

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.  
Act 151 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 1035

5 By: Representative Nickels  
6  
7

## For An Act To Be Entitled

9 AN ACT TO ENSURE THAT A HOMESTEAD USED AS A  
10 PRINCIPAL PLACE OF RESIDENCE BY A PERSON WHO IS  
11 DISABLED OR AT LEAST SIXTY-FIVE YEARS OF AGE  
12 SHALL BE ASSESSED FOR PROPERTY TAX ON THE LOWER  
13 OF THE ASSESSED VALUE AT THE TIME THE TAXPAYER  
14 QUALIFIED FOR THE PROPERTY TAX RELIEF OR A LATER  
15 ASSESSED VALUE; AND FOR OTHER PURPOSES.  
16

## Subtitle

17 TO ENSURE THAT A HOMESTEAD OF A PERSON  
18 WHO IS DISABLED OR SIXTY-FIVE YEARS OF  
19 AGE IS ASSESSED FOR PROPERTY TAX ON THE  
20 LOWER OF THE ASSESSED VALUE AT THE TIME  
21 THE TAXPAYER QUALIFIED FOR THE PROPERTY  
22 TAX RELIEF OR A LATER ASSESSED VALUE.  
23  
24  
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code § 26-23-205(a), concerning taxpayer notice,  
29 is amended to read as follows:

30 (a) A county collector shall send a property taxpayer a yearly notice  
31 concerning his or her rights under the provisions of ~~the~~ Arkansas  
32 Constitution, Amendment 79, containing the following:

33 (1) A statement that the assessed value of a homestead used as a  
34 principal place of residence and owned by a taxpayer who is disabled or  
35 sixty-five (65) years of age or older shall ~~not increase~~ be the lower of the



1 assessed value at the time the taxpayer qualified for the property tax relief  
2 under Arkansas Constitution, Amendment 79, or a later assessed value; and

3 (2) The county assessor's contact information.

4  
5 SECTION 2. Arkansas Title 26, Chapter 26, Subchapter 11, is amended to  
6 add a new section that reads as follows:

7 26-26-1124. Property tax relief for persons disabled or more than  
8 sixty-five years of age.

9 (a)(1) A homestead used as the taxpayer's principal place of residence  
10 that is purchased or constructed on or after January 1, 2001, by a person who  
11 is disabled or by a person sixty-five (65) years of age or older shall be  
12 assessed for property tax thereafter based on the lower of:

13 (A) The assessed value as of the date of purchase or  
14 construction; or

15 (B) A later assessed value.

16 (2) When a person becomes disabled or reaches sixty-five (65)  
17 years of age on or after January 1, 2001, the person's homestead that is used  
18 as the taxpayer's principal place of residence shall thereafter be assessed  
19 based on the lower of:

20 (A) The assessed value on the person's sixty-fifth  
21 birthday;

22 (B) The assessed value on the date the person becomes  
23 disabled; or

24 (C) A later assessed value.

25 (3) If a person is disabled or is at least sixty-five (65) years  
26 of age and owns a homestead used as the taxpayer's principal place of  
27 residence on January 1, 2001, the homestead shall be assessed based on the  
28 lower of:

29 (A) The assessed value on January 1, 2001; or

30 (B) A later assessed value.

31 (b) Residing in a nursing home does not disqualify a person from the  
32 benefits of subsection (a) of this section.

33 (c) If a homestead is jointly owned and one (1) of the owners  
34 qualifies under subsection (a) of this section, then all owners shall receive  
35 the benefits of subsection (a) of this section.

36 (d) Subsection (a) of this section does not apply to substantial

1 improvements to real property.

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3 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the

4 General Assembly of the State of Arkansas that not all counties are following

5 the dictates of Arkansas Constitution, Amendment 79; that some counties are

6 not allowing persons that meet the property tax relief requirements under

7 Arkansas Constitution, Amendment 79, to be assessed a later assessed value if

8 that assessment is lower; that this results in taxpayers not being treated

9 equally across the state; that all counties should allow its taxpayers that

10 qualify for the property tax relief to be assessed a later assessed value if

11 that assessment is lower; and that all counties should follow the provisions

12 of Arkansas Constitution, Amendment 79. Therefore, an emergency is declared

13 to exist and this act being necessary for the preservation of the public

14 peace, health, and safety shall become effective on January 1, 2008.

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16 APPROVED: 2/12/2009