
 DIGEST

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Murray

SB No. 21

Present constitution authorizes homesteads whose owners are unable to occupy them on or before December 31st of a calendar year due to damage or destruction during a disaster or emergency declared by the governor to retain the exemption by filing an annual affidavit of intent to return and reoccupy the homestead within five years from December 31st of the year following the disaster with the assessor within the parish where the homestead is situated.

Present constitution authorizes owners entitled to the "special assessment level" who are unable to occupy their homesteads on or before December 31st of a future calendar year due to damage or destruction of the homestead caused by a disaster or emergency declared by the governor to retain 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 31st of the year following the disaster.

Proposed constitutional amendment authorizes an extension of the homestead exemption and the special assessment level for up to two years for owners who are unable to reoccupy their homesteads within the five-year period in present law if the homeowner's damage claim is filed and pending.

Proposed constitutional amendment requires the homeowner to apply for the extension with the assessor of the parish in which the homestead is located and requires the homeowner to provide official documentation evidencing participation in a formal appeal process as provided by law.

Proposed constitutional amendment provides that after expiration of the two-year extension, the assessor may grant up to three additional one-year extensions of the homestead exemption or the special assessment level under circumstances prescribed by law.

Specifies submission of the amendment to the voters at the statewide election to be held on November 2, 2010.

Effective January 1, 2011.

(Amends Const. Art. VII, Secs. 18(G)(5) and 20(A)(10))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill.

1. Deletes an automatic 5-year extension of the homestead exemption and the special assessment level and substitutes the 2-year and three, year-by-year extensions set forth in the Digest above.

Senate Floor Amendments to engrossed bill.

1. Adds the filing of a legal claim or action against the homeowner's insurer or insurers as another eligibility option for extension of the homestead exemption and/or the special assessment level.

2. Adds evidence of a legal claim filed and pending against the insurer or insurers of the damaged property as an official documentation the assessor may accept when a homeowner applies for an extension.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill.

1. Provided technical amendments only.