

## **BILL ANALYSIS**

C.S.H.B. 3446  
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Ways & Means  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties assert the need for statewide standards governing the proof required to establish eligibility for a residence homestead property tax exemption and governing the process for tax refunds related to that exemption to promote transparency and to ensure these exemptions and refunds are consistent throughout Texas. C.S.H.B. 3446 seeks to establish these standards.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3446 amends the Tax Code to prohibit a chief appraiser from requiring an applicant for a residence homestead property tax exemption to provide any identification other than a copy of the applicant's driver's license or state-issued personal identification certificate unless the chief appraiser possesses reasonable evidence that the address listed on the identification is not the applicant's residence homestead. The bill prohibits a chief appraiser from requiring both spouses of a married couple to sign an application for a residence homestead exemption; from requiring proof of marriage if an applicant states that the applicant is married to the co-owner of the residence homestead unless the chief appraiser possesses reasonable evidence that the couple is not married; or from denying or canceling certain property tax exemptions because an individual's driver's license or state-issued personal identification certificate expires after the date the individual applies for or receives the exemption or because an individual's driver's license is a temporary license or limited term license.

C.S.H.B. 3446 makes the prohibition against information in appraisal records that indicates the age of a property owner being posted on the Internet inapplicable to a non-searchable appraisal roll or tax roll dataset available for download only. The bill clarifies that, with regard to the requirement that a taxing unit refund to a property owner the difference between the tax paid and the tax legally due if a correction that decreases the tax liability of the property owner is made, the refund is conditional on the tax having been paid. The bill requires a property tax collector, if a person files a written request with the collector that a refund of a tax imposed on the person's residence homestead and paid by the person be sent to a particular address, to send the refund to that address and, if a person does not file a written request that the refund be sent to a particular address, to send the refund to the person's most recent mailing address as reflected in the records of the collector.

## EFFECTIVE DATE

September 1, 2017.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3446 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Section 11.43, Tax Code, is amended by adding Subsections (n-1), (r), and (s) to read as follows:

(n-1) A chief appraiser may not require an applicant for an exemption provided by Section 11.13 to provide any identification other than the identification required by Subsection (j)(4) unless the chief appraiser possesses reasonable evidence that the address listed on the identification is not the applicant's residence homestead.

(r) A chief appraiser may not require both spouses of a married couple to sign an application for a residence homestead exemption. If an applicant states that the applicant is married to the co-owner of the residence homestead, a chief appraiser may not require proof of marriage unless the chief appraiser possesses reasonable evidence that the couple is not married.

(s) A chief appraiser may not deny or cancel an exemption under this section because an individual's driver's license or state-issued personal identification certificate expires after the date the individual applies for or receives the exemption or because an individual's driver's license is a temporary license or limited term license. In this subsection, "limited term license" means a driver's license with an expiration date set under Section 521.271(a-2), (a-3), or (a-4), 521.2711(c), \_\_\_\_\_ or \_\_\_\_\_ 521.272(c)(2), Transportation Code.

SECTION 2. Section 25.027, Tax Code, is amended.

SECTION 3. Section 26.15(f), Tax Code, is amended to read as follows:

(f) If a correction that decreases the tax liability of a property owner is made [~~after the owner has paid the tax~~], the taxing unit shall refund to the property owner the

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 11.43, Tax Code, is amended by adding Subsections (n-1), (r), and (s) to read as follows:

(n-1) A chief appraiser may not require an applicant for an exemption authorized by Section 11.13 to provide any identification other than the identification required by Subsection (j)(4) unless the chief appraiser possesses reasonable evidence that the address listed on the identification is not the applicant's residence homestead.

(r) A chief appraiser may not require both spouses of a married couple to sign an application for an exemption authorized by Section 11.13. If an applicant states that the applicant is married to the co-owner of the residence homestead, a chief appraiser may not require proof of marriage unless the chief appraiser possesses reasonable evidence that the couple is not married.

(s) A chief appraiser may not deny or cancel an exemption under this section because an individual's driver's license or state-issued personal identification certificate expires after the date the individual applies for or receives the exemption or because an individual's driver's license is a temporary license or limited term license. In this subsection, "limited term license" means a driver's license with an expiration date set under Section 521.271(a-2), (a-3), or (a-4), 521.2711(c), \_\_\_\_\_ or \_\_\_\_\_ 521.272(c)(2), Transportation Code.

SECTION 2. Same as introduced version.

SECTION 3. Section 26.15(f), Tax Code, is amended to read as follows:

(f) If a correction that decreases the tax liability of a property owner is made [~~after the owner has paid the tax~~], the taxing unit shall refund to the property owner the

difference between the tax paid and the tax legally due if the owner has paid the tax, except as provided by Section 25.25(n). A property owner is not required to apply for a refund under this subsection to receive the refund.

SECTION 4. Section 31.12, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) If a person files a written request with the collector that a refund of a tax imposed on the person's residence homestead be sent to a particular address, the collector shall send the refund to that address. If a person does not file a written request that the refund be sent to a particular address, the collector shall send the refund to the person's most recent mailing address as reflected in the records of the collector.

SECTION 5. This Act takes effect September 1, 2017.

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SECTION 5. Same as introduced version.