

1 HB344  
2 204250-7  
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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8       SYNOPSIS:               A homestead exemption of a person who is  
9                               over the age of 65, retired due to permanent and  
10                              total disability, regardless of age, or blind, or a  
11                              person who is totally disabled or over the age of  
12                              65 having a certain net taxable income for federal  
13                              income tax purposes as provided for in Section  
14                              40-9-19 and Section 40-9-21, Code of Alabama 1975,  
15                              is required to be claimed in person. The taxpayer  
16                              may verify eligibility for certain exemptions each  
17                              year in person or by mail on a form affidavit. The  
18                              law does not provide for the homestead exemptions  
19                              to be claimed by mail or electronically.

20                              This bill would provide for certain  
21                              homestead exemptions to be claimed and verified by  
22                              mail or electronically as provided by the local tax  
23                              assessing official.

24  
25    A BILL  
26    TO BE ENTITLED  
27    AN ACT

1  
2 To amend Section 40-9-21.1 of the Code of Alabama  
3 1975, as amended by Act 2019-320 of the 2019 Regular Session,  
4 relating to the procedures to claim certain homestead  
5 exemptions; to authorize the tax payer to claim and verify  
6 certain homestead exemptions by mail or electronically as  
7 provided by the local tax assessing official.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 Section 2. Section 40-9-21.1 of the Code of Alabama  
19 1975, as amended by Act 2019-320 of the 2019 Regular Session,  
20 is amended to read as follows:

21 "§40-9-21.1.

22 "(a) ~~Effective January 1, 2020, any~~ Any person who  
23 qualifies for the homestead exemption in Section  
24 40-9-19(a)(1), ~~(b), or (c)~~ or Section 40-9-21 shall initially  
25 claim the exemption in person or by mail on a form affidavit  
26 provided by the ~~Alabama Department of Revenue. Any person who~~  
27 ~~qualifies for the homestead exemption under any other~~

1 ~~provision of law shall initially claim the exemption in~~  
2 ~~person.~~ tax assessing official. The tax assessing official and  
3 the county commission may also elect to establish a process to  
4 receive the form affidavit electronically as provided in this  
5 subsection.

6 "(b) Any law to the contrary notwithstanding, any  
7 person who qualifies for the homestead exemptions in Section  
8 40-9-19(a) (2) or (d) or Section 40-9-21 shall not be required  
9 to annually claim the exemptions after the initial  
10 qualification, but shall verify eligibility for the  
11 exemptions, as required by law, each year thereafter in person  
12 or by mail on a form affidavit ~~to be~~ provided by the tax  
13 ~~assessor.~~ assessing official. The tax assessing official and  
14 the county commission may also elect to establish a process to  
15 receive the form affidavit electronically as provided in this  
16 subsection.

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

22 Section 3. This act shall become effective October  
23 1, 2021, following its passage and approval by the Governor,  
24 or its otherwise becoming law.