

By: Bernal

H.B. No. 122

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an exemption from ad valorem taxation of the total
3 appraised value of the residence homestead of an unpaid caregiver
4 of an individual who is eligible to receive long-term services and
5 supports under the Medicaid program while the individual is on a
6 waiting list for the services and supports.

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

8 SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by
9 adding Section 11.136 to read as follows:

10 Sec. 11.136. RESIDENCE HOMESTEAD OF UNPAID CAREGIVER. (a)

11 In this section:

12 (1) "Qualifying caregiver" means a person who:

13 (A) is the parent, grandparent, or other legal
14 guardian of a qualifying individual; and

15 (B) provides care to the qualifying individual
16 without cost to the individual.

17 (2) "Qualifying individual" means a person who:

18 (A) is eligible to receive long-term services and
19 supports under the Medicaid program; and

20 (B) resides with a qualifying caregiver.

21 (3) "Residence homestead" has the meaning assigned by
22 Section 11.13.

23 (4) "Section 1915(c) waiver program" has the meaning
24 assigned by Section 531.001, Government Code.

1 (b) A qualifying caregiver is entitled to an exemption from
2 taxation of the total appraised value of the qualifying caregiver's
3 residence homestead for the period prescribed by Subsection (c).

4 (c) A qualifying caregiver is eligible to receive an
5 exemption under this section only for the period during which the
6 qualifying individual for whom the qualifying caregiver provides
7 care is on an interest list for long-term services and supports
8 under the Medicaid program, including services and supports
9 provided under a Section 1915(c) waiver program, the STAR Kids
10 managed care program, or the STAR+PLUS home and community-based
11 services and supports program.

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

14 (e) A person who qualifies for an exemption under Section
15 11.131, 11.136, or 11.35 after January 1 of a tax year may receive
16 the exemption for the applicable portion of that tax year
17 immediately on qualification for the exemption.

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

20 (c) An exemption provided by Section 11.13, 11.131, 11.132,
21 11.133, 11.134, 11.136, 11.17, 11.18, 11.182, 11.1827, 11.183,
22 11.19, 11.20, 11.21, 11.22, 11.23(a), (h), (j), (j-1), or (m),
23 11.231, 11.254, 11.27, 11.271, 11.29, 11.30, 11.31, 11.315, or
24 11.35, once allowed, need not be claimed in subsequent years, and
25 except as otherwise provided by Subsection (e), the exemption
26 applies to the property until it changes ownership or the person's
27 qualification for the exemption changes. However, except as

1 provided by Subsection (r), the chief appraiser may require a
2 person allowed one of the exemptions in a prior year to file a new
3 application to confirm the person's current qualification for the
4 exemption by delivering a written notice that a new application is
5 required, accompanied by an appropriate application form, to the
6 person previously allowed the exemption. If the person previously
7 allowed the exemption is 65 years of age or older, the chief
8 appraiser may not cancel the exemption due to the person's failure
9 to file the new application unless the chief appraiser complies
10 with the requirements of Subsection (q), if applicable.

11 SECTION 4. Section 26.10(c), Tax Code, is amended to read as
12 follows:

13 (c) If the appraisal roll shows that a residence homestead
14 exemption under Section 11.131 or 11.136 applicable to a property
15 on January 1 of a year terminated during the year, the tax due
16 against the residence homestead is calculated by multiplying the
17 amount of the taxes that otherwise would be imposed on the residence
18 homestead for the entire year had the individual not qualified for
19 the residence homestead exemption [~~under Section 11.131~~] during the
20 year by a fraction, the denominator of which is 365 and the
21 numerator of which is the number of days that elapsed after the date
22 the exemption terminated.

23 SECTION 5. Section 26.1125, Tax Code, is amended to read as
24 follows:

25 Sec. 26.1125. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD
26 OF 100 PERCENT OR TOTALLY DISABLED VETERAN OR UNPAID CAREGIVER. (a)
27 If a person qualifies for an exemption under Section 11.131 or

1 11.136 after the beginning of a tax year, the amount of the taxes on
2 the residence homestead of the person for the tax year is calculated
3 by multiplying the amount of the taxes that otherwise would be
4 imposed on the residence homestead for the entire year had the
5 person not qualified for the applicable exemption [~~under Section~~
6 ~~11.131~~] by a fraction, the denominator of which is 365 and the
7 numerator of which is the number of days that elapsed before the
8 date the person qualified for the applicable exemption [~~under~~
9 ~~Section 11.131~~].

10 (b) If a person qualifies for an exemption under Section
11 11.131 or 11.136 with respect to the property after the amount of
12 the tax due on the property is calculated and the effect of the
13 qualification is to reduce the amount of the tax due on the
14 property, the assessor for each taxing unit shall recalculate the
15 amount of the tax due on the property and correct the tax roll. If
16 the tax bill has been mailed and the tax on the property has not been
17 paid, the assessor shall mail a corrected tax bill to the person in
18 whose name the property is listed on the tax roll or to the person's
19 authorized agent. If the tax on the property has been paid, the tax
20 collector for the taxing unit shall refund to the person who was the
21 owner of the property on the date the tax was paid the amount by
22 which the payment exceeded the tax due.

23 SECTION 6. Section 403.302(d-1), Government Code, is
24 amended to read as follows:

25 (d-1) For purposes of Subsection (d), a residence homestead
26 that receives an exemption under Section 11.131, 11.133, [~~or~~]
27 11.134, or 11.136, Tax Code, in the year that is the subject of the

1 study is not considered to be taxable property.

2 SECTION 7. Section 11.136, Tax Code, as added by this Act,
3 applies only to ad valorem taxes imposed for a tax year beginning on
4 or after the effective date of this Act.

5 SECTION 8. This Act takes effect January 1, 2022, but only
6 if the constitutional amendment proposed by the 87th Legislature,
7 Regular Session, 2021, authorizing the legislature to exempt from
8 ad valorem taxation the total assessed value of the residence
9 homestead of an unpaid caregiver of an individual who is eligible to
10 receive long-term services and supports under the Medicaid program
11 while the individual is on a waiting list for the services and
12 supports is approved by the voters. If that constitutional
13 amendment is not approved by the voters, this Act has no effect.