

By: Miller

H.B. No. 1564

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of an elderly or disabled person to defer
3 or abate the collection of ad valorem taxes on the person's
4 residence homestead if the homestead is subject to a mortgage.

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

6 SECTION 1. Section 33.06, Tax Code, is amended by adding
7 Subsections (h), (i), and (j) to read as follows:

8 (h) Except as provided by Subsection (i), an individual is
9 not required to obtain the consent of the holder of a mortgage on
10 property the individual owns and occupies as a residence homestead
11 in order to obtain a deferral or abatement under this section.

12 (i) An individual must obtain the written consent of the
13 holder of a mortgage on property the individual owns and occupies as
14 a residence homestead before filing an affidavit under this section
15 if:

16 (1) the mortgage balance is equal to at least 60
17 percent of the appraised value of the property; or

18 (2) a default has occurred with respect to the
19 obligation secured by the mortgage for a reason other than
20 nonpayment of the taxes for which the person is seeking the deferral
21 or abatement.

22 (j) Filing an affidavit under this section or failing to pay
23 taxes that are deferred or abated under this section does not
24 constitute a default for purposes of Subsection (i)(2).

1 SECTION 2. The change in law made by this Act applies only
2 to a mortgage that is issued on or after the effective date of this
3 Act. A mortgage that is issued before the effective date of this Act
4 is governed by the law as it existed immediately before the
5 effective date of this Act, and that law is continued in effect for
6 that purpose.

7 SECTION 3. This Act takes effect September 1, 2017.