

Prior law statutorily recognized the requirement in Const. Art. VII, Sec. 20(A)(10) which 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 or district where the homestead is situated.

Prior law statutorily recognized the requirement in Const. Art. VII, Sec. 18(G)(5) which 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.

New law is a companion bill to authorize the extensions of both five-year periods as follows:

1. For up to two years by filing an annual affidavit of intent to return and reoccupy the homestead with the assessor within the parish where such homestead is situated and only if the homeowner's damage claim to repair or rebuild the homestead is filed and pending in a formal appeal process with any federal, state, or local government agency or program offering grants or assistance for repairing or rebuilding damaged or destroyed homes as a result of the disaster or in a legal claim or action against the homeowner's insurer or insurers. The assessor must require the homeowner to provide official documentation from the government agency or program evidencing the homeowner's participation in the formal appeal process or evidence showing the homeowner's legal claim filed and pending against the insurer or insurers of the damaged property.
2. After expiration of the two-year extension set forth above, an assessor is authorized to grant up to three additional one-year extensions of the homestead exemption or special assessment level on a case-by-case basis if the homeowner has made a good faith attempt to secure a contractor or builder to complete the needed repairs or reconstruction of the home, but is unable to complete the project due to uncontrollable contractor or builder delays. Requires the homeowner to provide to the assessor documentation evidencing good faith in attempting to secure a contractor or builder to complete the project.

Effective if, as, and when the proposed amendment of Const. Art. VII, Secs. 18(G)(5) and 20(A)(10) contained in the Act which originated as SB 21 is adopted at the statewide election to be held on Nov. 2, 2010.

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