

BILL ANALYSIS

Senate Research Center
76R5393 MLS-F

S.J.R. 22
By: Harris
State Affairs
3/12/1999
Committee Report (Amended)

DIGEST

Currently, a person can secure a home equity loan as result of a constitutional amendment (S.J.R. 31, 75th Legislature) approved by the Texas voters in 1997. Because the home equity amendment was a stand-alone constitutional amendment, some related provisions require clarification after voter adoption. In addition to making those nonsubstantive and conforming changes, S.J.R. 22 authorizes a home equity loan on an urban parcel of land that is not greater 10 ten acres, rather than one acre.

PURPOSE

As proposed, S.J.R. 22 requires the submission to the voters of a constitutional amendment to authorize a home equity loan on an urban parcel of land that is not greater than 10 acres, rather than one acre.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51, Article XVI, Texas Constitution, to require a homestead in a city, town, or village to consist of a lot or contiguous lots that amount to not more than 10 acres, rather than one acre, of land. Requires a homestead in a city, town, or village to be used for the purposes of a home or as both an urban home and a place to exercise a calling or business, rather than or as a place to exercise the calling of business, of the homestead claimant. Provides that a release or refinance of an existing lien against a homestead as to a part of the homestead does not create an additional burden on the part of the homestead property that is unreleased or subject to the refinance, and a new lien is not invalid only for that reason. Makes conforming changes.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held on November 2, 1999. Sets forth the required language for the ballot.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 51, Article XVI, Texas Constitution, to require a homestead to be used for the purpose of a home or as both an urban home and a place to exercise a calling or business.