

First Extraordinary Session, 2005

HOUSE BILL NO. 70

BY REPRESENTATIVES ALARIO, HAMMETT, AND ODINET

TAX/AD VALOREM-EXEMPTION: Establishes procedure for persons displaced by natural disaster to claim homestead exemption and special assessment level (Item #41)

1 AN ACT

2 To enact R.S. 47:1703(E), relative to ad valorem taxation; to provide for keeping or
3 claiming the homestead exemption and special assessment level when property is
4 damaged or destroyed by a disaster or emergency; to provide for an effective date;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:1703(E) is hereby enacted to read as follows:

8 §1703. Exemptions

9 * * *

10 E.(1) Any homestead receiving the homestead exemption that is damaged
11 or destroyed during a disaster or emergency declared by the governor whose owner
12 is unable to occupy the homestead on or before December thirty-first of a future
13 calendar year due to such damage or destruction shall be entitled to claim and keep
14 the exemption by filing an affidavit of intent to return and reoccupy the homestead
15 within five years from December thirty-first of the year following the disaster with
16 the assessor within the parish or district where such homestead is situated prior to
17 December thirty-first of the year in which the exemption is claimed. In no event
18 shall more than one homestead exemption extend or apply to any person in this state.

1 (2) Any owner entitled to the special assessment level set forth in this
 2 Paragraph who is unable to occupy the homestead on or before December thirty-first
 3 of a future calendar year due to damage or destruction of the homestead caused by
 4 a disaster or emergency declared by the governor shall be entitled to keep the special
 5 assessment level of the homestead prior to its damage or destruction on the repaired
 6 or rebuilt homestead provided the repaired or rebuilt homestead is reoccupied by the
 7 owner within five years from December thirty-first of the year following the disaster.
 8 The assessed value of the land and buildings on which the homestead was located
 9 prior to its damage shall not be increased above its assessed value immediately prior
 10 to the damage or destruction described in this Paragraph. If the property owner
 11 receives a homestead exemption on another homestead during the same five-year
 12 period, the damaged or destroyed property shall not be entitled to keep the special
 13 assessment level, and the land and buildings shall be assessed in that year at the
 14 percentage of fair market value set forth in the Constitution of Louisiana. In
 15 addition, the owner must also maintain the homestead exemption set forth in Article
 16 VII, Section 20(A)(10) to qualify for the special assessment level in this Paragraph.

17 Section 2. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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HB No. 70

Abstract: Establishes procedure for persons displaced by natural disaster to claim homestead exemption and special assessment level.

Proposed law provides that any homestead receiving the homestead exemption that is damaged or destroyed during a disaster or emergency declared by the governor whose owner is unable to occupy the homestead on or before December 31 of a future calendar year due to such damage or destruction shall be entitled to claim and keep the exemption by filing an affidavit of intent to return and reoccupy the homestead.

Proposed law provides the affidavit must be filed within five years from December 31 of the year following the disaster with the assessor prior to December 31 of the year in which the exemption is claimed.

Proposed law further provides that any owner entitled to the special assessment level who is unable to occupy the homestead on or before December 31 of a future calendar year due to damage or destruction of the homestead caused by a disaster or emergency declared by the governor shall be entitled to keep the special assessment level of the homestead prior to its damage or destruction on the repaired or rebuilt homestead provided the repaired or rebuilt homestead is reoccupied by the owner within five years from December 31 of the year following the disaster.

Proposed law provides that the assessed value of the land and buildings on which the homestead was located prior to its damage shall not be increased above its assessed value immediately prior to the damage or destruction.

Proposed law further provides if the property owner receives a homestead exemption on another homestead during the same five-year period, the damaged or destroyed property shall not be entitled to keep the special assessment level, and the land and buildings shall be assessed in that year at the percentage of fair market value set forth in the constitution.

Proposed law provides the owner must also maintain the homestead exemption set forth in Art. VII, §20(A)(10) to qualify for the special assessment level.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 47:1703(E))