

By: Schofield

H.B. No. 41

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a limitation on the total amount of ad valorem taxes that certain taxing units may impose on the residence homesteads of individuals who are disabled or elderly and their surviving spouses.

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

SECTION 1. The heading to Section 11.261, Tax Code, is amended to read as follows:

Sec. 11.261. LIMITATION OF TAX IMPOSED BY TAXING UNIT OTHER THAN SCHOOL DISTRICT [~~COUNTY, MUNICIPAL, OR JUNIOR COLLEGE DISTRICT TAX~~] ON HOMESTEADS OF INDIVIDUALS WHO ARE DISABLED OR AND ELDERLY.

SECTION 2. Section 11.261, Tax Code, is amended by amending Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) and adding Subsections (b-1) and (b-2) to read as follows:

(a) This section applies only to a taxing unit other than a school district [~~county, municipality, or junior college district that has established a limitation on the total amount of taxes that may be imposed by the county, municipality, or junior college district on the residence homestead of a disabled individual or an individual 65 years of age or older under Section 1-b(h), Article VIII, Texas Constitution~~].

(b) The tax officials shall appraise the property to which this section [~~the limitation~~] applies and calculate taxes as on

1 other property, but if the tax so calculated exceeds the limitation
2 required ~~[provided]~~ by this section, the tax imposed by a taxing
3 unit is the amount of the tax as limited by this section, except as
4 otherwise provided by this section. A taxing unit ~~[The county,~~
5 ~~municipality, or junior college district]~~ may not increase the
6 total annual amount of ad valorem taxes the taxing unit ~~[county,~~
7 ~~municipality, or junior college district]~~ imposes on the residence
8 homestead of an individual who is ~~[a]~~ disabled ~~[individual]~~ or is
9 ~~[an individual]~~ 65 years of age or older above the amount of the
10 taxes the taxing unit ~~[county, municipality, or junior college~~
11 ~~district]~~ imposed on the residence homestead in the first tax
12 year~~[, other than a tax year preceding the tax year in which the~~
13 ~~county, municipality, or junior college district established the~~
14 ~~limitation described by Subsection (a),]~~ in which the individual
15 qualified that residence homestead for the exemption provided by
16 Section 11.13(c) for an individual who is ~~[a]~~ disabled ~~[individual]~~
17 or is ~~[an individual]~~ 65 years of age or older. If the individual
18 qualified that residence homestead for the exemption after the
19 beginning of that first year and the residence homestead remains
20 eligible for the exemption for the next year, and if the ~~[county,~~
21 ~~municipal, or junior college district]~~ taxes imposed by the taxing
22 unit on the residence homestead in the next year are less than the
23 amount of taxes imposed in that first year, the taxing unit ~~[a~~
24 ~~county, municipality, or junior college district]~~ may not
25 subsequently increase the total annual amount of ad valorem taxes
26 it imposes on the residence homestead above the amount it imposed on
27 the residence homestead in the year immediately following the first

year~~[, other than a tax year preceding the tax year in which the county, municipality, or junior college district established the limitation described by Subsection (a),]~~ for which the individual qualified that residence homestead for the exemption.

(b-1) If the first tax year the individual qualified the residence homestead for the exemption provided by Section 11.13(c) for individuals who are disabled or are 65 years of age or older was a tax year before the 2026 tax year and the homestead qualified for a limitation on county, municipal, or junior college district taxes under this section for that tax year, the amount of the limitation on county, municipal, or junior college district taxes, as applicable, required by this section is the amount of the tax imposed by the applicable taxing unit for the 2025 tax year, plus any 2026 tax attributable to improvements made in 2025, other than improvements made to comply with governmental regulations or repairs.

(b-2) Except as provided by Subsection (b-1), for the purpose of calculating a limitation on tax increases by a taxing unit under this section, an individual who qualified a residence homestead before January 1, 2026, for an exemption under Section 11.13(c) for individuals who are disabled or are 65 years of age or older is considered to have qualified the homestead for that exemption on January 1, 2026.

(c) If an individual makes improvements to the individual's residence homestead, other than repairs and other than improvements required to comply with governmental requirements, the taxing unit ~~[county, municipality, or junior college district]~~ may increase the

amount of taxes on the homestead in the first year the value of the homestead is increased on the appraisal roll because of the enhancement of value by the improvements. The amount of the tax increase is determined by applying the current tax rate to the difference between the appraised value of the homestead with the improvements and the appraised value the homestead ~~[it]~~ would have had without the improvements. The ~~[A]~~ limitation required ~~[provided]~~ by this section then applies to the increased amount of ~~[county, municipal, or junior college district]~~ taxes on the residence homestead until more improvements, if any, are made.

(d) A limitation on ~~[county, municipal, or junior college district]~~ tax increases by a taxing unit required ~~[provided]~~ by this section expires if on January 1:

(1) none of the owners of the structure who qualify for the exemption provided by Section 11.13(c) for an individual who is ~~[a]~~ disabled ~~[individual]~~ or is ~~[an individual]~~ 65 years of age or older and who owned the structure when the limitation ~~[provided by this section]~~ first took effect is using the structure as a residence homestead; or

(2) none of the owners of the structure qualifies for the exemption provided by Section 11.13(c) for an individual who is ~~[a]~~ disabled ~~[individual]~~ or is ~~[an individual]~~ 65 years of age or older.

(e) If the appraisal roll provides for taxation of appraised value for a prior year because a residence homestead exemption for an individual who is disabled ~~[individuals]~~ or is ~~[individuals]~~ 65 years of age or older was erroneously allowed, the tax assessor for

1 the applicable taxing unit [~~county, municipality, or junior college~~
2 ~~district~~] shall add, as back taxes due as provided by Section
3 26.09(d), the positive difference, if any, between the tax that
4 should have been imposed for that year and the tax that was imposed
5 because of the provisions of this section.

6 (f) A limitation on tax increases by a taxing unit required
7 [~~provided~~] by this section does not expire because the owner of an
8 interest in the structure conveys the interest to a qualifying
9 trust as defined by Section 11.13(j) if the owner or the owner's
10 spouse is a trustor of the trust and is entitled to occupy the
11 structure.

12 (g) Except as provided by Subsection (c), if an individual
13 who receives a limitation on [~~county, municipal, or junior college~~
14 ~~district~~] tax increases by a taxing unit required [~~provided~~] by
15 this section subsequently qualifies a different residence
16 homestead [~~in the same county, municipality, or junior college~~
17 ~~district~~] for an exemption under Section 11.13, a taxing unit [~~the~~
18 ~~county, municipality, or junior college district~~] may not impose ad
19 valorem taxes on the subsequently qualified homestead in a year in
20 an amount that exceeds the amount of taxes the taxing unit [~~county,~~
21 ~~municipality, or junior college district~~] would have imposed on the
22 subsequently qualified homestead in the first year in which the
23 individual receives that exemption for the subsequently qualified
24 homestead had the limitation on tax increases required [~~provided~~]
25 by this section not been in effect, multiplied by a fraction the
26 numerator of which is the total amount of taxes [~~the county,~~
27 ~~municipality, or junior college district~~] imposed by a taxing unit

1 of the same type on the former homestead in the last year in which
2 the individual received that exemption for the former homestead and
3 the denominator of which is the total amount of taxes that [~~the~~
4 ~~county, municipality, or junior college district~~] would have been
5 imposed by the taxing unit of the same type on the former homestead
6 in the last year in which the individual received that exemption for
7 the former homestead had the limitation on tax increases required
8 [~~provided~~] by this section not been in effect. A limitation under
9 this subsection does not apply to a taxing unit if the former
10 homestead was not subject to taxation by a taxing unit of the same
11 type in the last year in which the individual received the exemption
12 for the former homestead.

13 (h) An individual who receives a limitation on [~~county,~~
14 ~~municipal, or junior college district~~] tax increases by a taxing
15 unit under this section and who subsequently qualifies a different
16 residence homestead [~~in the same county, municipality, or junior~~
17 ~~college district~~] for an exemption under Section 11.13, or an agent
18 of the individual, is entitled to receive from the chief appraiser
19 of the appraisal district in which the former homestead was located
20 a written certificate providing the information necessary to
21 determine whether the individual may qualify for a limitation on
22 the subsequently qualified homestead under Subsection (g) and to
23 calculate the amount of taxes a taxing unit of the same type [~~the~~
24 ~~county, municipality, or junior college district~~] may impose on the
25 subsequently qualified homestead.

26 (i) If an individual who receives [~~qualifies for~~] a
27 limitation on [~~county, municipal, or junior college district~~] tax

1 increases by a taxing unit under this section dies, the surviving
2 spouse of the individual is entitled to the limitation on taxes
3 imposed by the taxing unit [~~county, municipality, or junior college~~
4 ~~district~~] on the residence homestead of the individual if:

5 (1) the surviving spouse is disabled or is 55 years of
6 age or older when the individual dies; and

7 (2) the residence homestead of the individual:

8 (A) is the residence homestead of the surviving
9 spouse on the date that the individual dies; and

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

12 (j) If an individual who is 65 years of age or older and
13 qualifies for a limitation on [~~county, municipal, or junior college~~
14 ~~district~~] tax increases for the elderly under this section dies in
15 the first year in which the individual qualified for the limitation
16 and the individual first qualified for the limitation after the
17 beginning of that year, except as provided by Subsection (k), the
18 amount to which the surviving spouse's [~~county, municipal, or~~
19 ~~junior college district~~] taxes are limited under Subsection (i) is
20 the amount of taxes imposed by the taxing unit to which the
21 limitation applies [~~county, municipality, or junior college~~
22 ~~district, as applicable,~~] on the residence homestead in that year
23 determined as if the individual qualifying for the exemption had
24 lived for the entire year.

25 (k) If in the first tax year after the year in which an
26 individual who is 65 years of age or older dies under the
27 circumstances described by Subsection (j) the amount of taxes

1 imposed by a taxing unit [~~county, municipality, or junior college~~
2 ~~district~~] on the residence homestead of the surviving spouse is
3 less than the amount of taxes imposed by the taxing unit [~~county,~~
4 ~~municipality, or junior college district~~] in the preceding year as
5 limited by Subsection (j), in a subsequent tax year the surviving
6 spouse's taxes imposed by the taxing unit [~~county, municipality, or~~
7 ~~junior college district~~] on that residence homestead are limited to
8 the amount of taxes imposed by the taxing unit [~~county,~~
9 ~~municipality, or junior college district~~] in that first tax year
10 after the year in which the individual dies.

11 (1) Notwithstanding Subsection (d), a limitation on
12 [~~county, municipal, or junior college district~~] tax increases by a
13 taxing unit required [~~provided~~] by this section does not expire if
14 the owner of the structure qualifies for an exemption under Section
15 11.13 under the circumstances described by Section 11.135(a).

16 SECTION 3. Section 23.19(g), Tax Code, is amended to read as
17 follows:

18 (g) A tax bill or a separate statement accompanying the tax
19 bill to a cooperative housing corporation for which interests of
20 stockholders are separately appraised under this section must
21 state, in addition to the information required by Section 31.01,
22 the appraised value and taxable value of each interest separately
23 appraised. Each exemption claimed as provided by this title by a
24 person entitled to the exemption shall also be deducted from the
25 total appraised value of the property of the corporation. The total
26 tax imposed by a school district or other taxing unit [~~county,~~
27 ~~municipality, or junior college district~~] shall be reduced by any

1 amount that represents an increase in taxes attributable to
2 separately appraised interests of the real property and
3 improvements that are subject to the limitation of taxes prescribed
4 by Section 11.26 or 11.261. The corporation shall apportion among
5 its stockholders liability for reimbursing the corporation for
6 property taxes according to the relative taxable values of their
7 interests.

8 SECTION 4. Sections 26.012(6), (13), and (14), Tax Code,
9 are amended to read as follows:

10 (6) "Current total value" means the total taxable
11 value of property listed on the appraisal roll for the current year,
12 including all appraisal roll supplements and corrections as of the
13 date of the calculation, less the taxable value of property
14 exempted for the current tax year for the first time under Section
15 11.31 or 11.315, except that:

16 (A) the current total value for a school district
17 excludes:

18 (i) the total value of homesteads that
19 qualify for a tax limitation as provided by Section 11.26;

20 (ii) new property value of property that is
21 subject to an agreement entered into under former Subchapter B or C,
22 Chapter 313; and

23 (iii) new property value of property that
24 is subject to an agreement entered into under Subchapter T, Chapter
25 403, Government Code; and

26 (B) the current total value for a taxing unit
27 other than a school district [~~county, municipality, or junior~~

1 ~~college district]~~ excludes the total value of homesteads that
2 qualify for a tax limitation as provided by Section 11.261.

3 (13) "Last year's levy" means the total of:

4 (A) the amount of taxes that would be generated
5 by multiplying the total tax rate adopted by the governing body in
6 the preceding year by the total taxable value of property on the
7 appraisal roll for the preceding year, including:

8 (i) taxable value that was reduced in an
9 appeal under Chapter 42;

10 (ii) all appraisal roll supplements and
11 corrections other than corrections made pursuant to Section
12 25.25(d), as of the date of the calculation, except that last year's
13 taxable value for a school district excludes the total value of
14 homesteads that qualified for a tax limitation as provided by
15 Section 11.26 and last year's taxable value for a taxing unit other
16 than a school district [~~county, municipality, or junior college~~
17 ~~district]~~ excludes the total value of homesteads that qualified for
18 a tax limitation as provided by Section 11.261; and

19 (iii) the portion of taxable value of
20 property that is the subject of an appeal under Chapter 42 on July
21 25 that is not in dispute; and

22 (B) the amount of taxes refunded by the taxing
23 unit in the preceding year for tax years before that year.

24 (14) "Last year's total value" means the total taxable
25 value of property listed on the appraisal roll for the preceding
26 year, including all appraisal roll supplements and corrections,
27 other than corrections made pursuant to Section 25.25(d), as of the

1 date of the calculation, except that:

2 (A) last year's taxable value for a school
3 district excludes the total value of homesteads that qualified for
4 a tax limitation as provided by Section 11.26; and

5 (B) last year's taxable value for a taxing unit
6 other than a school district [~~county, municipality, or junior~~
7 ~~college district~~] excludes the total value of homesteads that
8 qualified for a tax limitation as provided by Section 11.261.

9 SECTION 5. This Act applies only to ad valorem taxes imposed
10 for a tax year beginning on or after the effective date of this Act.

11 SECTION 6. This Act takes effect January 1, 2026, but only
12 if the constitutional amendment proposed by the 89th Legislature,
13 Regular Session, 2025, establishing a limitation on the total
14 amount of ad valorem taxes that certain political subdivisions may
15 impose on the residence homesteads of persons who are disabled or
16 elderly and their surviving spouses is approved by the voters. If
17 that amendment is not approved by the voters, this Act has no
18 effect.