

BILL ANALYSIS

Senate Research Center

H.B. 1773
By: Danburg (Barrientos)
Finance
5-2-97
Engrossed

DIGEST

Article VIII (Taxation and Revenue), Texas Constitution, Section 1-b, provides for an exemption from ad valorem taxation for the owner of a residence homestead. The principal qualifications for a general residence homestead exemption are that a person must own the property, it must be designed or adapted for human habitation, and a qualified owner must occupy the property as a principal residence. Additional qualifications apply for over-65 and disabled persons' homestead exemptions.

Currently, the possibility exists for co-owners of property to claim multiple exemptions. It is also difficult to prosecute a person who falsely claims entitlement to more than one homestead or misrepresents his or her qualifications. This bill would provide that no owner of a property for which a residence homestead is claimed may claim a residence homestead for any other property. In addition, H.B. 1773 requires an applicant to make a sworn statement under oath that the application is true and correct.

PURPOSE

As proposed, H.B. 1773 clarifies that no owner of the property for which a residence homestead is claimed may claim a residence homestead for any other property. The bill also requires an applicant to make a sworn statement under oath that the application is true and correct.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.13(h), Tax Code, to prohibit a person from receiving an exemption under this section for more than one residence homestead in the same year.

SECTION 2. Amends Section 11.41, Tax Code, to set forth the terms under which an exemption is required to be multiplied by a fraction, the numerator of which is the value of the property interest the person owns and the denominator of which is the value of the property. Deletes Subsection (b) regarding a person who is not the sole owner of the property to which the exemption applies. Makes nonsubstantive and conforming changes.

SECTION 3. Amends Section 11.43, Tax Code, by adding Subsection (j), to set forth requirements for an application for exemption under Section 11.13.

SECTION 4. Effective date: January 1, 1998.

SECTION 5. Emergency clause.