

1 HB344
2 204250-8
3 By Representatives Faulkner, Shiver, Baker, Gaston, Faust,
4 Ledbetter, Daniels, Rowe and McCutcheon
5 RFD: County and Municipal Government
6 First Read: 04-FEB-21

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ENROLLED, An Act,

To amend Section 40-9-21.1 of the Code of Alabama 1975, as amended by Act 2019-320 of the 2019 Regular Session, relating to the procedures to claim certain homestead exemptions; to authorize the tax payer to claim and verify certain homestead exemptions by mail or electronically as provided by the local tax assessing official.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds that homestead exemptions are important in encouraging home ownership. Furthermore, electronic filing of documents is a well accepted method of filing important documents in the modern era. However, the Legislature understands the perpetuation of fraud can be a risk without proper safeguards. The Legislature requests the Alabama Department of Revenue to work with tax assessing officials to develop recommendations on reducing fraud when homestead exemptions are claimed.

Section 2. Section 40-9-21.1 of the Code of Alabama 1975, as amended by Act 2019-320 of the 2019 Regular Session, is amended to read as follows:

"§40-9-21.1.

"(a) ~~Effective January 1, 2020, any~~ Any person who qualifies for the homestead exemption in Section 40-9-19(a)(1), ~~(b), or (c)~~ or Section 40-9-21 shall initially

1 claim the exemption in person or by mail on a form affidavit
2 provided by the ~~Alabama Department of Revenue~~. Any person who
3 ~~qualifies for the homestead exemption under any other~~
4 ~~provision of law shall initially claim the exemption in~~
5 ~~person.~~ tax assessing official. The tax assessing official and
6 ~~the county commission~~ may also elect to establish a process to
7 receive the form affidavit electronically as provided in this
8 subsection.

9 "(b) Any law to the contrary notwithstanding, any
10 person who qualifies for the homestead exemptions in Section
11 40-9-19(a) (2) or (d) or Section 40-9-21 shall not be required
12 to annually claim the exemptions after the initial
13 qualification, but shall verify eligibility for the
14 exemptions, as required by law, each year thereafter in person
15 or by mail on a form affidavit ~~to be~~ provided by the tax
16 ~~assessor.~~ assessing official. The tax assessing official and
17 ~~the county commission~~ may also elect to establish a process to
18 receive the form affidavit electronically as provided in this
19 subsection.

20 "~~(c) No later than October 1, 2021, the Association~~
21 ~~of County Commissions of Alabama and the Association of~~
22 ~~Alabama Tax Administrators shall develop a model form~~
23 ~~affidavit and procedure for the electronic process authorized~~
24 ~~by this section."~~

1 "(c) Any cost necessary to establish and operate a
2 process to receive the homestead exemption form affidavit
3 electronically, as authorized in this section, shall be paid
4 from the funds available for the cost of equalization of ad
5 valorem taxes as established in Chapter 7 of Title 40. No
6 later than October 1, 2021, the Association of Alabama Tax
7 Administrators shall develop and forward to the Commissioner
8 of the Department of Revenue a form affidavit and procedures,
9 to be used by the tax assessing officials, electing to provide
10 for the acceptance of the form affidavit electronically. The
11 commissioner shall approve and distribute the form affidavit
12 and procedures to all tax assessing officials no later than
13 January 1, 2022."

14 Section 3. This act shall become effective October
15 1, 2021, following its passage and approval by the Governor,
16 or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-MAR-21.

Jeff Woodard
Clerk

Senate	<hr/> 29-APR-21 <hr/>	Amended and Passed
House	<hr/> 29-APR-21 <hr/>	Concurred in Senate Amendment