

## Disability Homestead Exemptions Information and Requirements

In Texas, a disabled adult has a right to a special homestead exemption. If you qualify, this exemption can reduce your taxes substantially. By law, school districts must provide a \$10,000 disability exemption. Other taxing entities have the option to offer disability exemptions of at least \$3,000. If you qualify, you will receive this exemption in addition to the general homestead exemption. However, you can't receive both a disability exemption and an over-65 exemption.

An Application for Disability Homestead Exemption (same form for over-65, general residential, or over-55 surviving spouse exemptions) can be found at the Forms Page under the Residential Exemption Section.

### Who is a disabled person for the purposes of this exemption?

The Texas Property Tax Code provides that you are entitled to the exemption if you meet the Social Security Administration's tests for disability. In simplest terms:

1. You must have a medically determinable physical or mental impairment;
2. The impairment must prevent you from engaging in any substantial gainful activity; and
3. The impairment must be expected to last for at least 12 continuous months or to result in death.

Alternatively, you will qualify if you are 55 or older and blind and you cannot engage in your previous work because of your blindness.

### Do I have to be receiving disability benefits to qualify?

You do not have to be receiving disability benefits, but you must meet the definition of disabled given above. If you receive disability benefits under the federal Old Age, Survivors, and Disability Insurance Program through the Social Security Administration, you will automatically qualify. Disability benefits from any other program do not automatically qualify you for this exemption.

### How do I claim the exemption?

To claim the exemption, you must file an application with the appraisal district. The application must include documentation of your disability. The application form is entitled "Application for Residential Homestead Exemption." In it, you should complete all applicable information. Be especially certain to mark the box that recognizes your claim for the disability exemption. You must also provide medical documents verifying that you meet the definition of disability given above. The most common reason for denial of this exemption is failure to include adequate documentation.

## Tax Deferrals for Disabled Persons

If you meet the definition of disabled given above, the law gives you an additional right. Disabled persons can defer, or postpone, paying current and delinquent property taxes on their homestead for as long as they own it and live in it. The tax deferral applies to taxes owed to all taxing units that tax the homestead property. To postpone tax payments, you must file a Tax Deferral Affidavit with the Waller County Appraisal District.

If you are disabled and have already been sued for delinquent taxes owed on your homestead, you can stop the lawsuit by filing the deferral affidavit with the court in which the suit is pending.

If you are disabled and you file the Tax Deferral Affidavit properly, you cannot be displaced from your home and your home cannot be sold for taxes as long as you live in the home and your disability continues. While you need not pay any taxes to maintain the deferral, most taxing units will credit any partial payments you might be able or wish to make toward the total tax liability.

You should be aware that tax deferral only postpones the payment of the taxes owed, it does not cancel them. Taxes will continue to add up, and they accrue interest at the rate of 8% per year. As soon as you cease to own the home or live in it, all taxes, penalties, and interest become delinquent if not paid within 180 days. The taxing

units may proceed with delinquent tax suits if the taxes remain unpaid. The new homeowner or your estate must pay the tax liabilities to retain the property.

A homeowner is eligible to file a tax deferral as soon as he or she meets the definition given above. There is no need to wait until the next January 1 to be eligible. Affidavit forms are available under forms on our website. While you file the affidavit with us, the appraisal district does not determine whether you meet the definition of disability for the purposes of the deferral. We simply notify the taxing units that you have filed it. The taxing units may ask you for information to support your disability claim.

Decisions regarding tax deferrals should be carefully considered and discussed with family members. The deferral option is also available to persons who are 65 years old or older.

## **What kind of documents should I include?**

The appraisal district requires that you provide documentation to avoid the possibility of erroneously granting an exemption, and then later removing it because information received indicates that the exemption was inappropriate. Should this occur, you might be subject to additional penalties and interest on property taxes that could have been avoided.

1. If you are receiving Social Security Disability, provide a copy of your disability determination letter.
2. If you are not receiving Social Security Disability, then you must have your physician complete a Physician's Statement Verifying Eligibility for Disability Exemption. You can request a form from the appraisal district or download it from the forms page under exemptions.

Once you have completed the application and secured appropriate documentation, you need to file your application with the chief appraiser. You can mail or file your request directly with the appraisal district at the address on the form.

Action on your application usually will occur within four to six weeks from the date it is received. If the district needs additional documentation, you will be notified by letter. In such cases, the law requires that you provide the requested information within 30 days from the date of the letter or your application must be denied.

In the event the appraisal district disagrees with your request, you'll be notified and offered an opportunity to protest this decision before the appraisal review board.

For any questions or additional assistance, you are encouraged to call an WCAD representative at the numbers and location listed on the home page.