

LOUISIANA HOMESTEAD EXEMPTION:

Make it Yours



DO YOU OWN A HOME? DID YOU INHERIT THAT HOME? DOES THAT HOME HAVE A HOMESTEAD EXEMPTION FROM PROPERTY TAXES?

If you own a home, you may know that Louisiana law offers a reduction in property taxes on a homeowner's primary residence—called the "Homestead Exemption." But claiming the exemption can get tricky when one of the original owners of the home dies. When the homeowner dies, if you are that person's husband or wife, you will keep that property tax exemption only if you still own your share of the home and live there. If you inherited the home and you are **NOT** the surviving spouse, then the exemption may be removed. To protect the exemption in these cases, you must take certain steps.

DID YOU KNOW THAT A 2017 STATE LAW MAY REMOVE YOUR HOMESTEAD EXEMPTION ON INHERITED PROPERTY?

Tax Assessors around the state **can remove Homestead Exemptions** when the property owner listed in their records dies, and the person who inherited the home did not apply for the exemption in their name. The law requires that the Louisiana Bureau of Vital Records provide every Tax Assessor with a monthly report listing all the people in each parish who die. The Assessors can then remove the Homestead Exemption on any property where the listed homeowner died without a surviving spouse and/or no other co-owner of the property is listed in the tax records. What does this mean if you live in inherited family property informally passed down to you from a family member like a parent? It means that the Homestead Exemption – up to \$75,000 that is not currently taxed – can now be taxed.

WHAT SHOULD YOU DO TO CLAIM THE HOMESTEAD EXEMPTION?

If you currently have a Homestead Exemption on inherited property, there are strict deadlines for applying for a Homestead Exemption in your name. If you inherited property and want to live in the property (but you are not the surviving spouse), you must take legal action to protect your rights. This means filing a "succession". A succession is the name given to the legal process of transferring ownership in Louisiana to heirs or people named in a will. After that legal process is completed, you have your final legal papers, and you have moved into the home, you should apply for a Homestead Exemption **immediately**. If you are one of multiple heirs and you live on the property, the property may still be eligible for a *partial* Homestead Exemption.

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WHAT SHOULD YOU DO IF YOUR HOMESTEAD EXEMPTION APPLICATION IS REJECTED?

When applying for a Homestead Exemption, you must provide proof of ownership. You may have difficulty proving ownership if you inherited the home but did not complete a succession proceeding in court. Without proof of ownership, an Assessor may reject a Homestead Exemption application. If that happens, contact an attorney for help to demonstrate proof of ownership to obtain the Homestead Exemption. If you cannot afford to hire an attorney, free or reduced-cost legal help may be available.

**To see if you qualify for free legal services,
contact a legal aid or pro bono organization
in your area, such as:**

Acadiana Legal Service Corporation

For the Alexandria, Franklin, Lafayette, Lake Charles, Monroe, Natchitoches, and Shreveport areas call

1-866-ASK-ALSC

1-888-275-2572

Phone applications are taken Monday, Tuesday, and Wednesday from 9:00 a.m. to 12:00 p.m. and Thursday from 1 to 3 p.m.

Applying online at www.la-law.org/eligibility is available 24 hours.

Southeast Louisiana Legal Services

Baton Rouge: 225-448-0080

Covington: 985-893-0076

Gretna : 504-374-0977

Hammond: 985-345-2130

Houma: 985-851-5687

New Orleans: 504-529-1000

St. Charles Parish: 985-331-3034

If you do not qualify for free services, you may be able to find a lawyer by using the Louisiana State Bar Association's Modest Means Directory, which provides a list of attorneys who charge reduced fees to people who meet certain income eligibility requirements, available at www.lsba.org/Public/FindLegalHelp/ModestMeans.aspx.



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www.LouisianaAppleseed.org