HEIRS' PROPERTY AND THE RACIAL WEALTH GAP

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01

Protecting heir property owners' ownership interests

02

Helping heir property owners obtain the homestead exemption

HOW TRLA IS HELPING

East Austin family fighting to keep home out of investor's hands

by Melanie Torre and Sean Leach | Friday, May 14th 2021

An Austin woman is fighting to hold onto her childhood home after an investor set his sights on it. Now she and her family members are being sued and could end up having to pay thousands of dollars to keep the property in the family. (Photo: Willie Mae Hutchins)<p>{/p}

Ronald Henry: "Right now, this is what they call a 'hot' area. All the developers want to buy in this area, and they're like vultures." Photos by Josh Huskin/ABA Journal.

LAND THEFT CASES

PROTECTING HEIRS PROPERTY OWNERS

- Mass mail outs to heirs
  - Invite them to a remote or in-person "Know Your Rights" presentation
- Represent in legal proceedings
- Assist with estate planning

HELPING HEIRS OBTAIN THE HOMESTEAD EXEMPTION

How? Through targeted outreach, legal clinics, and partnerships.

Senate Bill 1943 made accessing the homestead exemption easier for heir property owners.

Prior to Senate Bill 1943:

- Proof of ownership requirements were too stringent and unclear,
- Heirs were unable to access the full exemption.

SENATE BILL 1943

Created a simplified exemption application process

Removed application barriers

Heir Property owners receive 100% tax exemption and related tax benefits

APPLICATION PROCESS FOR HEIRS

- Fill out the simple affidavit establishing the applicant's ownership interest. The exemption application form cannot require the heir property owner to provide proof of ownership in the real property records.
- Provide a copy of the death certificate of the prior owner.
- Provide a copy of the most recent utility bill for the property.
- If available, present a citation of any court record relating to the applicant's ownership interest (i.e., only if the record exists).

Residence Homestead Exemption Affidavits

Form 50-114-A

Appraisal District's Name

Appraisal District Account Number (if known)

GENERAL INSTRUCTIONS: This affidavit is for use when claiming residence homestead exemptions pursuant to Tax Code Sections 11.13, 11.131, 11.132, 11.133, 11.134 and 11.432.

FILING INSTRUCTIONS: Attach the completed and notarized affidavit to your *Residence Homestead Exemption Application* for filing with the appraisal district office in each county in which the property is located generally between Jan. 1 and April 30 of the year for which the exemption is requested. **Do not file this document with the Texas Comptroller of Public Accounts.** A directory with contact information for appraisal district offices is on the Comptroller's website.

AFFIDAVIT FOR OWNER/APPLICANT WHO IS AGE 65 OR OLDER AND OWNERSHIP INTEREST NOT OF RECORD

STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

"My name is _____ and I am applying for a residence homestead exemption for property owners who are age 65 or older. I am 65 years of age or older; I am fully competent to make this affidavit; I have personal knowledge of the facts in this affidavit; and all of the facts in it are true and correct. I am an owner of the property identified in this application although I am not identified as an owner on a deed or other appropriate instrument recorded in the real property records of the county where my residence homestead is located.

Percent Ownership Interest: _____

Further, Affiant sayeth not."

_____
Signature of Affiant

SUBSCRIBED AND SWORN TO before me this, the

_____ day of _____, _____

_____
Notary Public in and for the State of Texas

My Commission expires: _____

AFFIDAVIT FOR OWNER/APPLICANT WHO HAS QUALIFYING DISABILITY AND OWNERSHIP INTEREST NOT OF RECORD

STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

"My name is _____ and I am applying for a residence homestead exemption for property owners with qualifying disabilities. I am over 18 years of age; I am fully competent to make this affidavit; I have personal knowledge of the facts in this affidavit; and all of the facts in it are true and correct. I am an owner of the property identified in this application although I am not identified as an owner on a deed or other appropriate instrument recorded in the real property records of the county where my residence homestead is located.

Percent Ownership Interest: _____

Further, Affiant sayeth not."

_____
Signature of Affiant

SUBSCRIBED AND SWORN TO before me this, the

_____ day of _____, _____

_____
Notary Public in and for the State of Texas

My Commission expires: _____

AFFIDAVIT FOR OWNER/APPLICANT WITHOUT WRITTEN OWNERSHIP DOCUMENT FOR MANUFACTURED HOME

STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

"My name is _____ and I am applying for a residence homestead exemption as an owner of a manufactured home. I am over 18 years of age; I am fully competent to make this affidavit; I have personal knowledge of the facts in this affidavit; and all of the facts in it are true and correct. I am the owner of the manufactured home identified in this application. The seller of the manufactured home did not provide me with the applicable contract or agreement and I could not locate the seller after making a good faith effort.

Further, Affiant sayeth not."

_____
Signature of Affiant

SUBSCRIBED AND SWORN TO before me this, the

_____ day of _____, _____

_____
Notary Public in and for the State of Texas

My Commission expires: _____

AFFIDAVIT FOR APPLICANT CLAIMING AN OWNERSHIP INTEREST OF PROPERTY, INCLUDING HEIR PROPERTY

For Purpose of Residence Homestead Exemption Application Only

STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

"My name is _____ and I am applying for a residence homestead exemption. I am over 18 years of age; I am fully competent to make this affidavit; I have personal knowledge of the facts in this affidavit; and all of the facts in it are true and correct. I am an owner of the real property identified in this application. I acquired the ownership of the real property identified on this application by will, transfer on death deed or intestacy; and I am not identified as an owner on a deed or other appropriate instrument recorded in the real property records of the county where the property identified in this application is located.

Further, Affiant sayeth not."

_____
Signature of Affiant

SUBSCRIBED AND SWORN TO before me this, the

_____ day of _____, _____

_____
Notary Public in and for the State of Texas

My Commission expires: _____

AFFIDAVIT FOR OWNER OTHER THAN THE APPLICANT THAT OCCUPIES HEIR PROPERTY AS PRINCIPAL RESIDENCE

For Purpose of Residence Homestead Exemption Application Only

STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

"My name is _____. I am over 18 years of age; I am fully competent to make this affidavit. I have personal knowledge of the facts in this affidavit; and all of the facts in it are true and correct. I am an owner of the real property identified in the application of _____ and I occupy the property as my principal residence; I authorize _____ to submit the residence homestead exemption application.

Further, Affiant sayeth not."

_____
Signature of Affiant

SUBSCRIBED AND SWORN TO before me this, the

_____ day of _____, _____

_____
Notary Public in and for the State of Texas

My Commission expires: _____

TARGETED OUTREACH

- Identify homeowners likely to qualify for the homestead exemption,
  - OR with a partial exemption,
  - OR that are behind on their taxes
- Identify partners
- Example: HECHO Project

HECHO

HOMESTEAD EXEMPTION COMMUNITY HOUSING OUTREACH

Map out all eligible homeowners without a Homestead Exemption or with a partial exemption

Train community members on the exemption and assign homes

Each doorknocker visits their properties, speaks to residents and provides paperwork, resources, and basic assistance.

Collect information on the household's situation and housing instability issues

Link people to other types of assistance (ex. Title issues, tax protest, etc.)

HECHO website: http://mycityismyhome.com/hecho/

HE video: https://youtu.be/gGOCJ497MQM

LEGAL CLINICS

Assist with homestead exemption and heir property designation

Assist with protesting property taxes & applying for financial assistance

Assist with estate planning, such as TODDs, Wills, Affidavits of Heirship

APPRAISAL DISTRICT ENGAGEMENT

1. Partner in community outreach
2. Make sure their forms are accessible and compliant
3. Make sure they are following the law

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