

First Extraordinary Session, 2005

HOUSE BILL NO. 46

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

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.

19 (2) Any owner entitled to the special assessment level set forth in Article
20 VII, Section 18(G) of the Constitution of Louisiana who is unable to occupy the
21 homestead on or before December thirty-first of a future calendar year due to
22 damage or destruction of the homestead caused by a disaster or emergency declared
23 by the governor shall be entitled to keep the special assessment level of the

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

14 Section 2. This Act shall take effect and become operative if and when the proposed
15 amendment of Article VII, Section 18(G)(5) and Article VII, Section 20(A)(10) of the
16 Constitution of Louisiana contained in the Act which originated as House Bill No. 34 of this
17 2005 First Extraordinary Session of the Legislature or as Senate Bill No. 18 of this 2005
18 First Extraordinary Session of the Legislature is adopted at the statewide election to be held
19 on April 29, 2006, and at the same time as such proposed amendment becomes effective.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____