

Changes in 2012 Texas Laws State and Federal Laws that Will Affect the Black Community

Written by Jeffrey L. Bonney

Wednesday, 04 January 2012 13:42



by Jeffrey L. Boney

Forward Times Staff Writer

Happy New Year!

Houstonians have had to quickly adjust to the new year, 2012, and are getting back to work, getting the kids back to school and trying to stay true to their various new year's resolutions. In the midst of these adjustments, Houstonians should be cognizant of the many new state and federal laws that will affect you here in Houston. Many of these laws became effective on January 1, 2012, but others will be enacted throughout the 2012 calendar year. There are a vast number of laws to review, but there are several that we believe are important for the black community to know about.

2012 STATE LAWS

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The most important law change involves the Voter ID law, which is known as Senate Bill 14. The bill was ceremoniously signed into law last year by Gov. Rick Perry, and was to be enacted on Jan. 1, just in time for the 2012 elections.

As a result of this law, Texas voters would be required show a qualified photo ID to vote, in addition to showing their voter registration card at the polls. Examples of qualified photo ID include their Texas driver's license, a U.S. military ID card, a Texas concealed handgun license, a Texas election ID or a U.S. passport or U.S. citizenship certificate in order to vote. If a Texas voter does not have a qualified photo ID they will be allowed to cast a "provisional vote," but in order for their "provisional vote" to be deemed a valid vote and be counted as an official vote, that voter will be required to bring back a qualified Texas ID.

"I hope and believe that Attorney General Holder and the Justice Department will help overturn this bad legislation that was passed during the 82nd Legislative session," expressed Texas State Representative Ron Reynolds, a staunch opponent of Senate Bill 14. "It is harmful to senior citizens, college students and minority voters. I'm sure that it will go all the way to the U.S. Supreme Court."

But new developments have stalled the enactment of the law, in that U.S. Attorney General Eric Holder and the Justice Department are reviewing Senate Bill 14 and other voter ID laws passed in other states to determine their constitutionality. Because Texas has a documented history of racial discrimination, it remains one of many states that is still subject to one or more sections of the Voting Rights Act, which requires Texas to get federal approval and permission to change any of its voting procedures.

Justice officials have questioned whether the Texas law would hurt minority voters, and on last month, the Justice Department rejected South Carolina's voter ID law, saying it would make it harder for minorities to cast ballots. Until the Justice Department makes its ruling, Senate Bill 14 remains in limbo and the Forward Times will keep you up to date when the ruling is made final.

Military Veteran Exemption

Another important new state law makes the spouse of a military veteran exempt from having to pay property taxes on their home. The homestead exemption for disabled veterans' spouses required an amendment to the state Constitution, which was approved by Texas voters in the November election.

Texas has roughly 300,000 disabled veterans, with approximately 25,000 of them designated as 100 percent service-related disabled, according to the Texas Veterans Commission. Because of the new law, tens of thousands of spouses of totally disabled veterans in Texas will qualify for this significant property tax relief.

While Texas law already exempts veterans who are declared 100 percent disabled because of combat injuries or other service-related causes from paying property taxes on their home, their spouses will be eligible for a homestead exemption after the veteran dies. Many veterans have

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owned their homes for many years and when they die, many of their spouses are hit with huge tax burdens and unaffordable expenses. The change will help some of those spouses, many living on fixed incomes, to keep their homes.

There are some very important aspects of the homestead exemption, however. It applies to the veterans' primary residence and will no longer be eligible if the surviving spouse chooses to remarry. The surviving spouse, can however, carry their homestead exemption with them to a new home if the home would be of equal or lesser dollar value compared to the old one.

Homeowner's Association (HOA)

Houston realtors and homeowners may be interested in this new state law concerning Homeowner Associations (HOA's), in that it provides new protections for homeowners who are late paying dues or fines. The new law says that an HOA cannot simply initiate a foreclosure on a homeowner just because they have not paid their HOA dues. The HOA must establish a payment plan and work with the homeowner to resolve the issue, giving the homeowners three to 18 months to pay off late dues or fines. Homeowners will also be allowed to contact their HOA directly about their late payments, even if the HOA has a 3rd party collection agency or property management company under retainer. Finally, homeowners will now be allowed to display religious items on their doors or door frames.

Mandatory Meningitis Vaccination for College Students

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New state laws require all college students attending school in Texas to get a meningitis shot. Texas is the first state to approve such a law, which requires students to have had the meningitis vaccine within the last five years. The law applies to all public and private universities, as well as community and junior colleges.

Stalking Protective Order

Lastly, stalking victims will finally be allowed protective orders in Texas, unlike the past where the victim had to prove they had been subjected to domestic violence or sexual assault in order to gain the protective order. Now, a court needs to simply find “reasonable grounds” that the person seeking the protective order is the actual victim of stalking. This will hopefully reduce the number of domestic violence crimes in the state.

2012 FEDERAL CHANGES

Among federal laws that began on Jan. 1, not much got done, with a gridlocked, do-nothing

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Congress concerning new significant laws being passed in 2011, but the Obama administration found ways to seek to help the American people through agency rule-making.

After a long two years of millions of retirees and disabled people struggling through the economic downturn, without an increase in Social Security benefits, an estimated 55 million Social Security recipients will receive the first cost-of-living increase in benefits this year.

According to the U.S. Social Security Administration, the increase will be 3.6 percent, which will be a huge benefit to seniors and the disabled of Houston. Right now, the monthly social security payment is roughly \$1,082 per person or approximately \$13,000 a year. With the increase, seniors, retirees and the disabled would receive an additional \$38 a month or roughly \$455 a year.

Another change that is significant is that health insurance providers must now provide summaries of what health insurance plans cover, to make it easier to compare plans and determine out-of-pocket costs. The rule stems from the health care law championed by President Obama.

Also, there is a federal requirement that light bulbs must be more energy-efficient, and many light bulb makers have indicated they will comply with the new standard.

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Also, with the passage of the Budget Control Act (BCA), two changes to the Federal Direct Stafford Loan Program were made beginning in July 2012. First, effective for loans made for periods of enrollment beginning on or after July 1, 2012, graduate and professional students are no longer eligible to receive Federal Direct Subsidized Loans. The elimination of subsidized loan eligibility for graduate and professional students does not affect undergraduate student borrowers, who remain eligible to receive Direct Subsidized Loans. Secondly, for loans first disbursed on or after July 1, 2012, the up-front interest rebate that has been provided to Direct Loan borrowers at the time of their loan disbursement will no longer be offered on any Direct Loan Program loan with a first disbursement date that is on or after July 1, 2012 (this includes the Direct PLUS / Grad PLUS Program). The law continues to authorize the Department to offer interest rate reductions to Direct Loan borrowers who agree to have payments automatically electronically debited from a bank account.

As stated, there are many new laws that have and will be enacted in 2012.

To learn more about the 2012 New Laws and the dates that these bills take effect, click on the Legislative Library of Texas link <http://www.lrl.state.tx.us/sessions/effDates/billsEffective82.cfm>
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