

HB 1657 -- PROTECTION FOR SENIORS AND VETERANS

SPONSOR: Steinmeyer

Under this bill, no primary residence owned and occupied by a recipient of social security or supplemental security income can be subject to attachment, execution, levy, garnishment, lien, or forced sale under any legal or equitable process arising from a civil judgment or debt the mortgage, tax, insurance, or maintenance payments on the residence are made in whole or in part with income from social security. However, these exemptions do not apply to:

- (1) Property tax liens owed to the state or a political subdivision;
- (2) Mortgages or deeds of trust voluntarily executed by the homeowner; or
- (3) Federally authorized offsets for child support, alimony, or criminal restitution.

Under this bill, no primary residence owned and occupied by a an honorably discharged veteran who is a recipient of veterans' benefits can be subject to attachment, execution, levy, garnishment, lien , or forced sale under any legal or equitable process arising from a civil judgment or debt the mortgage, tax, insurance, or maintenance payments on the residence are made in whole or in part with income from veterans' benefits. However, these exemptions do not apply to:

- (1) Property tax liens owed to the state or a political subdivision;
- (2) Mortgages or deeds of trust voluntarily executed by the homeowner; or
- (3) Federally authorized offsets for child support, alimony, or criminal restitution.

In any civil proceeding in which a creditor seeks to execute a judgment against real property, the court shall, upon claim by the debtor or the debtor's representative, hold a hearing to determine whether the exemption applies. Any creditor, collection agency, or legal entity that knowingly initiates or continues with an enforcement action in violation of this section will be liable for:

- (1) Actual damages;
- (2) Statutory damages of not less than \$2,500 per occurrence;
and
- (3) Reasonable attorney's fees and court costs.

The attorney general will have authority to bring civil actions for injunctive relief or penalties for violations.