) If an appraisal district receives a written request for
14 the appraisal of real property and improvements of a cooperative
15 housing corporation according to the separate interests of the
16 corporation's stockholders, the chief appraiser shall separately
17 appraise the interests described by Subsection (d) if the
18 conditions required by Subsections (e) and (f) have been met.
19 Separate appraisal under this section is for the purposes of
20 administration of tax exemptions, determination of applicable
21 limitations of taxes under Section 11.26 [~~or 11.261~~], and
22 apportionment by a cooperative housing corporation of property
23 taxes among its stockholders but is not the basis for determining
24 value on which a tax is imposed under this title. A stockholder
25 whose interest is separately appraised under this section may
26 protest and appeal the appraised value in the manner provided by
27 this title for protest and appeal of the appraised value of other

1 property.

2 (g) A tax bill or a separate statement accompanying the tax
3 bill to a cooperative housing corporation for which interests of
4 stockholders are separately appraised under this section must
5 state, in addition to the information required by Section 31.01,
6 the appraised value and taxable value of each interest separately
7 appraised. Each exemption claimed as provided by this title by a
8 person entitled to the exemption shall also be deducted from the
9 total appraised value of the property of the corporation. The total
10 tax imposed by a taxing unit [~~school district, county,~~
11 ~~municipality, or junior college district~~] shall be reduced by any
12 amount that represents an increase in taxes attributable to
13 separately appraised interests of the real property and
14 improvements that are subject to a [~~the~~] limitation of taxes
15 prescribed by Section 11.26 [~~or 11.261~~]. The corporation shall
16 apportion among its stockholders liability for reimbursing the
17 corporation for property taxes according to the relative taxable
18 values of their interests.

19 SECTION 4. Sections 26.012(6), (13), and (14), Tax Code,
20 are amended to read as follows:

21 (6) "Current total value" means the total taxable
22 value of property listed on the appraisal roll for the current year,
23 including all appraisal roll supplements and corrections as of the
24 date of the calculation, less the taxable value of property
25 exempted for the current tax year for the first time under Section
26 11.31 or 11.315, except that:

27 (A) the current total value for a school district

1 excludes:

2 (i) the total value of homesteads that
3 qualify for a tax limitation as provided by Section 11.26; and

4 (ii) new property value of property that is
5 subject to an agreement entered into under Chapter 313; and

6 (B) the current total value for a taxing unit
7 other than a school district [~~county, municipality, or junior~~
8 ~~college district~~] excludes the total value of homesteads that
9 qualify for a tax limitation provided by Section 11.26 [~~11.261~~].

10 (13) "Last year's levy" means the total of:

11 (A) the amount of taxes that would be generated
12 by multiplying the total tax rate adopted by the governing body in
13 the preceding year by the total taxable value of property on the
14 appraisal roll for the preceding year, including:

15 (i) taxable value that was reduced in an
16 appeal under Chapter 42; and

17 (ii) all appraisal roll supplements and
18 corrections other than corrections made pursuant to Section
19 25.25(d), as of the date of the calculation but excluding [~~except~~
20 ~~that last year's taxable value for a school district excludes~~] the
21 total value of homesteads that qualified for a tax limitation as
22 provided by Section 11.26 [~~and last year's taxable value for a~~
23 ~~county, municipality, or junior college district excludes the total~~
24 ~~value of homesteads that qualified for a tax limitation as provided~~
25 ~~by Section 11.261~~]; and

26 (B) the amount of taxes refunded by the taxing
27 unit in the preceding year for tax years before that year.

1 (14) "Last year's total value" means the total taxable
2 value of property listed on the appraisal roll for the preceding
3 year, including all appraisal roll supplements and corrections,
4 other than corrections made pursuant to Section 25.25(d), as of the
5 date of the calculation but excluding~~[, except that:~~

6 ~~[(A) last year's taxable value for a school~~
7 ~~district excludes]~~ the total value of homesteads that qualified for
8 a tax limitation as provided by Section 11.26~~[, and~~

9 ~~[(B) last year's taxable value for a county,~~
10 ~~municipality, or junior college district excludes the total value~~
11 ~~of homesteads that qualified for a tax limitation as provided by~~
12 ~~Section 11.261].~~

13 SECTION 5. Section 42.302(a-1), Education Code, is amended
14 to read as follows:

15 (a-1) For purposes of Subsection (a), the dollar amount
16 guaranteed level of state and local funds per weighted student per
17 cent of tax effort ("GL") for a school district is:

18 (1) the greater of the amount of district tax revenue
19 per weighted student per cent of tax effort that would be available
20 to the Austin Independent School District, as determined by the
21 commissioner in cooperation with the Legislative Budget Board, if
22 the reduction of the limitation on tax increases as provided by
23 Section 11.26(a-1), (a-2), or (a-3), Tax Code, as those provisions
24 existed on January 1, 2017, did not apply, or the amount of district
25 tax revenue per weighted student per cent of tax effort used for
26 purposes of this subdivision in the preceding school year, for the
27 first six cents by which the district's maintenance and operations

1 tax rate exceeds the rate equal to the sum of the product of the
2 state compression percentage, as determined under Section 42.2516,
3 multiplied by the maintenance and operations tax rate adopted by
4 the district for the 2005 tax year and any additional tax effort
5 included in calculating the district's compressed tax rate under
6 Section 42.101(a-1); and

7 (2) \$31.95, for the district's maintenance and
8 operations tax effort that exceeds the amount of tax effort
9 described by Subdivision (1).

10 SECTION 6. The following provisions of the Tax Code are
11 repealed:

12 (1) Sections 11.26(1) and (m); and

13 (2) Section 11.261.

14 SECTION 7. Section 11.26, Tax Code, as amended by this Act,
15 applies only to ad valorem taxes imposed for a tax year beginning on
16 or after the effective date of this Act.

17 SECTION 8. This Act takes effect January 1, 2018, but only
18 if the constitutional amendment proposed by the 85th Legislature,
19 1st Called Session, 2017, establishing a limitation on the total
20 amount of ad valorem taxes that taxing units may impose on the
21 residence homesteads of individuals who are disabled or elderly and
22 their surviving spouses is approved by the voters. If that
23 constitutional amendment is not approved by the voters, this Act
24 has no effect.