



Texas Homestead Exemption

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Texas Homestead laws date back to 1839 when many families lost their homes and farms through foreclosures after the 1837 depression. In order to preserve the integrity of the family, to provide the family with a home and to keep the family from becoming a burdensome charge upon the public welfare, certain homestead protections became a part of the State constitution.

In the residential context, the homestead is owned and occupied as the home and is protected from forced sale for general debts. Only certain types of liens are valid against the homestead, and these include:

- To finance the purchase of the homestead
- To pay taxes due on the homestead
- To obtain money for work and material to repair or renovate existing improvements thereon
- For owelty of partition liens, including divorce or probate
- For refinancing a federal tax lien
- For home equity loans as defined by Section 50 (A) (6), Article XVI of the Texas Constitution.

Certain types of documentation are required to establish each type of lien on the property. In order to prevent the legislative branch of the government from casually changing the homestead exemption, the exemption was incorporated into the constitution in 1845. Now, only constitutional amendments may change the substance of the exemption, such as with the recent home equity legislation.

There are limits to the extent a homestead is protected. An urban homestead may be up to one acre of land in one or more parcels. A rural homestead may be up to 200 acres for a married couple (100 acres for single persons) in one or more parcels. The improvements on the land are unlimited as to dollar value.

Homestead rights cannot be waived by the property owner; however, if the property is in excess of that allowed by law, the owner may designate that portion of the property which is homestead.

History

Texas Homestead laws date back to 1839 when numerous families lost their homes and farms through foreclosures after the 1837 depression. In order to preserve the integrity of the family, to provide the family with a home and to keep the family from becoming a burdensome charge upon the public welfare, certain homestead protections became a part of the State constitution.