

FIRST REGULAR SESSION

HOUSE BILL NO. 882

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ANDERSON.

2040H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 137, RSMo, by adding thereto one new section relating to the Missouri homestead preservation act, with a delayed effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 137, RSMo, is amended by adding thereto one new section, to be known as section 137.107, to read as follows:

137.107. 1. This section shall be known and may be cited as the "Missouri Homestead Preservation Act".

2. As used in this section, the following terms mean:

(1) "Department", the department of revenue;

(2) "Director", the director of revenue;

(3) "Disabled", the same meaning given to such term under section 135.010;

(4) "Eligible owner":

(a) Any individual owner of property who is sixty-five years of age or older as of January first of the tax year in which the individual is claiming the credit authorized under this section or who is disabled, and who had an income of less than or equal to the maximum upper limit in the year prior to completing an application under this section;

(b) In the case of a married couple owning property either jointly or as tenants by the entirety, or in the case of a married couple when only one spouse owns the property, such couple shall be considered an "eligible owner" if both spouses have reached sixty-five years of age, if one spouse is disabled, or if one spouse is sixty-five years of age or older and the other spouse is sixty years of age or older, and the combined income of the couple in

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 the year prior to completing an application under this section did not exceed the maximum
18 upper limit;

19 (c) In the case of joint ownership by unmarried persons or ownership by tenancy
20 in common by two or more unmarried persons, such owners shall be considered an
21 "eligible owner" if each person with an ownership interest individually satisfies the
22 eligibility requirements for an individual eligible owner under this subdivision and the
23 combined income of all individuals with an interest in the property is less than or equal to
24 the maximum upper limit in the year immediately prior to completing an application under
25 this section. If any individual with an ownership interest in the property fails to satisfy the
26 eligibility requirements of an individual eligible owner or if the combined income of all
27 individuals with interest in the property exceeds the maximum upper limit, then no
28 individuals with an ownership interest in such property shall be deemed "eligible owners",
29 regardless of whether any such individuals could otherwise meet the eligibility
30 requirements; or

31 (d) In the case of property held in trust, the "eligible owner" and recipient of the
32 tax credit shall be the trust itself; provided that, the previous owner of the homestead or
33 the previous owner's spouse:

34 a. Is the settlor of the trust with respect to the homestead;

35 b. Currently resides in such homestead; and

36 c. Would have satisfied the age, ownership, and maximum upper limit
37 requirements for income as defined in this subdivision but for the transfer of such
38 property;

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40 No individual shall be an "eligible owner" if such individual has not paid his or her
41 property tax liability, if any, in full by the payment due date in any of the three most recent
42 prior tax years; except that, a late payment of a property tax liability in any prior tax year
43 shall not disqualify a potential eligible owner if such individual paid in full the tax liability
44 and any and all penalties, additions, and interest that arose as a result of such late
45 payment. No individual shall be an "eligible owner" if such person filed a valid claim for
46 the property tax relief credit under sections 135.010 to 135.035;

47 (5) "Homestead", the same meaning given to such term under section 135.010,
48 except as otherwise provided by the provisions of this section. No property shall be
49 considered a "homestead" if such property has been improved since its most recent annual
50 assessment by more than two and one-half percent of its previously assessed value, except
51 when an eligible owner of the property has made such improvements to accommodate a
52 disabled person;

53 (6) "Homestead exemption limit", a percentage increase, rounded to the nearest
54 hundredth of a percent, that is equal to the percentage increase in tax liability, not
55 including improvements, of a homestead from one tax year to the next, that exceeds a
56 certain percentage set under subsection 7 of this section. The homestead exemption limit
57 shall be based on the increase in tax liability from two years prior to the application to the
58 year immediately prior to the application;

59 (7) "Income", federal adjusted gross income; except that, in the case of ownership
60 of the homestead by a trust, the income of the settlor applicant shall be imputed to the
61 income of the trust for purposes of determining eligibility with respect to the maximum
62 upper limit;

63 (8) "Maximum upper limit", the income sum of seventy thousand dollars for the
64 2005 calendar year, increased each successive calendar year by the incremental increase
65 in the general price level, as defined under Article X, Section 17 of the Constitution of
66 Missouri.

67 3. Under Article X, Section 6(a) of the Constitution of Missouri, if in the most
68 recent prior tax year the property tax liability on any parcel of subclass (1) real property
69 increased by more than the homestead exemption limit, without regard for any prior credit
70 received due to the provisions of this section, then any eligible owner of the property shall
71 receive a homestead exemption credit to be applied toward the current tax year property
72 tax liability to offset the prior year increase in tax liability that exceeds the homestead
73 exemption limit, except as eligibility for the credit is limited by the provisions of this
74 section. The amount of the credit shall be listed separately on each taxpayer's tax bill for
75 the current tax year or on a document enclosed with the taxpayer's bill. The homestead
76 exemption credit shall not affect the process of setting the tax rate as required under
77 Article X, Section 22 of the Constitution of Missouri and section 137.073 in any prior,
78 current, or subsequent tax year.

79 4. Any potential eligible owner may apply for the homestead exemption credit by
80 completing an application. Applications shall be completed no earlier than April first and
81 no later than October fifteenth of any tax year in order for the taxpayer to be eligible for
82 the homestead exemption credit in the tax year next following the calendar year in which
83 the homestead exemption credit application is completed. The application shall be on
84 forms provided by the department. Forms shall be made available on the department's
85 website and at all permanent branch offices and all full-time, temporary, and fee offices
86 maintained by the department of revenue. On such applications, the applicant shall attest
87 under penalty of perjury:

88 (1) To the applicant's age;

- 89 (2) That the applicant's prior year income was less than the maximum upper limit;
90 (3) To the address of the homestead property; and
91 (4) That any improvements made to the homestead, not made to accommodate a
92 disabled person, did not total more than two and one-half percent of the assessed value of
93 the homestead for the most recent prior tax year.

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95 The applicant shall also include with the application copies of receipts indicating payment
96 of property tax by the applicant for the homestead property for the three most recent prior
97 tax years.

98 5. Each applicant shall submit the application to the department no later than
99 October fifteenth of each year for the taxpayer to be eligible for the homestead exemption
100 credit in the tax year next following the calendar year in which the application was
101 submitted.

102 6. Upon receipt of the applications, the department shall calculate the tax liability,
103 verify compliance with the maximum income limit, verify the ages of the applicants, and
104 make adjustments to these numbers as necessary on the applications. The department
105 shall disallow any application if the applicant also has filed a valid application for the
106 property tax credit authorized under sections 135.010 to 135.035. Once adjusted tax
107 liability, age, and income are verified, the director shall determine eligibility for the credit
108 and provide a list of all verified eligible owners to the county assessors, or county clerks in
109 counties with a township form of government, no later than December fifteenth of each
110 year. No later than the following January fifteenth, the county assessors shall provide a
111 list to the department of any verified eligible owners who made improvements not for
112 accommodation of a disability to the homestead and the dollar amount of the assessed
113 value of such improvements. If the dollar amount of the assessed value of such
114 improvements totals more than two and one-half percent of the assessed value from the
115 most recent prior tax year, such eligible owners shall be disqualified from receiving the
116 credit in the current tax year.

117 7. The director shall calculate the level of appropriation necessary to set the
118 homestead exemption limit at two and one-half percent for the homesteads of all verified
119 eligible owners, and provide such calculation to the speaker of the house of representatives,
120 the president pro tempore of the senate, and the director of the office of budget and
121 planning in the office of administration no later than January thirty-first of each year.

122 8. If, in any given year, the general assembly makes an appropriation for the
123 funding of the homestead exemption credit that is signed by the governor, the director shall
124 determine the apportionment percentage by equally apportioning the appropriation among

125 all eligible applicants on a percentage basis. If no appropriation is made by the general
126 assembly during any tax year or no funds are actually distributed pursuant to any
127 appropriation therefor, no homestead preservation credit shall apply in such year.

128 9. After determining the apportionment percentage, the director shall calculate the
129 credit to be associated with each verified eligible owner's homestead, if any. The director
130 shall send a list of those eligible owners who are to receive the homestead exemption credit,
131 including the amount of each credit, the certified parcel number of the homestead, and the
132 address of the homestead property, to the county collectors, or county clerks in counties
133 with a township form of government, no later than August thirty-first. Pursuant to such
134 calculation, the director shall instruct the state treasurer to distribute the appropriation
135 to the county collector's fund of each county where recipients of the homestead exemption
136 credit are located, in such amounts as would exactly offset each homestead exemption
137 credit being issued. In no case shall a political subdivision receive, as a result of
138 appropriations, more moneys than it would have received absent the provisions of this
139 section. At the direction of the county collector, or treasurer ex officio collector in counties
140 with a township form of government, funds may be deposited in the county collector's fund
141 or may be sent by mail to the collector of a county, or treasurer ex officio collector in
142 counties with a township form of government, no later than October first in any year a
143 homestead exemption credit is appropriated as a result of this section and such funds shall
144 be distributed as moneys in such funds are commonly distributed from other property tax
145 revenues by the county collector, or treasurer ex officio collector of the county in counties
146 with a township form of government, in such amounts as would exactly offset each
147 homestead exemption credit being issued.

148 10. In the event that an eligible owner dies or transfers ownership of the property
149 after the homestead exemption limit has been set in any given year, but prior to January
150 first of the year in which the credit would otherwise be applied, the credit shall be void and
151 any corresponding moneys shall lapse to the state to be credited to the general revenue
152 fund. In the event that the county collector, or the treasurer ex officio collector of the
153 county in counties with a township form of government, determines prior to issuing the
154 credit that the individual is not an eligible owner because the individual did not pay his or
155 her property tax liability in full for the most recent prior three years, the credit shall be
156 void and any corresponding moneys shall lapse to the state to be credited to the general
157 revenue fund.

158 11. The department shall promulgate rules for implementation and administration
159 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
160 is created under the authority delegated in this section shall become effective only if it

161 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
162 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
163 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
164 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
165 **grant of rulemaking authority and any rule proposed or adopted after the effective date**
166 **of this section shall be invalid and void. Any rule promulgated by the department shall in**
167 **no way impact, affect, interrupt, or interfere with the performance of the required**
168 **statutory duties of any county elected official including, but not limited to, the county**
169 **collector, when performing such duties as deemed necessary for the distribution of any**
170 **homestead appropriation and the distribution of all other real and personal property taxes.**

171 **12. Under section 23.253 of the Missouri sunset act:**

172 **(1) The provisions of this section shall automatically sunset six years after the**
173 **effective date of this section unless reauthorized by an act of the general assembly;**

174 **(2) If the provisions of this section are reauthorized, such provisions shall**
175 **automatically sunset twelve years after the effective date of their reauthorization; and**

176 **(3) This section shall terminate on January first of the calendar year immediately**
177 **following the calendar year in which the provisions of this section are sunset.**

Section B. The enactment of section 137.107 of section A of this act shall become
2 effective on January 1, 2022.

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