

LEGISLATIVE BILL 1105

Approved by the Governor April 6, 1988

Introduced by Miller, 37

AN ACT relating to homestead exemptions; to amend section 77-3507, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3504, 77-3508, 77-3511, and 77-3514, Revised Statutes Supplement, 1987; to change a definition as prescribed; to change the percentage of certain homestead exemptions; to change provisions relating to claiming the exemption; to provide an operative date; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 77-3504, Revised Statutes Supplement, 1987, be amended to read as follows:

77-3504. (1) ~~Until January 1, 1988, household income shall mean the total federal adjusted gross income of any claimant and spouse as defined in the Internal Revenue Code of the United States for the taxable year of the claimant immediately prior to the year for which the claim for exemption is made.~~

(2) ~~Commencing on and after January 1, 1988, household~~ Household income shall mean the total federal adjusted gross income, as defined in the Internal Revenue Code of the United States, plus any Nebraska adjustments increasing the total federal adjusted gross income, of the claimant and spouse, and any additional owners who are natural persons and who occupy the homestead, for the taxable year of the claimant immediately prior to the year for which the claim for exemption is made.

Sec. 2. That section 77-3507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3507. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation a percentage of the first thirty-five thousand dollars of the actual value of the homestead of qualified claimants based on the income of a claimant pursuant to subsection (2) of this section.

(2) For a qualified claimant, the percentage

of the exemption for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 8,400	100
8,401 through 8,900	80
8,901 through 9,400	60
9,401 through 9,900	40
9,901 through 10,400	20
0 through 10,400	100

Statutes Sec. 3. That section 77-3508, Revised Supplement, 1987, be amended to read as follows:

77-3508. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation a percentage of the first thirty-five thousand dollars of the actual value of any homestead of (a) veterans, as defined in section 80-401.01, who are totally disabled by a non-service-connected accident or illness, (b) individuals who are paralyzed in both legs such as to preclude locomotion without the regular aid of braces, crutches, canes, or wheelchairs, (c) individuals who have undergone amputation of both lower extremities such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs, (d) individuals with progressive neuromuscular or neurological disease such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs or who have permanently lost the use or control of both arms, and (e) individuals who have undergone amputation of both arms above the elbow. The exemption shall be based on the income of a claimant pursuant to subsection (2) of this section. Application for such exemption shall include certification from a qualified medical physician for subdivisions (1)(a) through (1)(e) of this section or certification from the Veterans' Administration of the United States affirming that the homeowner is totally disabled due to non-service-connected accident or illness for subdivision (1)(a) of this section. Such certification from a qualified medical physician shall be made on forms prescribed by the Department of Revenue.

(2) For a claimant as described in subsection (1) of this section, the percentage of the exemption for

which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 8,400	100
8,401 through 8,900	80
8,901 through 9,400	60
9,401 through 9,900	40
9,901 through 10,400	20

Sec. 4. That section 77-3511, Revised Statutes Supplement, 1987, be amended to read as follows:

77-3511. The application for homestead exemption or for transfer of homestead exemption shall be signed by the owner of the property who qualifies for exemption under Chapter 77, article 35, unless the owner is an incompetent or unable to make such application, in which case it shall be signed by the guardian. If an owner who in all respects qualifies for a homestead exemption under ~~such sections~~ Chapter 77, article 35, dies after January 1 and before April 1 and before applying for a homestead exemption, his or her personal representative may file the application for exemption on or before April 1 of that year if the surviving spouse of such owner continues to occupy the homestead. Any exemption granted as a result of such application signed by a personal representative shall be in effect for only the year in which the owner died.

Sec. 5. That section 77-3514, Revised Statutes Supplement, 1987, be amended to read as follows:

77-3514. Commencing January 1, 1989, a claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509, except subdivision (1)(a) of section 77-3508, shall certify to the county assessor by April 1 of each year that a change in the homestead exemption status has occurred or that no change in the homestead exemption status has occurred. For purposes of this section, change in the homestead exemption status shall include any change in the name of the owner, ownership, residence, occupancy, marital status, veteran status, rating by the Veterans' Administration of the United States, or any other change that would affect the qualification for or type of exemption granted, except income checked by the Tax Commissioner under section 77-3517. In addition, in counties having a population

greater than three hundred thousand, a claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509 may notify the county assessor by August 15 of each year of any change in the homestead exemption status occurring in the preceding portion of the calendar year as a result of a transfer of the homestead exemption pursuant to sections 77-3509.01 and 77-3509.02. If by his or her failure to give such notice any property owner permits the allowance of the homestead exemption for any year, or in the year of application in the case of transfers pursuant to sections 77-3509.01 and 77-3509.02, after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall upon entry of the amount thereof on the books of the county treasurer be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall, as an additional penalty, also forfeit his or her right to a homestead exemption on any property in this state for the two succeeding years.

Sec. 6. This act shall be operative for all taxable years beginning on or after January 1, 1988.

Sec. 7. That original section 77-3507, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3504, 77-3508, 77-3511, and 77-3514, Revised Statutes Supplement, 1987, are repealed.