

First Extraordinary Session, 2005

HOUSE BILL NO. 46

BY REPRESENTATIVES HAMMETT, PINAC, BALDONE, CURTIS, FAUCHEUX,
HEATON, HILL, HONEY, KENNEY, ODINET, AND TOWNSEND

TAX EXEMPTIONS/HOMESTEAD: Provides for the continuation of the homestead exemption and special assessments when property is damaged due to a gubernatorially declared disaster or emergency (Item #41)

1 AN ACT

2 To enact R.S. 47:1703(E), relative to the homestead exemption; to provide for an extension
3 of the homestead exemption when property is damaged or destroyed during a disaster
4 or emergency declared by the governor; to provide for an effective date; and to
5 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. Property damaged during a disaster or emergency. (1) Any homestead
11 receiving the homestead exemption that is damaged or destroyed during a disaster
12 or emergency declared by the governor whose owner is unable to occupy the
13 homestead on or before December thirty-first of a calendar year due to such damage
14 or destruction shall be entitled to claim the exemption by filing with the assessor of
15 the parish in which the homestead was located, an annual affidavit of intent to return
16 and reoccupy the homestead within a period of five years from December thirty-first
17 of the tax year in which the disaster occurred. In no event shall more than one
18 homestead exemption extend or apply to any person in this state.

1 (2) Any owner entitled to the special assessment level set forth in Article
2 VII, Section 18(G) of the Constitution of Louisiana who is unable to occupy the
3 homestead on or before December thirty-first of a future calendar year due to
4 damage or destruction of the homestead caused by a disaster or emergency declared
5 by the governor shall be entitled to keep the special assessment level of the
6 homestead prior to its damage or destruction on the repaired or rebuilt homestead
7 provided the repaired or rebuilt homestead is occupied by the owner within five
8 years from December thirty-first of the year following the disaster. The assessed
9 value of the land and buildings on which the homestead was located prior to its
10 damage shall not be increased above its assessed value immediately prior to the
11 damage or destruction described in this Paragraph. If the property owner receives
12 a homestead exemption on another homestead during the same five-year period, the
13 damaged or destroyed property shall not be entitled to keep the special assessment
14 level, and the land and buildings shall be assessed in that year at the percentage of
15 fair market value set forth in the constitution. In addition, the owner must also
16 maintain the homestead exemption set forth in Article VII, Section 20(A)(10) of the
17 Constitution of Louisiana to qualify for the special assessment level set forth in
18 Article VII, Section 18(G)(5) of the Constitution of Louisiana.

19 Section 2. This Act shall take effect and become operative if and when the proposed
20 amendment of Article VII, Section 18(G)(5) and Article VII, Section 20(A)(10) of the
21 Constitution of Louisiana contained in the Act which originated as House Bill No. ____ of
22 this 2005 First Extraordinary Session of the Legislature is adopted at the statewide election
23 to be held on February 4, 2006, and at the same time as such proposed amendment becomes
24 effective.

DIGEST

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

Hammett

HB No. 46

Abstract: Provides for the continuation of the homestead exemption and special assessments where the homestead is damaged due to a gubernatorially declared disaster or emergency.

Proposed law provides that any homestead receiving the homestead exemption that is damaged or destroyed during a gubernatorially declared disaster or emergency whose owner is unable to occupy the homestead on or before Dec. 31 of a calendar year due to such damage or destruction shall be entitled to claim the exemption by filing annually with the assessor an affidavit of intent to return and reoccupy the homestead within a period of five years from Dec. 31 of the tax year in which the disaster occurred.

Proposed law provides that no more than one homestead exemption shall extend or apply to any person in this state.

Proposed law provides that any owner entitled to the special assessment level set forth in Art. VII, §18(G) of the La. Constitution who is unable to occupy the homestead on or before Dec. 31 of a future calendar year due to damage or destruction of the homestead caused by a gubernatorially declared disaster or emergency shall be entitled to keep the special assessment level provided the repaired or rebuilt homestead is occupied by the owner within five years from Dec. 31 of the year following the disaster. 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 provides that 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.

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

Effective and operative if and when the proposed amendments to the constitution contained in HB _____ of the 2005 1st E.S. is adopted at the statewide election to be held on Feb. 4, 2006.

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Ways and Means to the original bill.

1. Clarifies that owner must be unable to occupy the homestead on or before Dec. 31 of a calendar year.

House Floor Amendments to the engrossed bill.

1. Specifies that affidavit must be filed annually.