

## **BILL ANALYSIS**

Senate Research Center

S.B. 1854  
By: Powell  
Local Government  
6/8/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, Texans may postpone paying current and delinquent property taxes on their homes by signing a tax deferral affidavit at the county appraisal district office if they are:

- age 65 or older;
- disabled as defined by law;
- qualified disabled veterans, their unmarried surviving spouses, or their unmarried children under age 18, if no surviving spouse; or
- unmarried surviving spouses of United States armed service members killed on active duty and their unmarried children under age 18.

However, once the affidavit is on file, taxes are deferred but not cancelled as long as the owner continues to own and live in the home. Taxes accumulate with five percent interest per year. The law extends the tax deferral to the surviving spouse of the person who deferred taxes on the homestead if the surviving spouse was at least 55 years old when the deceased spouse died.

As proposed, S.B. 1854 would stipulate that taxes are not considered delinquent on property subject to an appeal if the property owner has elected to defer the collection of taxes on the property under Section 33.06 or 33.065 and the deferral is still in effect.

Sources: <https://comptroller.texas.gov/taxes/property-tax/bills/penalty-bills.php>

[https://www.google.com/search?q=comptroller+property+tax+deferral+delinquent&rlz=1C1CHBF\\_enUS777US777&oq=comptroller+property+tax+deferral+delinquent&aqs=chrome..69i57j0i333.13837j0j7&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=comptroller+property+tax+deferral+delinquent&rlz=1C1CHBF_enUS777US777&oq=comptroller+property+tax+deferral+delinquent&aqs=chrome..69i57j0i333.13837j0j7&sourceid=chrome&ie=UTF-8)

S.B. 1854 amends current law relating to an appeal through binding arbitration of an appraisal review board order determining a protest concerning a residence homestead for which the property owner has elected to defer the collection of ad valorem taxes.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 41A.10, Tax Code, by amending Subsection (a) and adding Subsection (c), as follows:

- (a) Creates an exception to the requirement that a property owner pay certain taxes on property subject to appeal for a property owner who has elected to defer the collection of taxes under Section 33.06 (Deferred Collection of Taxes on Residence Homestead of Elderly or Disabled Person or Disabled Veteran) or 33.065 (Deferred Collection of Taxes on Appreciating Residence Homestead) on the property subject to the appeal and for which the deferral is still in effect. Makes a nonsubstantive change.

(c) Provides that, for the purposes of Subsection (b) (relating to prohibiting a property owner from filing an appeal through binding arbitration if the taxes on the property subject to the appeal are delinquent) of Section 41A.10 (Payment of Taxes Pending Appeal), taxes are not considered delinquent on property subject to an appeal if the property owner has elected to defer the collection of taxes on the property under Section 33.06 or 33.065 and the deferral is still in effect.

SECTION 2. Makes application of this Act prospective, as regards an applicable request for binding arbitration.

SECTION 3. Effective date: September 1, 2021.