

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1125

Introduced by Cavanaugh, 6; Dorn, 30; Hansen, M., 26; Howard, 9.

Read first time January 22, 2020

Committee: Revenue

- 1 A BILL FOR AN ACT relating to homestead exemptions; to amend sections
- 2 77-3512 and 77-3514.01, Reissue Revised Statutes of Nebraska, and
- 3 section 77-3508, Revised Statutes Supplement, 2019; to provide a new
- 4 homestead exemption and authorize late applications as prescribed;
- 5 to harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-3508, Revised Statutes Supplement, 2019, is
2 amended to read:

3 77-3508 (1)(a) All homesteads in this state shall be assessed for
4 taxation the same as other property, except that there shall be exempt
5 from taxation, on any homestead described in subdivision (b) of this
6 subsection, a percentage of the exempt amount as limited by section
7 77-3506.03. The exemption shall be based on the household income of a
8 claimant pursuant to subsections (2) through (4) of this section.

9 (b) The exemption described in subdivision (a) of this subsection
10 shall apply to homesteads of:

11 (i) Veterans as defined in section 80-401.01 who were discharged or
12 otherwise separated with a characterization of honorable or general
13 (under honorable conditions) and who are totally disabled by a non-
14 service-connected accident or illness;

15 (ii) Individuals who have a permanent physical disability and have
16 lost all mobility so as to preclude locomotion without the use of a
17 mechanical aid or a prosthetic device as defined in section 77-2704.09;

18 (iii) Individuals who have undergone amputation of both arms above
19 the elbow or who have a permanent partial disability of both arms in
20 excess of seventy-five percent; ~~and~~

21 (iv) Beginning January 1, 2015, individuals who have a developmental
22 disability as defined in section 83-1205; ~~and -~~

23 (v) Beginning January 1, 2021, individuals who have a disability as
24 defined under Title II or Title XVI of the federal Social Security Act.

25 (c) Application for the exemption described in subdivision (a) of
26 this subsection shall include certification from a qualified medical
27 physician, physician assistant, or advanced practice registered nurse for
28 subdivision (b)(i), (b)(ii), (b)(iii), or (b)(v) subdivisions ~~(b)(i)~~
29 ~~through (b)(iii)~~ of this subsection, certification from the United States
30 Department of Veterans Affairs affirming that the homeowner is totally
31 disabled due to a non-service-connected accident or illness for

1 subdivision (b)(i) of this subsection, or certification from the
 2 Department of Health and Human Services for subdivision (b)(iv) of this
 3 subsection. Such certification from a qualified medical physician,
 4 physician assistant, or advanced practice registered nurse or from the
 5 Department of Health and Human Services shall be made on forms prescribed
 6 by the Department of Revenue. If an individual described in subdivision
 7 ~~(b) (b)(i), (ii), (iii), or (iv)~~ of this subsection is granted a
 8 homestead exemption pursuant to this section for any year, such
 9 individual shall not be required to submit the certification required
 10 under this subdivision in succeeding years if no change in medical
 11 condition has occurred, except that the county assessor or the Tax
 12 Commissioner may request such certification to verify that no change in
 13 medical condition has occurred.

14 (2) For 2014, for a married or closely related claimant as described
 15 in subsection (1) of this section, the percentage of the exempt amount
 16 for which the claimant shall be eligible shall be the percentage in
 17 Column B which corresponds with the claimant's household income in Column
 18 A in the table found in this subsection.

19	Column A	Column B
20	Household Income	Percentage
21	In Dollars	Of Relief
22	0 through 34,700	100
23	34,701 through 36,400	90
24	36,401 through 38,100	80
25	38,101 through 39,800	70
26	39,801 through 41,500	60
27	41,501 through 43,200	50
28	43,201 through 44,900	40
29	44,901 through 46,600	30
30	46,601 through 48,300	20
31	48,301 through 50,000	10

1 50,001 and over 0

2 (3) For 2014, for a single claimant as described in subsection (1)
3 of this section, the percentage of the exempt amount for which the
4 claimant shall be eligible shall be the percentage in Column B which
5 corresponds with the claimant's household income in Column A in the table
6 found in this subsection.

7	Column A	Column B
8	Household Income	Percentage
9	In Dollars	Of Relief
10	0 through 30,300	100
11	30,301 through 31,700	90
12	31,701 through 33,100	80
13	33,101 through 34,500	70
14	34,501 through 35,900	60
15	35,901 through 37,300	50
16	37,301 through 38,700	40
17	38,701 through 40,100	30
18	40,101 through 41,500	20
19	41,501 through 42,900	10
20	42,901 and over	0

21 (4) For exemption applications filed in calendar years 2015 through
22 2017, the income eligibility amounts in subsections (2) and (3) of this
23 section shall be adjusted by the percentage determined pursuant to the
24 provisions of section 1(f) of the Internal Revenue Code of 1986, as it
25 existed prior to December 22, 2017. For exemption applications filed in
26 calendar year 2018 and each calendar year thereafter, the income
27 eligibility amounts in subsections (2) and (3) of this section shall be
28 adjusted by the percentage change in the Consumer Price Index for All
29 Urban Consumers published by the federal Bureau of Labor Statistics from
30 the twelve months ending on August 31, 2016, to the twelve months ending

1 on August 31 of the year preceding the applicable calendar year. The
2 income eligibility amounts shall be adjusted for cumulative inflation
3 since 2014. If any amount is not a multiple of one hundred dollars, the
4 amount shall be rounded to the next lower multiple of one hundred
5 dollars.

6 Sec. 2. Section 77-3512, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 77-3512 It shall be the duty of each owner who wants a homestead
9 exemption under section 77-3506, 77-3507, or 77-3508 to file an
10 application therefor with the county assessor of the county in which the
11 homestead is located after February 1 and on or before June 30 of each
12 year. Failure to do so shall constitute a waiver of the exemption for
13 that year, except that:

14 (1) The county board of the county in which the homestead is located
15 may, by majority vote, extend the deadline for an applicant to on or
16 before July 20. An extension shall not be granted to an applicant who
17 received an extension in the immediately preceding year; ~~and~~

18 (2) An owner may file a late application pursuant to subsection (1)
19 of section 77-3514.01 if he or she includes documentation of a medical
20 condition which impaired the owner's ability to file the application in a
21 timely manner; and -

22 (3) An owner may file a late application pursuant to subsection (2)
23 of section 77-3514.01 if the owner failed to file the application in a
24 timely manner, regardless of the reason for such failure. An owner shall
25 be granted an exemption under this subdivision only once.

26 Sec. 3. Section 77-3514.01, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 77-3514.01 (1)(a) ~~(1)~~ A late application filed pursuant to
29 subdivision (2) of section 77-3512 because of a medical condition which
30 impaired the claimant's ability to apply in a timely manner shall only be
31 for the current tax year. The late application shall be filed with the

1 county assessor on or before the date on which the first half of the real
2 estate taxes levied on the property for the current year become
3 delinquent.

4 ~~(b) (2)~~ The application shall include certification of the medical
5 condition affecting the filing from a physician, physician assistant, or
6 advanced practice registered nurse. The medical certification shall be
7 made on forms prescribed by the Tax Commissioner.

8 (2) A late application filed pursuant to subdivision (3) of section
9 77-3512 shall only be for the current tax year. The late application
10 shall be filed with the county assessor at least sixty days prior to the
11 date on which the first half of the real estate taxes levied on the
12 property for the current year become delinquent.

13 (3) The county assessor shall approve or reject the late filing
14 within thirty days of receipt of the late filing. If approved, the county
15 assessor shall mark it approved and sign the application. In case he or
16 she finds that the exemption should not be allowed by reason of not being
17 in conformity to law, the county assessor shall mark the application as
18 rejected and state the reason for rejection and sign the application. In
19 any case when the county assessor rejects an exemption, he or she shall
20 notify the applicant of such action by mailing written notice to the
21 applicant at the address shown in the application. The notice shall be on
22 forms prescribed by the Tax Commissioner. In any case when the county
23 assessor rejects an exemption, such applicant may obtain a hearing before
24 the county board of equalization in the manner described by section
25 77-3519.

26 Sec. 4. Original sections 77-3512 and 77-3514.01, Reissue Revised
27 Statutes of Nebraska, and section 77-3508, Revised Statutes Supplement,
28 2019, are repealed.