

By: Holland

H.B. No. 4367

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an exemption from ad valorem taxation of the residence  
3 homesteads of certain disabled first responders and their surviving  
4 spouses.

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

6 SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by  
7 adding Section 11.138 to read as follows:

8 Sec. 11.138. RESIDENCE HOMESTEAD OF CERTAIN DISABLED FIRST  
9 RESPONDERS. (a) In this section:

10 (1) "First responder" means an individual listed under  
11 Section 615.003, Government Code.

12 (2) "Qualifying disabled first responder" means a  
13 first responder who, as a result of an injury occurring in the line  
14 of duty, is entitled to receive lifetime income benefits under  
15 Section 408.161, Labor Code.

16 (3) "Residence homestead" has the meaning assigned by  
17 Section 11.13.

18 (4) "Surviving spouse" means the individual who was  
19 married to a qualifying disabled first responder at the time of the  
20 qualifying disabled first responder's death.

21 (b) A qualifying disabled first responder is entitled to an  
22 exemption from taxation of the total appraised value of the  
23 qualifying disabled first responder's residence homestead.

24 (c) The surviving spouse of a qualifying disabled first

1 responder who qualified for an exemption under Subsection (b) when  
2 the qualifying disabled first responder died is entitled to an  
3 exemption from taxation of the total appraised value of the same  
4 property to which the qualifying disabled first responder's  
5 exemption applied if:

6 (1) the surviving spouse has not remarried since the  
7 death of the qualifying disabled first responder; and

8 (2) the property:

9 (A) was the residence homestead of the surviving  
10 spouse when the qualifying disabled first responder died; and

11 (B) remains the residence homestead of the  
12 surviving spouse.

13 (d) If a surviving spouse who qualifies for an exemption  
14 under Subsection (c) subsequently qualifies a different property as  
15 the surviving spouse's residence homestead, the surviving spouse is  
16 entitled to an exemption from taxation of the subsequently  
17 qualified homestead in an amount equal to the dollar amount of the  
18 exemption from taxation of the former homestead under Subsection  
19 (c) in the last year in which the surviving spouse received an  
20 exemption under that subsection for that homestead if the surviving  
21 spouse has not remarried since the death of the qualifying disabled  
22 first responder. The surviving spouse is entitled to receive from  
23 the chief appraiser of the appraisal district in which the former  
24 residence homestead was located a written certificate providing the  
25 information necessary to determine the amount of the exemption to  
26 which the surviving spouse is entitled on the subsequently  
27 qualified homestead.

1 SECTION 2. Section 11.42(e), Tax Code, is amended to read as  
2 follows:

3 (e) A person who qualifies for an exemption under Section  
4 11.131 or 11.138 after January 1 of a tax year may receive the  
5 exemption for the applicable portion of that tax year immediately  
6 on qualification for the exemption.

7 SECTION 3. Section 11.43(c), Tax Code, is amended to read as  
8 follows:

9 (c) An exemption provided by Section 11.13, 11.131, 11.132,  
10 11.133, 11.134, 11.138, 11.17, 11.18, 11.182, 11.1827, 11.183,  
11 11.19, 11.20, 11.21, 11.22, 11.23(a), (h), (j), (j-1), or (m),  
12 11.231, 11.254, 11.27, 11.271, 11.29, 11.30, 11.31, or 11.315, once  
13 allowed, need not be claimed in subsequent years, and except as  
14 otherwise provided by Subsection (e), the exemption applies to the  
15 property until it changes ownership or the person's qualification  
16 for the exemption changes. However, except as provided by  
17 Subsection (r), the chief appraiser may require a person allowed  
18 one of the exemptions in a prior year to file a new application to  
19 confirm the person's current qualification for the exemption by  
20 delivering a written notice that a new application is required,  
21 accompanied by an appropriate application form, to the person  
22 previously allowed the exemption. If the person previously allowed  
23 the exemption is 65 years of age or older, the chief appraiser may  
24 not cancel the exemption due to the person's failure to file the new  
25 application unless the chief appraiser complies with the  
26 requirements of Subsection (q), if applicable.

27 SECTION 4. Section 11.431(a), Tax Code, is amended to read

1 as follows:

2 (a) The chief appraiser shall accept and approve or deny an  
3 application for a residence homestead exemption, including an  
4 exemption under Section 11.131 or 11.132 for the residence  
5 homestead of a disabled veteran or the surviving spouse of a  
6 disabled veteran, an exemption under Section 11.133 for the  
7 residence homestead of the surviving spouse of a member of the armed  
8 services of the United States who is killed in action, ~~or~~ an  
9 exemption under Section 11.134 for the residence homestead of the  
10 surviving spouse of a first responder who is killed or fatally  
11 injured in the line of duty, or an exemption under Section 11.138  
12 for the residence homestead of a qualifying disabled first  
13 responder or the surviving spouse of a qualifying disabled first  
14 responder, after the deadline for filing it has passed if it is  
15 filed not later than two years after the delinquency date for the  
16 taxes on the homestead.

17 SECTION 5. Section 26.10(c), Tax Code, is amended to read as  
18 follows:

19 (c) If the appraisal roll shows that a residence homestead  
20 exemption under Section 11.131 or 11.138 applicable to a property  
21 on January 1 of a year terminated during the year, the tax due  
22 against the residence homestead is calculated by multiplying the  
23 amount of the taxes that otherwise would be imposed on the residence  
24 homestead for the entire year had the individual not qualified for  
25 the residence homestead exemption [~~under Section 11.131~~] during the  
26 year by a fraction, the denominator of which is 365 and the  
27 numerator of which is the number of days that elapsed after the date

1 the exemption terminated.

2 SECTION 6. Section 26.1125, Tax Code, is amended to read as  
3 follows:

4 Sec. 26.1125. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD  
5 OF 100 PERCENT OR TOTALLY DISABLED VETERAN OR QUALIFYING DISABLED  
6 FIRST RESPONDER. (a) If a person qualifies for an exemption under  
7 Section 11.131 or 11.138 after the beginning of a tax year, the  
8 amount of the taxes on the residence homestead of the person for the  
9 tax year is calculated by multiplying the amount of the taxes that  
10 otherwise would be imposed on the residence homestead for the  
11 entire year had the person not qualified for the applicable  
12 exemption [~~under Section 11.131~~] by a fraction, the denominator of  
13 which is 365 and the numerator of which is the number of days that  
14 elapsed before the date the person qualified for the applicable  
15 exemption [~~under Section 11.131~~].

16 (b) If a person qualifies for an exemption under Section  
17 11.131 or 11.138 with respect to the property after the amount of  
18 the tax due on the property is calculated and the effect of the  
19 qualification is to reduce the amount of the tax due on the  
20 property, the assessor for each taxing unit shall recalculate the  
21 amount of the tax due on the property and correct the tax roll. If  
22 the tax bill has been mailed and the tax on the property has not been  
23 paid, the assessor shall mail a corrected tax bill to the person in  
24 whose name the property is listed on the tax roll or to the person's  
25 authorized agent. If the tax on the property has been paid, the tax  
26 collector for the taxing unit shall refund to the person who paid  
27 the tax the amount by which the payment exceeded the tax due.

1           SECTION 7. Section 403.302(d-1), Government Code, is  
2 amended to read as follows:

3           (d-1) For purposes of Subsection (d), a residence homestead  
4 that receives an exemption under Section 11.131, 11.133, [~~or~~]  
5 11.134, or 11.138, Tax Code, in the year that is the subject of the  
6 study is not considered to be taxable property.

7           SECTION 8. Section 11.138, Tax Code, as added by this Act,  
8 applies only to ad valorem taxes imposed for a tax year beginning on  
9 or after January 1, 2020.

10          SECTION 9. This Act takes effect January 1, 2020, but only  
11 if the constitutional amendment proposed by the 86th Legislature,  
12 Regular Session, 2019, authorizing the legislature to provide for  
13 an exemption from ad valorem taxation of all or part of the market  
14 value of the residence homesteads of certain disabled first  
15 responders and their surviving spouses is approved by the voters.  
16 If that constitutional amendment is not approved by the voters,  
17 this Act has no effect.