

The seal of the Texas Comptroller of Public Accounts is faintly visible in the background. It features a central five-pointed star surrounded by a wreath of olive and oak branches. The words "THE COMPTROLLER" are arched above the star, and "TEXAS" is arched below it.

**Glenn Hegar**

Texas Comptroller of Public Accounts

Texas

Property Tax

Basics

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# Introduction

**Texas has no state property tax.** Local governments set tax rates and collect property taxes that are used to provide local services including schools, streets, roads, police, fire protection and many other services.

Texas law requires property values used in determining taxes to be equal and uniform and establishes the process to be followed by local officials in determining property values, setting tax rates and collecting taxes. **Exhibit 1** includes some basic property tax rules set out in the Texas Constitution.

## EXHIBIT 1

### Texas Constitution Basic Property Tax Rules

#### Taxation must be equal and uniform.

- All property must be taxed equally and uniformly.<sup>1</sup>
- No single property or type of property should be taxed more than its fair market value.<sup>2</sup>

#### Generally, all property is taxed in proportion to its value.

- Unless constitutionally exempt, property must be taxed in proportion to its value.<sup>3</sup>
- The Texas Constitution provides certain exceptions to market valuation, such as taxation based on productive capacity for agricultural and timberland.<sup>4</sup>
- All exemptions from taxation must be constitutionally authorized.<sup>5</sup>

#### Taxpayers must be given notice of an estimate of taxes they owe.

- Notice must be given of the reasonable estimate of the taxes that will be imposed on a taxpayer's property.<sup>6</sup>
- Notice must be given of intent to consider tax increases.<sup>7</sup>

Several types of local governments may tax property. Texas counties and local school districts tax all nonexempt property within their jurisdiction. Cities and special purpose districts such as hospitals, junior colleges or water districts, may also collect certain property taxes.

The Comptroller's office helps ensure that taxpayers have the information needed to preserve their rights and pursue appropriate remedies. In keeping with this commitment, the

Comptroller's Property Tax Assistance Division (PTAD) created the summary of property tax rights in **Exhibit 2**.

## EXHIBIT 2

### Property Taxpayer Bill of Rights

1. You have the right to equal and uniform taxation.<sup>8</sup>
2. You have the right to ensure that your property is appraised uniformly with similar property in your county.
3. You have the right to have your property appraised according to generally accepted appraisal methods and techniques and other requirements of law.<sup>9</sup>
4. You have the right to receive exemptions or other tax relief for which you qualify and apply timely.<sup>10</sup>
5. You have the right to notice of property value increases, exemption changes and estimated tax amounts.<sup>11</sup>
6. You have the right to inspect non-confidential information used to appraise your property.<sup>12</sup>
7. You have the right to protest your property's value and other appraisal matters to an appraisal review board composed of an impartial group of citizens in your community.<sup>13</sup>
8. You have the right to appeal the appraisal review board's decision to district court in the county where the property is located.<sup>14</sup>
9. You have the right to fair treatment by the appraisal district, the appraisal review board and the tax assessor-collector.
10. You have the right to voice your opinions at open public meetings about proposed tax rates and to ask questions of the governing body responsible for setting tax rates.<sup>15</sup>
11. You have the right to an election to limit a tax increase in certain circumstances.<sup>16</sup>
12. You have the right to receive a free copy of the pamphlet entitled *Property Taxpayer Remedies* published by the Texas Comptroller of Public Accounts prior to your protest before the appraisal review board.<sup>17</sup>

<sup>1</sup> Tex. Const. art VIII, §1(a)

<sup>2</sup> Tex. Const. art VIII, §20

<sup>3</sup> Tex. Const. art VIII, §1(b)

<sup>4</sup> Tex. Const. art VIII, §1-d-1

<sup>5</sup> Tex. Const. art VIII, §1(b)

<sup>6</sup> Tex. Const. art VIII, §21(c)

<sup>7</sup> Tex. Const. art VIII, §21(a)

<sup>8</sup> Tex. Const. art. VIII, §1(a)

<sup>9</sup> Tex. Tax Code Ch. 23 and §23.01(b)

<sup>10</sup> Tex. Const. art. VIII, §1(b), (1-b); Tex. Tax Code Ch. 11

<sup>11</sup> Tex. Const. art. VIII, §21 and Tex. Tax Code §§11.43, 25.19, 25.192 and 25.193

<sup>12</sup> Tex. Tax Code §25.195

<sup>13</sup> Tex. Tax Code §41.41(a)

<sup>14</sup> Tex. Tax Code §§42.01 and 42.21(a)

<sup>15</sup> Tex. Educ. Code §44.004, Tex. Gov't Code Ch. 551 and Tex. Tax Code §26.06

<sup>16</sup> Tex. Tax Code §§26.07, 26.075 and 26.08 and Tex. Water Code §49.236

<sup>17</sup> Tex. Tax Code §41.461

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## Property Tax Administration

Many parties play a role in administering the property tax system, including property owners, appraisal districts, appraisal review boards, local taxing units, tax assessor-collectors and the Comptroller's office.

The **property owner**, whether residential or business, pays taxes and has a reasonable expectation that the taxing process will be fairly administered. The property owner is also referred to as the taxpayer.

The **appraisal district** in each county appraises the value of property each year.<sup>18</sup> The appraisal district is administered by a **chief appraiser** hired by the **appraisal district board of directors**.<sup>19</sup> Local taxing units elect the appraisal district board of directors based on the amount of taxes levied in each taxing unit.<sup>20</sup> The appraisal district can answer questions about local appraisal processes, exemption administration, agricultural appraisal and the protest process.

The **appraisal review board (ARB)** is a board of local citizens that hears disagreements between property owners and the appraisal district about a property's taxability and value.<sup>21</sup> Members of the ARB are appointed by the local administrative district judge in the county in which the appraisal district is located.<sup>22</sup>

**Local taxing units**, including school districts, counties, cities, junior colleges and special purpose districts, decide how much money they will need to be able to pay for providing public services. Property tax rates are set according to taxing unit budgets. Some taxing units have access to other revenue sources, such as a local sales tax. School districts must rely on the local property tax in addition to state and federal funds. Taxing units can answer questions about tax rates and tax bills.

In many counties, taxing units contract with the **county tax assessor-collector** to collect property taxes for other taxing units in that county.<sup>23</sup> The assessor-collector then transfers the appropriate amounts of the collected levy to each taxing unit.<sup>24</sup> Although some taxing units may contract with an appraisal district to collect their taxes, the appraisal district does not levy a property tax.<sup>25</sup>

**PTAD's** role is primarily limited to monitoring services. At least once every two years, PTAD conducts a School District Property Value Study (SDPVS) for each school district for school funding purposes. The SDPVS is an independent estimate mandated by the Texas Legislature of property values within a school district.<sup>26</sup> The Comptroller's values do not directly affect local values or property taxes, which are determined locally.

PTAD also performs Methods and Assistance Program (MAP) reviews of all appraisal districts every two years. The reviews address four issues: governance, taxpayer assistance, operating procedures and appraisal standards, procedures and methodologies.<sup>27</sup> PTAD reviews approximately half of all appraisal districts each year. School districts located in counties that do not receive a MAP review in a year will be subject to a SDPVS in that year.

General information about the Texas property tax system can be found on the Comptroller's website at [comptroller.texas.gov/taxes/property-tax/](http://comptroller.texas.gov/taxes/property-tax/) or by calling PTAD at 800-252-9121 (press 3). Legal questions should be directed to an attorney.

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## Property Tax Cycle

The Texas property tax system has four main phases or sets of functions that occur within certain dates: appraisal, equalization, assessment and collection. **Exhibit 3** indicates the dates and activities that typically occur within each phase.

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<sup>18</sup> Tex. Tax Code §6.01(a) and (b)

<sup>19</sup> Tex. Tax Code §6.05(c)

<sup>20</sup> Tex. Tax Code §6.03(d)

<sup>21</sup> Tex. Tax Code §41.01(a)(1)

<sup>22</sup> Tex. Tax Code §6.41(d-1)

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<sup>23</sup> Tex. Tax Code §6.23

<sup>24</sup> Tex. Tax Code §31.10

<sup>25</sup> Tex. Tax Code §6.24(a)

<sup>26</sup> Tex. Gov't Code §403.302

<sup>27</sup> Tex. Tax Code §5.102(a)

**EXHIBIT 3**  
**Tax Calendar Phases**

<b>Appraisal Phase (Jan. 1 through May 15)</b>	
Jan. 1 – April 30	Property is appraised and exemption applications are processed <sup>28</sup>
April – May 1	Notices of appraised value are sent <sup>29</sup>
May 15	Appraisal record prepared and submitted to the ARB <sup>30</sup>
<b>Equalization Phase (May 15 through July 25)</b>	
May 15 – July 20	Protests and challenges are heard and determined <sup>31</sup>
July 20	Appraisal records are approved <sup>32</sup>
July 25	Appraisal roll is certified <sup>33</sup>
<b>Assessment Phase (July 25 through Oct. 1)</b>	
July 25	Appraisal roll received by taxing units <sup>34</sup>
July 25 – Sept. 30	Tax rates are adopted and taxes are levied (calculated) <sup>35</sup>
Oct. 1	Tax bills begin to be sent to taxpayers <sup>36</sup>
<b>Collection Phase (Oct. 1 through Jan. 31)</b>	
Oct. 1 – Jan. 31	Current taxes are collected <sup>37</sup>
Feb. 1	Penalties and interest begin to accrue <sup>38</sup>
July 1	Additional penalties may be added for legal costs <sup>39</sup>

The tax calendar is a schedule of property tax activities with either legal deadlines or deadlines based on the occurrence of other events. If the last day for performing an act falls on a Saturday, Sunday or legal holiday, the deadline is the next regular business day.<sup>40</sup> The Comptroller’s office publishes a calendar of specific deadlines established by Texas property tax laws on its website at [comptroller.texas.gov/taxes/property-tax/calendars/index.php](http://comptroller.texas.gov/taxes/property-tax/calendars/index.php).

During the appraisal phase, property is appraised; determinations are made on exemption applications; appraisal notices are sent to property owners; and the appraisal records are submitted to the ARB. The ARB hears and determines property owner protests and taxing unit challenges and approves the appraisal record during the equalization phase. The assessment phase begins when the appraisal roll is received by the taxing units from the chief appraiser. During the assessment phase, tax rates are adopted, levies are calculated and tax bills are sent. Taxes are collected and penalties and interest are applied on delinquent taxes during the collections phase.

<sup>28</sup> Tex. Tax Code §§11.43 and 23.01

<sup>29</sup> Tex. Tax Code §25.19

<sup>30</sup> Tex. Tax Code §25.22

<sup>31</sup> Tex. Tax Code §§41.01 and 41.12

<sup>32</sup> Tex. Tax Code §41.12

<sup>33</sup> Tex. Tax Code §26.01

<sup>34</sup> Tex. Tax Code §26.01

<sup>35</sup> Tex. Tax Code §§26.01 and 26.05

<sup>36</sup> Tex. Tax Code §31.01(a)

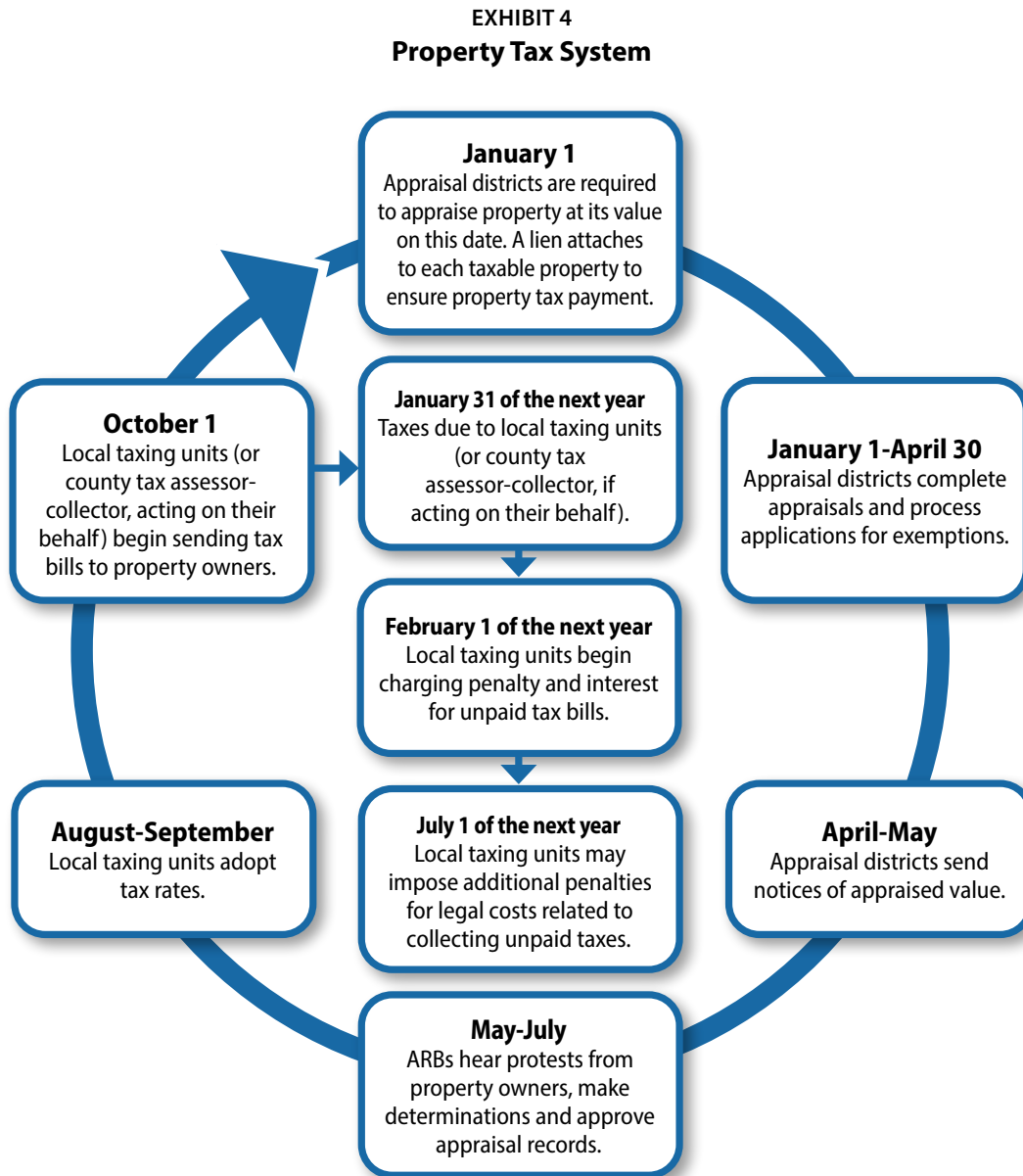
<sup>37</sup> Tex. Tax Code §31.01(a)

<sup>38</sup> Tex. Tax Code §§31.02 and 33.01

<sup>39</sup> Tex. Tax Code §33.07

<sup>40</sup> Tex. Tax Code §1.06

**Exhibit 4** depicts the general cycle of the property tax system including the overlap from one year to the next, indicating activities performed by appraisal districts, ARBs and tax offices.





# Appraisal

Each Texas county is served by an appraisal district that determines the value of all taxable property in the county.<sup>41</sup> A board of directors appointed by the member taxing units presides over the appraisal district.<sup>42</sup> Generally, a taxing unit that imposes property taxes, such as a county, city or school district, is a member of the appraisal district.<sup>43</sup>

The appraisal district is a political subdivision and must follow applicable laws, including the Open Meetings Act and the Public Information Act.<sup>44</sup> Meetings are generally open to the public and information generated by the appraisal district is, in most cases, also available to the public.<sup>45</sup>

The appraisal district board of directors hires a chief appraiser, approves the appraisal district budget, approves contracts, sets policy and confirms members of the agricultural advisory board.<sup>46</sup> In larger counties, it also names a taxpayer liaison officer (TLO) who works directly under the board of directors and fields taxpayer questions.<sup>47</sup>

Each year the appraisal district compiles a list of taxable property in the county.<sup>48</sup> The listing for each property must contain a property description and the owner's name and address.<sup>49</sup> The appraisal district must repeat its appraisal process for property at least once every three years.<sup>50</sup>

## Rendering Property

A rendition is a form that property owners may use to report taxable property owned on Jan. 1 to the appraisal district.<sup>51</sup> Both real and personal property may be rendered. The rendition identifies, describes and gives the location of the taxable property. Business owners must report a rendition of their

personal property.<sup>52</sup> Other property owners may choose to submit a rendition.

By rendering property, the property owner ensures the appraisal district has the property owner's correct mailing address for tax bills and places the owner's opinion of the property's value on record with the appraisal district.<sup>53</sup> The chief appraiser must send a *Notice of Appraised Value* if he or she places a higher value on the property than the value the property owner lists on the rendition form.<sup>54</sup>

Renditions generally must be filed with the appraisal district after Jan. 1 and no later than April 15.<sup>55</sup> A property owner may apply in writing for a mandatory extension to May 15. The chief appraiser may extend the deadline another 15 days beyond May 15 if the property owner can show good cause for needing an extension.<sup>56</sup>

Other rendition deadlines apply to rendition statements and property reports for property regulated by the Public Utility Commission of Texas, the Railroad Commission of Texas, the federal Surface Transportation Board or the Federal Energy Regulatory Commission.<sup>57</sup>

Significant penalties are imposed for delinquent or fraudulent renditions.<sup>58</sup> Check with the appraisal district for rendition forms and more information about rendering business personal property.<sup>59</sup> If the taxable value of business personal property is less than \$2,500 in any one taxing unit, the property is exempt in that taxing unit.<sup>60</sup> No special application is required to receive the under-\$2,500 exemption.<sup>61</sup>

Appraisal district staff may enter and inspect business premises to determine what taxable personal property is owned and

<sup>41</sup> Tex. Tax Code §§6.01(a) and (b)

<sup>42</sup> Tex. Tax Code §6.03(a)

<sup>43</sup> Tex. Tax Code §6.03(c)

<sup>44</sup> Tex. Tax Code §6.01(c) and Tex. Gov't Code Chs. 551 and 552

<sup>45</sup> Tex. Gov't Code Chs. 551 and 552

<sup>46</sup> Tex. Tax Code §§6.05(c) and (h), 6.06(b), 6.11(a), 6.12(a), 25.01(b) and Tex. Loc. Gov't Code §252.043(f)

<sup>47</sup> Tex. Tax Code §6.052(a)

<sup>48</sup> Tex. Tax Code §25.01

<sup>49</sup> Tex. Tax Code §25.02(a)

<sup>50</sup> Tex. Tax Code §25.18(b)

<sup>51</sup> Tex. Tax Code §§22.01 and 22.24

<sup>52</sup> Tex. Tax Code §22.01(a) and (f)

<sup>53</sup> Tex. Tax Code §22.01(a)

<sup>54</sup> Tex. Tax Code §25.19(a)(2)

<sup>55</sup> Tex. Tax Code §22.23(a)

<sup>56</sup> Tex. Tax Code §22.23(b)

<sup>57</sup> Tex. Tax Code §22.23(d)

<sup>58</sup> Tex. Tax Code §§22.28 and 22.29

<sup>59</sup> Tex. Tax Code §22.25

<sup>60</sup> Tex. Tax Code §11.145

<sup>61</sup> Tex. Tax Code §11.43(a)

its value.<sup>62</sup> They must make such inspections during normal business hours or at a time agreeable to the business owner.<sup>63</sup>

Except in certain specific circumstances, renditions and income and expense information filed with an appraisal district is confidential.<sup>64</sup> Confidential information may be disclosed to:

- the person who filed the statement or report and their authorized representative;<sup>65</sup>
- the property owner and their authorized representative;<sup>66</sup>
- the Comptroller's office and authorized Comptroller employees;<sup>67</sup>
- a taxing unit and its legal representative for delinquent tax collection purposes;<sup>68</sup>
- an agent or employee of a taxing unit responsible for auditing, monitoring or reviewing the operations of an appraisal district;<sup>69</sup>
- the employee or agent of a school district involved in preparing a protest of the Comptroller's school district property value study;<sup>70</sup> and
- other specified persons.

## Appraisal Methods

Before appraisals begin, the appraisal district compiles a list of taxable property. The list contains a description and the name and address of the owner for each property. Appraisal districts determine the value of all taxable property within the county boundaries and are required to reappraise all property at least once every three years.<sup>71</sup>

Most taxable property is to be appraised at market value as of Jan. 1.<sup>72</sup> Market value is the price at which a property would transfer for cash or its equivalent under prevailing market conditions if:

- it is exposed for sale in the open market with a reasonable time for the seller to find a purchaser;

- both the seller and the purchaser know of all the uses and purposes to which the property is adapted and for which it is capable of being used and of the enforceable restrictions on its use; and
- both the seller and purchaser seek to maximize their gains and neither is in a position to take advantage of the exigencies of the other.<sup>73</sup>

Three common approaches that the appraisal district may use in appraising property are the market data (sales) comparison approach, the income approach and the cost approach.<sup>74</sup>

### Market Data (Sales) Comparison Approach

The market data comparison approach to value is based on sales prices of similar properties. The appraisal district compares the property being appraised to similar properties that have recently sold and then adjusts the comparable sold properties for the differences between them and the property being appraised.<sup>75</sup>

A sale is not considered comparable unless the sale occurred within 24 months of the appraisal date, unless there are too few comparable sales within that time span to constitute a representative sample.<sup>76</sup> For residential property in a county with a population of more than 150,000, a sale is not considered to be a comparable sale unless the sale occurred within 36 months of the appraisal date, regardless of the number of comparable sales within that time span.<sup>77</sup>

Comparable sales must be appropriately time-adjusted<sup>78</sup> and must be similar in factors such as location, lot size, improvements, age, condition, access, amenities, views, income, operating expenses and occupancy.<sup>79</sup> The existence of easements, deed restrictions or other legal burdens affecting a property's ability to be sold also must be considered.<sup>80</sup>

### Income Approach

The income approach is based on income and expense data and is used to determine the present worth of future benefits. It seeks to determine what an investor would pay now for a future revenue stream anticipated to be received from the property.

<sup>62</sup> Tex. Tax Code §22.07(a)

<sup>63</sup> Tex. Tax Code §22.07(b)

<sup>64</sup> Tex. Tax Code §22.27(a)

<sup>65</sup> Tex. Tax Code §22.27(b)(2)

<sup>66</sup> Tex. Tax Code §22.27(b)(2)

<sup>67</sup> Tex. Tax Code §22.27(b)(3)

<sup>68</sup> Tex. Tax Code §22.27(b)(7)

<sup>69</sup> Tex. Tax Code §22.27(b)(8)

<sup>70</sup> Tex. Tax Code §22.27(b)(9)

<sup>71</sup> Tex. Tax Code §§25.01, 25.02 and 25.18(b)

<sup>72</sup> Tex. Tax Code §23.01(a)

<sup>73</sup> Tex. Tax Code §1.04(7)

<sup>74</sup> Tex. Tax Code §23.0101

<sup>75</sup> Tex. Tax Code §23.013(a)

<sup>76</sup> Tex. Tax Code §23.013(b)

<sup>77</sup> Tex. Tax Code §23.013(b-1)

<sup>78</sup> Tex. Tax Code §23.013(c)

<sup>79</sup> Tex. Tax Code §23.013(d)

<sup>80</sup> Tex. Tax Code §23.013(d)

The income approach is most suitable for types of properties frequently purchased and held for the purpose of producing income, such as apartments, retail properties and office buildings.<sup>81</sup> A chief appraiser must estimate the property's gross income potential and operating expenses; estimate capitalization rates or rates of discount; and base projections of future rent or income potential and expenses on reasonably clear and appropriate evidence.<sup>82</sup> In using the income approach, the chief appraiser may not separately appraise or account for personal property that is already included in the appraisal of real property.<sup>83</sup>

### Cost Approach

The cost approach is especially useful for appraisal of property types for which sales and income data are scarce, unique properties and new construction.<sup>84</sup> The cost approach is based on what it would cost to replace the building (improvement) with one of equal utility. A chief appraiser uses cost data obtained from generally accepted sources and makes any appropriate adjustment for physical, functional or economic obsolescence.<sup>85</sup> Depreciation is applied, and the estimate is added to the land value.

### Mass Appraisal

Appraisal districts use a method called mass appraisal to calculate the value of a large number of properties.<sup>86</sup> Appraisal districts must comply with the Uniform Standards of Professional Appraisal Practice if using mass appraisal and ensure that the same appraisal methods and techniques be used in appraising the same or similar kinds of property.<sup>87</sup>

In a mass appraisal, the appraisal district classifies properties according to a variety of factors, such as size, use and construction type. Using recent property sales, income and expense, cost and depreciation data, appraisal districts determine the value of properties in each class. Appraisal districts consider differences such as age, location and use to appraise

all the properties in each class. Each property is also appraised based on its individual characteristics.<sup>88</sup>

The market value of a residence homestead must be determined solely based on its current use regardless of its highest and best use.<sup>89</sup> For example, a homestead must be appraised as such, even if it is located where its highest and best use might be as the site for an office building or a parking lot for a mall. In determining a residence homestead's market value, the chief appraiser must consider the value of other residential property in the neighborhood, even if the other property:

- was sold at a foreclosure sale conducted in any of the three years preceding the tax year in which the residence is being appraised, if it was comparable at the time of sale with other residences in the neighborhood; or
- has a market value that has declined because of a declining economy.<sup>90</sup>

## Limitation on Residence Homestead Value Increases

Texas law sets a limit on the amount of annual increase to the appraised value of a residence homestead to not exceed the lesser of:

- the property's market value; or
- the sum of:
  - 10 percent of the property's appraised value for last year;
  - the property's appraised value for last year; and
  - the market value of all new improvements to the property.<sup>91</sup>

A new improvement is an improvement to a residence homestead made after the most recent appraisal of the property that increases its market value and was not included in the appraised value of the property for the preceding tax year. It does not include repairs to or ordinary maintenance of an existing structure, the grounds or another feature of the property.<sup>92</sup> A replacement structure for one that was rendered uninhabitable or unusable by a casualty or by wind or water damage is also not considered a new improvement if certain circumstances are met.<sup>93</sup>

<sup>81</sup> Robert J. Gloudemans, Richard R. Almy, *Fundamentals of Mass Appraisal*, p. 193 (2011) (IAAO publication); and Joseph K. Eckert, Ph.D., Robert J. Gloudemans, Richard R. Almy, *Property Appraisal and Assessment Administration*, p. 206 (1990) (IAAO publication)

<sup>82</sup> Tex. Tax Code §23.012

<sup>83</sup> Tex. Tax Code §23.24(b)

<sup>84</sup> Robert J. Gloudemans, Richard R. Almy, *Fundamentals of Mass Appraisal*, p. 193 (2011) (IAAO publication); and Joseph K. Eckert, Ph.D., Robert J. Gloudemans, Richard R. Almy, *Property Appraisal and Assessment Administration*, p. 206 (1990) (IAAO publication)

<sup>85</sup> Tex. Tax Code §23.011

<sup>86</sup> Tex. Tax Code §23.01(b)

<sup>87</sup> Tex. Tax Code §23.01

<sup>88</sup> Tex. Tax Code §23.01(b)

<sup>89</sup> Tex. Tax Code §23.01(d)

<sup>90</sup> Tex. Tax Code §23.01(c)

<sup>91</sup> Tex. Tax Code §23.23(a)

<sup>92</sup> Tex. Tax Code §23.23(e)

<sup>93</sup> Tex. Tax Code §23.23(f) and (g)

The appraisal limitation only applies to a residence homestead.<sup>94</sup> It takes effect Jan. 1 of the tax year following the year in which the homeowner qualifies for the homestead exemption. It expires on Jan. 1 of the tax year following the year in which the property owners no longer qualify for the residence homestead exemption.<sup>95</sup>

## Notice of Appraised Value

Texas law requires that a property owner be given notice of a revaluation of his or her property and a reasonable estimate of the amount of taxes that would be imposed on property if the total amount of property taxes for the subdivision were not increased.<sup>96</sup> Chief appraisers are required to deliver a clear and understandable written notice to a property owner of the property's appraised value if:

- the property's appraised value is greater than it was in the preceding year;
- the property's appraised value is greater than the value rendered by the property owner;
- the property was not on the appraisal roll in the preceding year; or
- an exemption or partial exemption approved for the property in the preceding tax year was canceled or reduced for the current tax year.<sup>97</sup>

This is done using a form called *Notice of Appraised Value* that must be sent by April 1 or as soon thereafter as practicable for a residence homestead, or by May 1 or as soon thereafter as practicable for any other type property.<sup>98</sup>

The notice must contain the following information:

- a list of the taxing units in which the property is taxable;
- the property's appraised value in the preceding year;
- the property's taxable value in the preceding year for each taxing unit that taxes the property;
- the property's appraised value for the current year;
- the kind and amount of each exemption, if any, approved for the prior and current year;<sup>99</sup> and
- if an exemption or partial exemption that was approved for the preceding year was canceled or reduced for the current year, the notice must include the amount of the

exemption or partial exemption that was canceled or reduced.<sup>100</sup>

The notice is also required to include the following statement in italic typeface:

*The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials, and all inquiries concerning your taxes should be directed to those officials.*<sup>101</sup>

The notice must provide a detailed explanation of the time and procedure for protesting the value; the date and place the ARB will hear protests; an explanation of the availability and purpose of an informal conference with the appraisal office before a hearing on a protest; and a brief explanation noting that the governing body of each taxing unit decides whether or not taxes on the property will increase and that the appraisal district determines the property's value.<sup>102</sup> The notice must include certain information based on property type.<sup>103</sup>

The notice must also include the following statement:

*Beginning August 7th, visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information regarding the amount of taxes that each entity that taxes your property will impose if the entity adopts its proposed tax rate. Your local property tax database will be updated regularly during August and September as local elected officials propose and adopt the property tax rates that will determine how much you pay in property taxes.*<sup>104</sup>

Appraisal districts are free to develop their own notice, but it must include all the information required by the Tax Code.<sup>105</sup> If the appraisal district board of directors approves, the chief appraiser may dispense with the notice if the increase in the appraised value is \$1,000 or less.<sup>106</sup>

<sup>94</sup> Tex. Tax Code §23.23(a)

<sup>95</sup> Tex. Tax Code §23.23(c)

<sup>96</sup> Tex. Const. art. VIII §21(c)

<sup>97</sup> Tex. Tax Code §25.19(a)(1)-(4)

<sup>98</sup> Tex. Tax Code §25.19(a)

<sup>99</sup> Tex. Tax Code §25.19(b)(1)-(4)

<sup>100</sup> Tex. Tax Code §25.19(b)(4)

<sup>101</sup> Tex. Tax Code §25.19(b)(5)

<sup>102</sup> Tex. Tax Code §25.19(b)(6)-(9)

<sup>103</sup> Tex. Tax Code §25.19

<sup>104</sup> Tex. Tax Code §25.19(m)

<sup>105</sup> Tex. Tax Code §25.19

<sup>106</sup> Tex. Tax Code §25.19(e)

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## Exemptions

Texas allows a variety of tax exemptions for property and property owners that qualify for the exemption. An exemption removes all or part of the property's value from taxation, which lowers the tax bill. For example, if a home is valued at \$300,000 and the property owner qualifies for a \$40,000 residence homestead exemption, he or she pay taxes on the home as if it were worth \$260,000.

Partial or total exemptions remove part or all of a property's appraised value used to determine local property taxes. A partial exemption removes a percentage or a fixed dollar amount of a property's value from taxation. A total exemption excludes the entire property's appraised value from taxation. The state requires taxing units to provide certain exemptions with the option to decide locally on whether to offer other exemptions. Exemptions discussed in this guide apply to residence homesteads only. Additional exemption information can be found in the Comptroller's publication *Texas Property Tax Exemptions*.

Property owners are required to apply for exemptions in most circumstances.<sup>107</sup> The general deadline for filing an exemption application is before May 1.<sup>108</sup> If a property owner fails to file a required application on time, the property owner usually forfeits the right to the exemption unless other application provisions exist in law.<sup>109</sup> Certain property owners may late-file residence homestead exemption applications, as indicated below:

- A property owner may file a residence homestead exemption application, including an age 65 or older or disabled exemption application, up to two years after the date the taxes on the property become delinquent.<sup>110</sup>
- A disabled veteran may file a 100 percent or totally disabled veteran exemption application or a donated residence homestead of a partially disabled veteran exemption application and a property owner may file a disabled veteran exemption application up to five years after the date the taxes on the property become delinquent.<sup>111</sup>

If a late-filed homestead exemption is granted, the property owner will receive a new tax bill with a lower amount. If the

taxes have already paid, the property owner will receive a refund.<sup>112</sup>

**Exhibit 5** shows the steps to file a residence homestead exemption application.

Once a property owner receives a residence homestead or disabled veteran exemption, he or she does not have to apply for it again unless requested by the chief appraiser or unless the property owner's qualifications change:

- If a property owner moves to a new home, he or she must complete a new application to receive most exemptions and to transfer any tax ceiling.<sup>113</sup>
- A property owner who becomes disabled may file a new application the year he or she becomes disabled to receive more exemptions.<sup>114</sup>
- A property owner may file for the 100 percent or totally disabled veteran or the surviving spouse exemption in the middle of year on a new residence homestead for the remaining part of the year.<sup>115</sup>

A chief appraiser may not require a person allowed a 100 percent or totally disabled veteran exemption under Tax Code Section 11.131 to file a new application to determine the person's current qualification if the person has a permanent total disability as determined by the U.S. Department of Veterans Affairs.<sup>116</sup>

### Residence Homestead Exemptions

To qualify for residence homestead exemptions, the property owner must own and occupy the home as his or her principal residence.<sup>117</sup> Residence homestead exemptions may apply to the entire tax year or be prorated depending on the type of exemption.<sup>118</sup> The residence itself can be a house, a condominium or a manufactured home, as long as the property owner owns the improvement.<sup>119</sup> A residence homestead generally includes the land, not to exceed 20 acres, so long as the owner of the residence holds an ownership interest in the land upon which it sits.<sup>120</sup> Generally, a property owner may not receive

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<sup>107</sup> Tex. Tax Code §11.43(a)

<sup>108</sup> Tex. Tax Code §11.43(d)

<sup>109</sup> Tex. Tax Code §11.43(e)

<sup>110</sup> Tex. Tax Code §11.431(a)

<sup>111</sup> Tex. Tax Code §11.439(a)

<sup>112</sup> Tex. Tax Code §11.431(b)

<sup>113</sup> Tex. Tax Code §§11.43(a), 11.26 and 11.261

<sup>114</sup> Tex. Tax Code §§11.42(c) and 11.43(k)

<sup>115</sup> Tex. Tax Code §11.42(e)

<sup>116</sup> Tex. Tax Code §11.43(r)

<sup>117</sup> Tex. Tax Code §11.13(j)(1)

<sup>118</sup> Tex. Tax Code §11.42

<sup>119</sup> Tex. Tax Code §§11.13(j)(1) and 11.432

<sup>120</sup> Tex. Tax Code §§11.13(j)(1), 11.432(b) and (c)

a residence homestead exemption for more than one property in the same year.<sup>121</sup>

An heir property owner not specifically identified as the property owner in the property records may qualify for a residence homestead exemption.<sup>122</sup> Heir property is real property owned by one or more individuals, where at least one owner claims the property as a residence homestead, and the property was acquired by will, transfer on death deed, or intestacy.<sup>123</sup>

#### **EXHIBIT 5** **How to File a Residence** **Homestead Exemption Application**

1. Obtain application form(s) at the local appraisal district office.
2. Return the form(s) to the appraisal district office after Jan. 1 but no later than April 30 and include other information as indicated on the application form.<sup>124</sup>
3. Provide all the information and documentation requested. For example, if a property owner is claiming an age 65 or older or disabled exemption, he or she may need to show proof of age or disability. Remember that making false statements on the exemption application is a criminal offense.<sup>125</sup>
4. If the chief appraiser mails a written request for more information, the property owner has 30 days from the postmark date to reply.<sup>126</sup>
5. The chief appraiser must notify a property owner in writing within five days if he or she denies or modifies an exemption. This notice must explain how the property owner can protest the denial or modification before the ARB. Additional notice requirements exist before a chief appraiser can cancel an exemption for an owner who is age 65 or older.<sup>127</sup>

If a property owner temporarily moves away, he or she can still receive an exemption as long he or she intends to return and does not establish another principal residence.<sup>128</sup> Temporarily generally means an absence of less than two years.<sup>129</sup> An absence for military service inside or outside the U.S. or a stay in a facility providing services related to health, infirmity or aging may be longer.<sup>130</sup>

### **General Residence Homestead**

To qualify for the general residence homestead exemption the owner must have an ownership interest in the property and use the property as his or her principal residence. An applicant is required to state that he or she does not claim an exemption on another residence homestead in or outside of Texas.<sup>131</sup> A person who acquires property after Jan. 1 may receive the residence homestead exemption for the applicable portion of the year, he or she owns the property if the previous owner did not have a residence homestead exemption for that year.<sup>132</sup>

Texas law requires school districts to offer a \$40,000 exemption on residence homesteads.<sup>133</sup> Any taxing unit, including a city, county, school district or special purpose district, has the option of deciding locally to offer a separate residence homestead exemption of up to 20 percent of a property's appraised value, but not less than \$5,000.<sup>134</sup> For example, if a residence homestead is valued at \$20,000 and the city offers a 20 percent exemption from city taxes, the exemption amount is \$5,000, the minimum, even though 20 percent of \$20,000 is \$4,000.

Each taxing unit decides before July 1 whether to offer an optional exemption and at what percentage.<sup>135</sup> This exemption is added to any other residence homestead exemption for which a property owner qualifies.<sup>136</sup> Counties are also required to offer a \$3,000 exemption if the county collects farm-to-market roads or flood control taxes.<sup>137</sup>

Joint, community or successive owners may not each receive the same exemption for the same residence in the same year.<sup>138</sup>

### **Persons Age 65 or Older or Disabled**

School districts are required to give persons age 65 or older or disabled an additional \$10,000 residence homestead exemption.<sup>139</sup> This exemption applies as of Jan. 1 of the year in which the property owner becomes age 65 or disabled.<sup>140</sup> If a property owner qualifies for both the \$10,000 exemption for

<sup>121</sup> Tex. Tax Code §11.13(h)

<sup>122</sup> Tex. Tax Code §11.43(o)

<sup>123</sup> Tex. Tax Code §1.04(20) and (21)

<sup>124</sup> Tex. Tax Code §11.43(d)

<sup>125</sup> Tex. Tax Code §11.43(d) and (f)

<sup>126</sup> Tex. Tax Code §11.45(b)

<sup>127</sup> Tex. Tax Code §§11.43 and 11.45

<sup>128</sup> Tex. Tax Code §11.13(l)

<sup>129</sup> Tex. Tax Code §11.13(l)(1)

<sup>130</sup> Tex. Tax Code §11.13(l)(2)

<sup>131</sup> Tex. Tax Code §§11.13(j)(1) and 11.43(j)

<sup>132</sup> Tex. Tax Code §11.42(f)

<sup>133</sup> Tex. Tax Code §11.13(b)

<sup>134</sup> Tex. Tax Code §11.13(n)

<sup>135</sup> Tex. Tax Code §11.13(n)

<sup>136</sup> Tex. Tax Code §11.13(n)

<sup>137</sup> Tex. Const. art. VIII §1-a and Tex. Tax Code §11.13(a)

<sup>138</sup> Tex. Tax Code §11.13(h)

<sup>139</sup> Tex. Tax Code §11.13(c)

<sup>140</sup> Tex. Tax Code §11.42(c)

homeowners age 65 or older and the \$10,000 exemption for being a person with disabilities, he or she must choose one or the other and cannot receive both.<sup>141</sup>

Any taxing unit, including a city, county, school district or special purpose district, has the option of deciding locally to offer an additional exemption of at least \$3,000 for homeowners age 65 or older or disabled.<sup>142</sup>

If a property owner does not claim another residence in the same year, he or she will receive the age 65 or older or disabled exemption for the full year.<sup>143</sup> If the property owner claims another residence during the same year, he or she will no longer qualify for the exemption on the first home for the remaining portion of that year.<sup>144</sup> Taxing units prorate taxes based on the number of days from when a property owner no longer qualifies for the exemption to the end of the tax year.<sup>145</sup>

An eligible disabled person age 65 or older may receive both exemptions in the same year, but not from the same taxing units.<sup>146</sup> Contact the appraisal district for more information.

### Disabled Veteran or Survivor

All or part of a disabled veteran's property, including a residence homestead, may be exempt from taxation. A surviving spouse or surviving child may also qualify for an exemption.<sup>147</sup>

### Partial Exemptions

Texas law provides partial exemptions for any property owned by disabled veterans and their surviving spouses and children.<sup>148</sup> The amount of the exemption is determined according to the percentage of service-connected disability as shown in **Exhibit 6**.<sup>149</sup>

## EXHIBIT 6 Disabled Veteran Partial Exemption

An Exemption of Up to of the Appraised Value:	For a Disability Rating of at Least:	But Less Than:
\$5,000	10%	30%
\$7,500	30%	50%
\$10,000	50%	70%
\$12,000	70% and over	

A disabled veteran is entitled to a \$12,000 exemption of the value of a designated property if he or she:

- is age 65 years or older and has a disability of at least 10 percent;
- is totally blind in one or both eyes; or
- has lost the use of one or more limbs.<sup>150</sup>

If a disabled veteran who is entitled to an exemption dies, the surviving spouse is entitled to the same exemption as long as he or she remains unmarried.<sup>151</sup> If the spouse does not survive the veteran, each of the veteran's surviving children younger than 18 years of age and unmarried is entitled to an exemption on property they own.<sup>152</sup>

If a member of the U.S. armed services dies while on active duty:

- any surviving spouse is entitled to an exemption from taxation of \$5,000 of the assessed value of the property the spouse owns and designates;<sup>153</sup> and
- each of the individual's surviving children younger than 18 and unmarried is entitled to an exemption to be computed by dividing \$5,000 by the number of eligible children.<sup>154</sup>

A separate partial exemption is also available for residence homesteads donated to disabled veterans by charitable organizations which extends to surviving spouses who have not remarried.<sup>155</sup>

The deadline for filing for the partial disabled veteran exemptions is April 30 and applies to all property types. An

<sup>141</sup> Tex. Const. art. VIII §1-b(c)

<sup>142</sup> Tex. Tax Code §11.13(d)

<sup>143</sup> Tex. Tax Code §11.42(c)

<sup>144</sup> Tex. Tax Code §§11.13(h) and 26.10(b)

<sup>145</sup> Tex. Tax Code §26.10(b)

<sup>146</sup> Tex. Tax Code §11.13(h)

<sup>147</sup> Tex. Tax Code §§11.131, 11.132, 11.133 and 11.22

<sup>148</sup> Tex. Tax Code §11.22

<sup>149</sup> Tex. Tax Code §11.22(a)

<sup>150</sup> Tex. Tax Code §11.22(b)

<sup>151</sup> Tex. Tax Code §11.22(c)

<sup>152</sup> Tex. Tax Code §11.22(c)

<sup>153</sup> Tex. Tax Code §11.22(d)(1)

<sup>154</sup> Tex. Tax Code §11.22(d)(2)

<sup>155</sup> Tex. Tax Code §11.132

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application for a disabled veteran exemption may be filed up to five years after the delinquency date of the taxes on the property. A disabled veteran may file a late application for a donated residence homestead of a partially disabled veteran exemption up to five years after the delinquency date and a surviving spouse may file a late application for this exemption up to two years after the delinquency date of the taxes on the property.<sup>156</sup>

### **Total Exemptions**

A disabled veteran who is awarded 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability from the U.S. Department of Veterans Affairs is entitled to an exemption of the total appraised value of his or her residence homestead.<sup>157</sup> Veterans who qualify for the exemption after Jan. 1 of a tax year receive an exemption for the applicable portion of that year immediately upon qualifying for the exemption. If the property no longer qualifies in a year, the exemption is removed for that portion of the year.<sup>158</sup>

The 100 percent disabled veteran exemption extends to a surviving spouse who was married to a disabled veteran who qualified or would have qualified for this exemption if it had been in effect at the time of the veteran's death.<sup>159</sup> To be entitled to this exemption, the surviving spouse must not have remarried; the property was the residence homestead of the surviving spouse when the veteran died; and the property remains the residence homestead of the surviving spouse.<sup>160</sup>

A disabled veteran may file a late application for a 100 percent disabled veteran residence homestead exemption up to five years after the delinquency date and a surviving spouse may file a late application for this exemption up to two years after the delinquency date of the taxes on the property.<sup>161</sup>

### **Surviving Spouses**

A surviving spouse of a member of the U.S. armed services killed or fatally injured in the line of duty is allowed a total property tax exemption on his or her residence homestead if he or she has not remarried since the death of the armed services member.<sup>162</sup>

The surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to a total residence homestead exemption if the surviving spouse is an eligible survivor as determined by the Texas Employees Retirement System under Government Code ter 615 and has not remarried since the first responder's death.<sup>163</sup>

If a surviving spouse qualifies for one of these exemptions, he or she is entitled to an exemption on a property that the surviving spouse subsequently qualifies as a residence homestead in the same dollar amount of the tax exemption on the former residence homestead. The chief appraiser of the county in which the former residence was located must provide to the surviving spouse a written certificate so that the amount of the exemption on the subsequent qualified homestead can be determined.<sup>164</sup>

### **Temporary Exemption Property Damaged by Disaster**

Property located in a governor-declared disaster area that is at least 15 percent damaged by the disaster is eligible for a temporary exemption from property taxation.<sup>165</sup> The exemption amount is based on a damage assessment rating of the physical damage to the property as determined by the appraisal district.<sup>166</sup>

Additional exemption information can be found in the Comptroller's publication *Texas Property Tax Exemptions*.

### **Tax Ceiling (Freeze)**

An age 65 or older or disabled property owner's residence homestead exemption qualifies him or her for a tax ceiling on the school district taxes; that is, the amount of school district taxes the property owner pays cannot increase as long as he or she owns and lives in the home.<sup>167</sup> The tax ceiling is set at the amount paid in the year that the property owner qualified for the age 65 or older or disabled exemption.<sup>168</sup> If the calculated school district taxes in any given year fall below the tax ceiling, the property owner will pay the lower amount.<sup>169</sup> The tax ceiling cannot expire if the home is made uninhabitable or if the property owner transfers the interest in the home to

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<sup>156</sup> Tex. Tax Code §11.439

<sup>157</sup> Tex. Tax Code §11.131(b)

<sup>158</sup> Tex. Tax Code §11.42(e)

<sup>159</sup> Tex. Tax Code §11.131(c)

<sup>160</sup> Tex. Tax Code §11.131

<sup>161</sup> Tex. Tax Code §11.439

<sup>162</sup> Tex. Tax Code §11.133(b)

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<sup>163</sup> Tex. Tax Code §11.134

<sup>164</sup> Tex. Tax Code §§11.133(c) and 11.134(d)

<sup>165</sup> Tex. Tax Code §11.35(b)

<sup>166</sup> Tex. Tax Code §11.35(b) and (h)

<sup>167</sup> Tex. Tax Code §11.26(a)

<sup>168</sup> Tex. Tax Code §11.26(a)

<sup>169</sup> Tex. Tax Code §11.26(a)



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a trust and still continues to live in the home as his or her residence homestead.<sup>170</sup>

A tax ceiling can be raised if a home is improved unless the improvements are for normal repairs and maintenance or for a home built to replace one made uninhabitable and the replacement structure meets certain criteria.<sup>171</sup> For example, if a property owner adds a garage or a room to the existing home, the tax ceiling may be raised to account for the value of the new improvement.

A tax ceiling may also change if the property owner moves to another home.<sup>172</sup> If a property owner buys another home in Texas, he or she may transfer the percentage of school tax paid based on the former home's school tax ceiling to the new home.<sup>173</sup> For example, if the property owner currently has a tax ceiling of \$100, but would pay \$400 in school district taxes without the tax ceiling, the percentage of tax paid is 25 percent. If the taxes on the new home are \$1,000, the new school tax ceiling would be \$250, or 25 percent of \$1,000.

When a property owner who has been receiving the age 65 or older or disabled homestead exemption and tax ceiling dies, the tax ceiling transfers to the surviving spouse as long as he or she is age 55 or older and the residence homestead was his or her homestead on the date of the spouse's death.<sup>174</sup> If the age 65 or older property owner dies in the year of his or her 65th birthday, but had not applied for the age 65 or older exemption, the surviving spouse may qualify for the tax ceiling.<sup>175</sup> The tax ceiling remains in effect for as long as the survivor owns and lives in the home.<sup>176</sup> If a surviving spouse age 55 or older buys another home, he or she may transfer the percentage of tax paid based on the former home's tax ceiling to the new home.<sup>177</sup>

A county, city or junior college district may freeze or limit a property owner's taxes by adopting a tax ceiling.<sup>178</sup> The ceiling goes into effect after the taxing unit adopts the limitation and the property owner qualifies the homestead.<sup>179</sup> If a property owner purchases another home in the same county,

city or junior college, he or she may transfer the former tax ceiling percentage to the new home.<sup>180</sup> A property owner may request a certificate from the appraisal district for the former home to present to the appraisal district for the new home.<sup>181</sup>

When a homeowner who receives the age 65 or older or disabled homeowner exemption and tax ceiling dies, the tax ceiling offered by a county, city or junior college district transfers to the surviving spouse, if he or she is disabled or age 55 or older at the spouse's death and the residence homestead was the surviving spouse's residence on the date of death and remains his or her homestead.<sup>182</sup>

## Agricultural Appraisal

If land qualifies for agricultural (ag) appraisal, it typically lowers a property's taxable value. The appraised value of qualified ag land is based on the land's capacity to produce ag products, including timber, rather than its market value, which often is higher.<sup>183</sup> This appraisal method usually results in a lower property value for the land and a reduced property tax bill.

Two different provisions of the Texas Constitution address qualifications for ag appraisal. Texas Constitution, Article VIII, Section 1-d, defining ag use, requires a property owner to show farming or ranching is his or her primary occupation and source of income. Very few property owners qualify under this provision. Nearly all land receiving ag appraisal falls under Texas Constitution, Article VIII, Section 1-d-1, also known as open-space valuation, as described below.

Property owners are required to apply for special ag appraisal.<sup>184</sup> The deadline for filing an application is before May 1, but the chief appraiser may generally extend the filing deadline for good cause.<sup>185</sup> If a property owner fails to file a required application on time, the land is ineligible for special ag appraisal for that year.<sup>186</sup>

**Exhibit 7** shows the steps that can be taken to file an application for ag appraisal.

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<sup>170</sup> Tex. Tax Code §11.26(f) and (n)

<sup>171</sup> Tex. Tax Code §11.26(b) and (o)

<sup>172</sup> Tex. Tax Code §11.26(g)

<sup>173</sup> Tex. Tax Code §11.26(g)

<sup>174</sup> Tex. Tax Code §11.26(i)

<sup>175</sup> Tex. Tax Code §11.26(j)

<sup>176</sup> Tex. Tax Code §11.26(i)(2)(B)

<sup>177</sup> Tex. Tax Code §11.26(g)

<sup>178</sup> Tex. Const. art. VIII §1-b(h) and Tex. Tax Code §11.261(a)

<sup>179</sup> Tex. Tax Code §11.261(b)

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<sup>180</sup> Tex. Tax Code §11.261(g)

<sup>181</sup> Tex. Tax Code §11.261(h)

<sup>182</sup> Tex. Tax Code §11.261(i)

<sup>183</sup> Tex. Tax Code §23.52(a)

<sup>184</sup> Tex. Tax Code §23.54(a)

<sup>185</sup> Tex. Tax Code §23.54(d)

<sup>186</sup> Tex. Tax Code §23.54(e)

## Open-Space Land Appraisal

Typically, to qualify for open-space appraisal, the land must be currently devoted principally to ag use to the degree of intensity generally accepted in the area.<sup>187</sup>

Ag use includes, but is not limited to:

- cultivating the soil, producing crops for human food, animal feed or planting seed or for the production of fibers;
- floriculture (cultivation and management of ornamental and flowering plants), viticulture (cultivation of grapes), and horticulture (cultivation of fruits, vegetables, flowers, herbs or other plants);
- raising or keeping livestock;
- raising or keeping exotic animals for the production of tangible products having a commercial value;
- planting cover crops or leaving land idle for participation in a government program or in conjunction with normal crop or livestock rotation procedure;

### EXHIBIT 7

#### How to File an Application for Agricultural (Ag) Appraisal

1. Obtain an application form at the local appraisal district office.<sup>188</sup>
2. Complete and return it to the appraisal district office after Jan. 1, but no later than April 30.<sup>189</sup> Remember that falsifying statements on the application is a criminal offense.<sup>190</sup>
3. If more time is needed to complete the application form, the property owner may submit a written request to the chief appraiser before the April 30 deadline. The chief appraiser can grant up to 60 extra days to complete the application if the property owner has a good reason for needing extra time.<sup>191</sup>
4. If a property owner misses the April 30 deadline, he or she may file a late application any time before the ARB approves the appraisal records,<sup>192</sup> usually on or about July 20.<sup>193</sup> A property owner is to be charged a penalty for late filing equal to 10 percent of the tax savings obtained through receiving ag appraisal for the land.<sup>194</sup> After the ARB approves the records, a property owner can no longer apply for ag appraisal for that year.<sup>195</sup>

5. If the chief appraiser requests more information, a property owner has 30 days to reply.<sup>196</sup> A property owner may ask for more time not to exceed 15 days but must have a good reason.<sup>197</sup> If a property owner does not reply, the application is denied.<sup>198</sup>
6. If the chief appraiser denies an application for ag appraisal, he or she must notify the property owner in writing within five days.<sup>199</sup> This notice must explain how the property owner can protest to the ARB and provide a full explanation of the reasons for the denial.<sup>200</sup> This notice must be sent by certified mail.<sup>201</sup>
7. Once a property owner receives an ag appraisal, he or she does not have to apply again in succeeding years unless his or her qualifications change or ownership changes.<sup>202</sup>
8. The chief appraiser may request a new application from time to time, to verify that the property still meets the qualifications for special ag appraisal.<sup>203</sup> Failure to respond to the chief appraiser's request may result in a determination that the property is no longer eligible for ag appraisal, and a notice to the owner of this determination. Before a chief appraiser may determine a change of use has occurred for an existing ag appraisal on property owned by someone age 65 years or older, additional written notice procedures must be followed.<sup>204</sup>
9. If a property owner becomes the owner of land that was qualified for special appraisal by the previous owner, the new owner must apply in his or her own name. Failure to do so may result in the land being deemed ineligible for the ag appraisal. The property owner must notify the appraisal district in writing by April 30 if the land's eligibility changes.<sup>205</sup> Failure to do so may result in imposition of a penalty equal to 10 percent of the difference between taxes imposed under special appraisal and the taxes that should have been imposed.<sup>206</sup>

- producing or harvesting logs and posts for constructing or repairing fences, pens, barns or other ag improvements on adjacent qualified open-space land devoted to a different ag use;
- wildlife management; and
- raising or keeping bees for pollination or for the production of human food or other commercial products.<sup>207</sup>

<sup>187</sup> Tex. Tax Code §23.51(1)

<sup>188</sup> Tex. Tax Code §23.54(b)

<sup>189</sup> Tex. Tax Code §23.54(d)

<sup>190</sup> Tex. Penal Code §37.10

<sup>191</sup> Tex. Tax Code §23.54(d)

<sup>192</sup> Tex. Tax Code §23.541(a)

<sup>193</sup> Tex. Tax Code §41.12(a)

<sup>194</sup> Tex. Tax Code §23.541(b)

<sup>195</sup> Tex. Tax Code §23.541(a)

<sup>196</sup> Tex. Tax Code §23.57(b)

<sup>197</sup> Tex. Tax Code §23.57(b)

<sup>198</sup> Tex. Tax Code §23.57(b)

<sup>199</sup> Tex. Tax Code §23.57(d)

<sup>200</sup> Tex. Tax Code §23.57(d)

<sup>201</sup> Tex. Tax Code §1.07(d)

<sup>202</sup> Tex. Tax Code §23.54(e)

<sup>203</sup> Tex. Tax Code §23.54(e)

<sup>204</sup> Tex. Tax Code §23.551

<sup>205</sup> Tex. Tax Code §23.54(h)

<sup>206</sup> Tex. Tax Code §23.54(h)

<sup>207</sup> Tex. Tax Code §23.51(2)

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For land to qualify for open-space (1-d-1) ag use appraisal, generally it must meet the following eligibility requirements:

1. The property is land which includes all appurtenances (not improvements).<sup>208</sup>
2. The land must be currently devoted principally to ag use or to wildlife management to the degree of intensity generally accepted in the area.<sup>209</sup>
3. The land must have been devoted principally to ag use or to production of timber or forest products for five of the preceding seven years.<sup>210</sup> Land used for wildlife management may qualify if previously designated as open-space or timberland except as provided.<sup>211</sup>

The property owner must file an application on the proper form with the information necessary for the appraisal district to determine the validity of the claim.<sup>212</sup>

The eligibility of open-space land does not end during temporary cessation of ag use, if certain criteria is met, under the following circumstances.

- A drought declared by the governor creates an ag necessity to extend the normal time the land remains out of ag production.
- The owner is deployed or stationed outside of this state as a member of the U.S. armed services.
- The land is appraised primarily based on the production of citrus and is in a pest management zone and under a certain agreement to destroy, remove or treat all the citrus trees on the land that are or could become infested with pests.<sup>213</sup>

The eligibility of open-space land does not end when a lessee begins conducting oil and gas operations if the portion of land on which oil and gas operations are not being conducted otherwise continues to qualify.<sup>214</sup>

## **Open-Space Land Inside a City or Town**

**Generally, open-space land inside a city or town may not qualify for ag appraisal.**<sup>215</sup>

Land located within an incorporated city or town must meet the criteria applicable to open-space land and one of the following additional criteria.

- The city or town must not provide the land with general services comparable to those provided in other parts of the city or town having similar features and population.
- The land must have been devoted principally to ag use continuously for the preceding five years.
- The land has been devoted principally to ag use or to the production of timber or forest products continuously for the preceding five years and the land is used for wildlife management.<sup>216</sup>

## **Change of Land Use**

If the land has qualified for ag appraisal and the property owner changes the land's use to a non-ag purpose, he or she will owe a rollback tax for each of the previous three years in which the land received the lower appraisal.<sup>217</sup> Land qualified for ag appraisal under Texas Constitution, Article VIII, Section 1-d, will incur interest in addition to the rollback tax.<sup>218</sup>

The rollback tax is the difference between the taxes paid based on the land's open-space value and the taxes that would have been paid if the land had been taxed based on its market value (which typically is much higher).<sup>219</sup> Exceptions to the rollback tax for change of use may include the following if they meet certain criteria:

- a sale for right-of-way;<sup>220</sup>
- a condemnation;<sup>221</sup>
- land transferred to a state, political subdivision or qualified nonprofit corporation to be used for a public purpose;<sup>222</sup>
- land transferred from a state, political subdivision or qualified nonprofit corporation to an individual or entity for purposes of economic development;<sup>223</sup>

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<sup>208</sup> Tex. Tax Code §23.51(1)

<sup>209</sup> Tex. Tax Code §23.51(1)

<sup>210</sup> Tex. Tax Code §23.51(1)

<sup>211</sup> Tex. Tax Code §23.51(1) and (7)

<sup>212</sup> Tex. Tax Code §23.54(a) and (b)

<sup>213</sup> Tex. Tax Code §§23.522, 23.523 and 23.525

<sup>214</sup> Tex. Tax Code §23.525

<sup>215</sup> Tex. Tax Code §23.56

<sup>216</sup> Tex. Tax Code §23.56(1)

<sup>217</sup> Tex. Tax Code §23.55(a)

<sup>218</sup> Tex. Tax Code §23.46(c)

<sup>219</sup> Tex. Tax Code §23.55(a)

<sup>220</sup> Tex. Tax Code §23.55(f)

<sup>221</sup> Tex. Tax Code §23.55(f)

<sup>222</sup> Tex. Tax Code §23.55(f)

<sup>223</sup> Tex. Tax Code §23.55(f)

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- timberland;<sup>224</sup>
  - cemeteries;<sup>225</sup>
  - religious organizations;<sup>226</sup>
  - certain charitable organizations;<sup>227</sup> and
  - schools.<sup>228</sup>

The chief appraiser determines whether change of use has occurred and must send the property owner a notice of the change by certified mail.<sup>229</sup> Additional notice requirements exist if the property owner is age 65 years or older.<sup>230</sup>

For more information about the special appraisal of ag land, including timberland and land used for wildlife management, please consult the following appraisal manuals published by the Comptroller's office:

- *Manual for the Appraisal of Agricultural Land*;
- *Manual for the Appraisal of Timberland*; and
- *Guidelines for Qualification of Agricultural Land in Wildlife Management Use*.

The Texas Parks and Wildlife Department publishes *Comprehensive Wildlife Management Planning Guidelines* for each ecoregion.

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<sup>224</sup> Tex. Tax Code §23.55(g)

<sup>225</sup> Tex. Tax Code §23.55(j)

<sup>226</sup> Tex. Tax Code §23.55(l)

<sup>227</sup> Tex. Tax Code §23.55(o) and (p)

<sup>228</sup> Tex. Tax Code §23.55(q)

<sup>229</sup> Tex. Tax Code §§1.07(d) and 23.55(e)

<sup>230</sup> Tex. Tax Code §23.551

# Equalization

The Comptroller's office may not advise a property owner, a property owner's agent or an appraisal district on a matter that the Comptroller's office knows is the subject of a protest to the ARB.<sup>231</sup>

A property owner may present objections about the property's value, exemptions and special appraisal in a hearing to an ARB.<sup>232</sup> The ARB is an impartial panel of fellow citizens authorized to resolve certain disputes between the property owner and the appraisal district.<sup>233</sup> After listening to the property owner and the chief appraiser, the ARB will make a written determination on the issues heard during the hearing.<sup>234</sup>

The local administrative judge appoints the ARB members.<sup>235</sup> These members must be residents of the appraisal district for at least two years to serve.<sup>236</sup> Current officers and employees of the appraisal district, taxing units and the Comptroller's office may not serve.<sup>237</sup> In counties with populations of more than 120,000, former directors, officers and employees of the appraisal district cannot serve on an ARB.<sup>238</sup> Other specific Tax Code restrictions apply.

ARB members must comply with special state laws on conflict of interest,<sup>239</sup> must complete training courses and receive certificates of course completion from the Comptroller's office;<sup>240</sup> and must complete a statement indicating agreement to comply with Tax Code requirements during hearings.<sup>241</sup>

ARB hearings are open to the public;<sup>242</sup> however, a closed hearing is allowed on the joint motion of the property owner and chief appraiser if either intends to disclose proprietary or confidential information at the hearing.<sup>243</sup> The ARB must develop and adopt hearing procedures and post the procedures in a prominent place in the room in which hearings are held as well as on the appraisal district's website.<sup>244</sup> The chief appraiser must publicize annually the right to and methods for protests before the ARB, in a manner designed to effectively notify all appraisal district residents.<sup>245</sup>

The usual deadline for filing protests is May 15 or 30 days after the date the notice of appraised value is delivered, whichever is later.<sup>246</sup> The filing deadline is postponed until the next business day if the deadline falls on a Saturday, Sunday or legal state or national holiday.<sup>247</sup> The usual deadline may be postponed under certain circumstances.<sup>248</sup> **Exhibit 8** gives the steps for filing a protest.

The ARB generally begins hearing protests from property owners after May 15 and must complete most of the hearings by July 20.<sup>249</sup> This deadline may be extended to a later date in some larger counties.<sup>250</sup> When the ARB finishes its work, the appraisal district gives each taxing unit a list of taxable property, called a certified appraisal roll.<sup>251</sup>

Appraisal districts must offer to meet with the property owner at an informal conference to discuss the protest to try to resolve any concerns. A property owner may request an informal conference with the appraisal district on their notice of protest form or prior to their scheduled ARB hearing.<sup>252</sup>

<sup>231</sup> Tex. Tax Code §5.041(f)

<sup>232</sup> Tex. Tax Code §41.41(a)

<sup>233</sup> Tex. Tax Code §41.01(a)

<sup>234</sup> Tex. Tax Code §41.47(a)

<sup>235</sup> Tex. Tax Code §6.41(d-1)

<sup>236</sup> Tex. Tax Code §6.41(c)

<sup>237</sup> Tex. Tax Code §6.412(c)

<sup>238</sup> Tex. Tax Code §6.412(d)

<sup>239</sup> Tex. Tax Code §§6.412, 6.413 and 41.69

<sup>240</sup> Tex. Tax Code §5.041(b) and (e-2)

<sup>241</sup> Tex. Tax Code §5.041(b-1) and (e-2)

<sup>242</sup> Tex. Tax Code §41.66(d)

<sup>243</sup> Tex. Tax Code §41.66(d-1)

<sup>244</sup> Tex. Tax Code §41.01(e)

<sup>245</sup> Tex. Tax Code §§41.41(b) and 41.70

<sup>246</sup> Tex. Tax Code §41.44(a)(1)

<sup>247</sup> Tex. Tax Code §1.06

<sup>248</sup> Tex. Tax Code §41.44

<sup>249</sup> Tex. Tax Code §41.12(a)

<sup>250</sup> Tex. Tax Code §41.12(c)

<sup>251</sup> Tex. Tax Code §26.01(a)

<sup>252</sup> Tex. Tax Code §41.445

## EXHIBIT 8 How to File a Protest

1. A property owner must file the protest in writing.<sup>253</sup> The appraisal district has protest forms available, but a property owner is not required to use one. A notice of protest must identify the owner and the subject property and indicate that the property owner is dissatisfied with a decision made by the appraisal district.<sup>254</sup>
2. A property owner must file the notice of protest before May 15 or no later than 30 days after the date the appraisal district mailed the notice of appraised value, whichever is later.<sup>255</sup> A property owner working offshore on a drilling or production facility or on a boat<sup>256</sup> or a property owner on full-time active duty outside the United States<sup>257</sup> may be entitled to file a late protest.
3. If the chief appraiser sends a property owner a notice that the land is no longer in ag use, the property owner must file a protest within 30 days of the date the chief appraiser mailed the notice.<sup>258</sup> The chief appraiser sends this notice by certified mail or by email if requested by the property owner.<sup>259</sup>
4. If a property owner files an untimely notice of protest before the ARB approves the appraisal records, he or she is entitled to a hearing only if the board decides that the property owner had good reason for failing to meet the deadline.<sup>260</sup>
5. A property owner may file a late protest because the chief appraiser or ARB failed to mail a required notice. A property owner must pay the taxes due on the portion of the property that is not subject to dispute before the delinquency date to be entitled to this type of hearing.<sup>261</sup>
6. A property owner is entitled to an ARB hearing solely on the issue of whether one or more taxing units delivered a tax bill in a timely manner if the owner files a late protest on or after the taxes become delinquent, but not later than the 125th day after the owner claims to have first received a tax bill from one or more of the taxing units that taxes the property.<sup>262</sup>
7. In some cases, a property owner may file with the ARB to correct an error even after these deadlines.<sup>263</sup>

Each appraisal district in a county with a population of 500,000 or more or that maintains a website accessible to the public must implement a system that allows certain residence homestead owners to:

- file a notice of protest electronically with the ARB for a value or unequal appraisal protest;<sup>264</sup>
- receive and review comparable sales data and other evidence that the chief appraiser intends to use at the protest hearing electronically;<sup>265</sup>
- receive, as applicable, an electronic settlement offer from the appraisal district to correct the appraisal records by changing the market value and, if applicable, the appraised value of the property, or a notice from the appraisal district that a settlement offer will not be made to the property owner;<sup>266</sup> and
- accept or reject a settlement offer electronically.<sup>267</sup>

This service is not required for properties in areas where the chief appraiser determines that factors affecting market value are unusually complex or to an owner who has designated an agent.<sup>268</sup>

With the *Notice of Appraised Value*, the chief appraiser must include information about the electronic system, including instructions for accessing and using it.<sup>269</sup> The notice of protest filed electronically must, at a minimum, include:

- a statement as to whether the protest is brought under Tax Code Sections 41.41(a)(1) or 41.41(a)(2);<sup>270</sup>
- a statement of the property owner's good-faith estimate of the property's value;<sup>271</sup> and
- an email address that the appraisal district may use to communicate electronically with the property owner in connection with the protest.<sup>272</sup>

If the property owner accepts a settlement offer made by the appraisal district, the chief appraiser must enter the settlement in the appraisal records.<sup>273</sup> If the property owner rejects a settlement offer, the ARB is to hear and determine the protest.<sup>274</sup>

<sup>253</sup> Tex. Tax Code §41.44(a)

<sup>254</sup> Tex. Tax Code §41.44(d)

<sup>255</sup> Tex. Tax Code §§1.07(c) and 41.44(a)

<sup>256</sup> Tex. Tax Code §41.44(c-1)

<sup>257</sup> Tex. Tax Code §41.44(c-2)

<sup>258</sup> Tex. Tax Code §§1.07(c) and 41.44(a)(4)

<sup>259</sup> Tex. Tax Code §1.07(d) and 11.086

<sup>260</sup> Tex. Tax Code §41.44(b)

<sup>261</sup> Tex. Tax Code §§41.411(c) and 41.4115(b)

<sup>262</sup> Tex. Tax Code §§41.4115(a) and 41.44(c-3)

<sup>263</sup> Tex. Tax Code §25.25

<sup>264</sup> Tex. Tax Code §41.415(b)(1)

<sup>265</sup> Tex. Tax Code §41.415(b)(2)

<sup>266</sup> Tex. Tax Code §41.415(b)(3)

<sup>267</sup> Tex. Tax Code §41.415(b)(4)

<sup>268</sup> Tex. Tax Code §41.415(g)

<sup>269</sup> Tex. Tax Code §41.415(c)

<sup>270</sup> Tex. Tax Code §41.415(d)(1)

<sup>271</sup> Tex. Tax Code §41.415(d)(2)

<sup>272</sup> Tex. Tax Code §41.415(d)(3)

<sup>273</sup> Tex. Tax Code §41.415(e)

<sup>274</sup> Tex. Tax Code §41.415(f)

The property owner's email address provided to an appraisal district is confidential and may not be disclosed by the appraisal district.<sup>275</sup>

## Actions Subject to Protest

The ARB can hear protests on any action taken by the appraisal district or chief appraiser that adversely affects a property owner.<sup>276</sup> A property owner can protest any of the following:

- the property's value;<sup>277</sup>
- unequal appraisal;<sup>278</sup>
- denial of exemptions;<sup>279</sup>
- denial or modification of a temporary disaster exemption or a damage assessment rating;<sup>280</sup>
- denial or change of special appraisal;<sup>281</sup>
- errors in the appraisal record;<sup>282</sup>
- failure to provide notice;<sup>283</sup> or
- any other adverse action of the appraisal district, chief appraiser or ARB.<sup>284</sup>

### Property Value

This protest is typically based on the property owner's opinion that the property's appraised value is above the market value or excessive. The evidence presented for an over-market valuation protest may be sale prices of comparable properties in the area and other information, such as the condition of the property. For example, if the property is appraised at \$105,000 and the property owner presents evidence indicating that the market value is \$100,000, it is expected that the ARB would lower the appraised value to \$100,000 because the \$105,000 value is above market and excessive.

### Unequal Appraisal

An unequal appraisal protest is based on the property owner's opinion that the property's appraised value is unequal compared to the value of similar properties. The evidence presented for an unequal appraisal, including the selection of comparable properties and the application of appropriate

adjustments, must be based on generally accepted appraisal methods and techniques.<sup>285</sup> An unequal appraisal protest must be determined in favor of the property owner unless the appraisal district establishes that the appraisal ratio of the property subject to the protest is equal to or less than the median level of appraisal of a:

- reasonable and representative sample of other properties;
- sample of properties consisting of a reasonable number of comparable other properties; or
- reasonable number of comparable properties appropriately adjusted.<sup>286</sup>

The determination of an unequal appraisal protest generally focuses on three key issues:

1. Is the **number** of properties selected for the sample **reasonable**?<sup>287</sup>
2. Are each of the properties in the sample **comparable** to the subject property?<sup>288</sup>
3. Was the **value** of each comparable property **appropriately adjusted** by reference to the subject property?<sup>289</sup>

### Denial of Exemptions

If the chief appraiser denied the residence homestead exemption, the property owner should obtain evidence that he or she owned the home and used it as the principal residence.<sup>290</sup> If the chief appraiser denied a residence homestead exemption for part of the land around the home, the property owner should show how much land is used as a residence.

If the chief appraiser denied an age 65 or older or disabled residence homestead exemption, disabled veteran exemption or other exemption, the property owner should read about the qualifications for exemptions and address them specifically in the protest.

### Denial or Modification of a Temporary Disaster Exemption or a Damage Assessment Rating

A property owner may protest the modification or denial of an application for a temporary disaster exemption.<sup>291</sup> To

<sup>275</sup> Tex. Tax Code §41.415(h)

<sup>276</sup> Tex. Tax Code §41.41(a)

<sup>277</sup> Tex. Tax Code §41.41(a)(1)

<sup>278</sup> Tex. Tax Code §41.41(a)(2)

<sup>279</sup> Tex. Tax Code §41.41(a)(4)

<sup>280</sup> Tex. Tax Code §41.41(c)(1) and (2)

<sup>281</sup> Tex. Tax Code §41.41(a)(5) and (8)

<sup>282</sup> Tex. Tax Code §41.41(a)(3), (6) and (7)

<sup>283</sup> Tex. Tax Code §41.411(a)

<sup>284</sup> Tex. Tax Code §41.41(a)(9)

<sup>285</sup> Tex. Tax Code §23.01(f)

<sup>286</sup> Tex. Tax Code §41.43(b)

<sup>287</sup> *Sagmont Plaza v. Harris County Appraisal District*, 30 S.W.3d 425, 427 (Tex.App.— Corpus Christi, 2000, pet. denied)

<sup>288</sup> *Weingarten Realty Investors v. Harris County Appraisal District*, 93 S.W.3d 280 (Tex.App.— Houston [14th Dist.] 2002, no pet.)

<sup>289</sup> *Weingarten Realty Investors v. Harris County Appraisal District*, 93 S.W.3d 280 (Tex.App.— Houston [14th Dist.] 2002, no pet.)

<sup>290</sup> Tex. Tax Code §11.13(j)(1)

<sup>291</sup> Tex. Tax Code §41.41(c)(1)

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qualify for a temporary disaster exemption, a property must meet the requirements under Tax Code Section 11.35(a); be in an area that the governor declared to be a disaster area following a disaster; and be at least 15 percent damaged by the disaster.<sup>292</sup>

A property owner may also protest the determination of the appropriate damage assessment rating for property qualifying for a temporary disaster exemption.<sup>293</sup> The chief appraiser uses resources such as FEMA or the county emergency management authority to determine the percentage of disaster damage and assigns a damage assessment rating of Level I, II, III or IV based on the physical damage sustained by the property.<sup>294</sup>

### **Denial or Change of Special Appraisal**

If the property owner protests the value of a farm or ranch that is qualified for special appraisal, he or she should find out how the appraisal district calculated the property's value and compare the appraisal district's information with that of other experts on agriculture, such as the county ag extension agent, the U.S. Department of Agriculture or other recognized ag sources. The Comptroller's *Manual for the Appraisal of Agricultural Land* provides information about the general appraisal process for qualified ag land.

Find out why the chief appraiser denied the application. Special appraisal laws have specific requirements for the property to qualify. Provide evidence that the property is eligible for special appraisal based on its principal devotion to ag use, as well as the history and intensity of this use.<sup>295</sup>

If the property owner has taken only part of the land out of ag use, he or she may need to show which parts still qualify.<sup>296</sup> If the land has been let lie fallow, the property owner should show that the time it has been out of ag use is not excessive or is part of a typical crop or livestock rotation process for the county.<sup>297</sup>

### **Errors in Appraisal Records**

Errors in appraisal records often are simply mistakes. The appraisal district may, for example, have failed to change a property's records, resulting in an incorrect owner. The law

recognizes both the old and new owners as having an interest in the property's taxes. If a property owner acquired the property after Jan. 1, he or she may protest its value if the protest is filed before the deadline.<sup>298</sup>

The appraisal records may show the property as located in one school district when it actually is in another. A property owner can protest the inclusion of property on the appraisal records if it should be taxed at another location in Texas.<sup>299</sup>

### **Failure to Provide Required Notice**

A property owner has the right to protest if the chief appraiser or ARB fails to give the property owner any required tax notices.<sup>300</sup>

A property owner who believes he or she is not receiving all tax notices in a timely manner should contact the appraisal district to ensure that the appraisal district's records correctly reflect the property owner names for each property and mailing address for all notices.

A property owner cannot protest a failure to give notice if the taxes on the property are delinquent.<sup>301</sup> Before the delinquency date, the property owner must pay a partial amount, usually the amount of taxes not in dispute.<sup>302</sup> A property owner may ask the ARB to be excused from prepaying taxes; to do so, he or she must file an oath attesting to an inability to pay the taxes in question and argue that prepaying them would restrain his or her right to access to the ARB.<sup>303</sup> The ARB will hold a hearing and decide the terms or conditions of payment.<sup>304</sup>

### **Any Other Adverse Actions**

Property owners have the right to protest any appraisal district action that applies to and adversely affects them.<sup>305</sup> For example, the chief appraiser may claim the property was omitted from the appraisal roll and not taxed in a previous year.<sup>306</sup> A property owner can protest only those actions that affect the property.<sup>307</sup>

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<sup>292</sup> Tex. Tax Code §11.35(a)

<sup>293</sup> Tex. Tax Code §41.41(c)(2)

<sup>294</sup> Tex. Tax Code §11.35(f) and (g)

<sup>295</sup> Tex. Tax Code Ch. 23, Subchs., C, D, E or H

<sup>296</sup> Tex. Tax Code §23.55(d)

<sup>297</sup> Tex. Tax Code §23.51(1) and (2)

<sup>298</sup> Tex. Tax Code §41.412(a)

<sup>299</sup> Tex. Tax Code §41.42

<sup>300</sup> Tex. Tax Code §41.411

<sup>301</sup> Tex. Tax Code §41.411(c)

<sup>302</sup> Tex. Tax Code §41.4115(b)

<sup>303</sup> Tex. Tax Code §41.4115(d)

<sup>304</sup> Tex. Tax Code §41.411(d)

<sup>305</sup> Tex. Tax Code §41.41(a)(9)

<sup>306</sup> Tex. Tax Code §25.21(a)

<sup>307</sup> Tex. Tax Code §41.41(a)



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## Hearing Notification

The ARB will notify a property owner at least 15 days in advance of the date, time, place and subject of the hearing.<sup>308</sup> The property owner may wish to discuss the protest issue with the appraisal district before the hearing. At the request of a property owner, the appraisal district must hold an informal conference to discuss the protest prior to the ARB hearing.<sup>309</sup> The property owner may be able to work out a satisfactory resolution with the appraisal district during the informal conference without appearing before the ARB.

At least 14 days before a protest hearing, the appraisal district will mail the property owner:

- a copy of the Comptroller's *Property Taxpayer Remedies pamphlet*,<sup>310</sup>
- a copy of the ARB procedures;<sup>311</sup> and
- a statement that the property owner is entitled to request a copy of the data, schedules, formulas and any other information the chief appraiser will introduce at the hearing.<sup>312</sup>

This information is usually mailed with the notice of hearing.

### Agent for Property Tax Matters

A property owner may represent him or herself in any property tax matter, or appoint an agent to handle specific duties.<sup>313</sup> Except in limited circumstances, to appoint an agent the property owner must provide that person with written authorization to represent him or her.<sup>314</sup> The property owner must use the *Appointment of Agent for Property Tax Matters* form and a lessee designated by the property owner may use the *Lessee's Designation of Agent for Property Tax Matters* form available from the appraisal district or the Comptroller's website.<sup>315</sup> The property owner must sign the authorization; the agent may not sign the form appointing him or herself. The form is not binding on the appraisal district until the property owner files it.<sup>316</sup>

The *Appointment of Agent for Property Tax Matters* form asks a property owner to cite a date upon which the authorization for this person will end.<sup>317</sup> If a property owner does not provide an ending date, the agent will continue to represent the property owner until the property owner or the designated agent files a statement ending the appointment or until the property owner appoints a new agent to act in the same capacity for the same property.<sup>318</sup>

If a property owner has not designated an agent to represent him or her before the ARB, the property owner is entitled to one postponement without showing cause.<sup>319</sup> The chairman of the ARB may grant additional postponements if the property owner can show good cause.<sup>320</sup> Good cause is defined as a reason that includes an error or mistake that was not intentional or was not the result of conscious indifference and will not cause undue delay or injury to the person authorized to extend the deadline or grant a rescheduling.<sup>321</sup> The chief appraiser can also agree to a postponement.<sup>322</sup>

### Correction of Certain Errors Found After the Protest Filing Deadline

The chief appraiser may change the appraisal roll at any time to correct certain errors, including a name or address, a determination of ownership, a description of property, a clerical error or any inaccuracy prescribed by board rule that does not increase the amount of tax liability.<sup>323</sup>

On motion of the chief appraiser or property owner, the ARB may make the following corrections to the appraisal roll for the current and previous five tax years:

- a clerical error made in writing, copying, transcribing or entering data;
- multiple appraisals of the same property more than once in the same tax year, sometimes called double taxation;
- inclusion of property that does not exist at the location or in the form described in the appraisal roll; or
- an error in which property is shown as owned by a person who did not own the property on Jan. 1 of that tax year.<sup>324</sup>

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<sup>308</sup> Tex. Tax Code §41.46(a)

<sup>309</sup> Tex. Tax Code §41.445

<sup>310</sup> Tex. Tax Code §41.461(a)(1)

<sup>311</sup> Tex. Tax Code §41.461(a)(3)

<sup>312</sup> Tex. Tax Code §41.461(a)(2)

<sup>313</sup> Tex. Tax Code §1.111(b)

<sup>314</sup> Tex. Tax Code §1.111(b)

<sup>315</sup> Tex. Tax Code §1.111(b)

<sup>316</sup> Tex. Tax Code §1.111(b)

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<sup>317</sup> Tex. Tax Code §1.111(c)

<sup>318</sup> Tex. Tax Code §1.111(c) and (d)

<sup>319</sup> Tex. Tax Code §41.45(e)

<sup>320</sup> Tex. Tax Code §41.45(e)

<sup>321</sup> Tex. Tax Code §41.45(e-2)

<sup>322</sup> Tex. Tax Code §41.45(e)

<sup>323</sup> Tex. Tax Code §25.25(b)

<sup>324</sup> Tex. Tax Code §§1.04(18) and 25.25(c)

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For the current tax year, the ARB may grant a late hearing to correct certain over-appraisals;<sup>325</sup> to correct values based on a joint motion made by the property owner and the chief appraiser;<sup>326</sup> or to hear the protest if the property owner was not sent a required notice.<sup>327</sup> A written motion requesting a late hearing must be filed before the taxes become delinquent on Feb. 1.<sup>328</sup>

A property owner may file a motion to correct if he or she can show that the property's appraised value for the current year exceeds the correct appraised value by more than one-fourth for a residence homestead or by one-third for non-residence homestead property.<sup>329</sup> To be eligible for an over-appraisal hearing:

- the property owner must not have had a prior ARB hearing and determination on the dispute; and
- the property's appraised value must not have been established by agreement between the property owner or his or her agent and the appraisal district.<sup>330</sup>

If a property owner proves that the value is in error by less than one-fourth for a residence homestead or less than one-third for a non-residence homestead property, the ARB may not order a correction.<sup>331</sup> If the ARB orders a correction of an over-appraisal error, the property owner will pay a 10 percent penalty for the late filing based on the taxes for the correct value.<sup>332</sup> On joint motion of the property owner and chief appraiser, the ARB must correct an error that resulted in an incorrect appraised value for the owner's property.<sup>333</sup>

Before an ARB decision on a late hearing can take place, the property owner must pay some amount of current taxes, usually those not in dispute.<sup>334</sup> The property owner may ask the ARB to excuse him or her from prepaying taxes by filing an oath attesting to an inability to pay the taxes in question and the ARB will decide, after a hearing, whether the prepayment would constitute an unreasonable restraint on the right of access to the ARB.<sup>335</sup>

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<sup>325</sup> Tex. Tax Code §25.25(d)

<sup>326</sup> Tex. Tax Code §25.25(h)

<sup>327</sup> Tex. Tax Code §41.411(c)

<sup>328</sup> Tex. Tax Code §§25.25(d) and (h) and 41.411(c)

<sup>329</sup> Tex. Tax Code §25.25(d)

<sup>330</sup> Tex. Tax Code §25.25(d-1)

<sup>331</sup> Tex. Tax Code §25.25(d)

<sup>332</sup> Tex. Tax Code §25.25(d-1)

<sup>333</sup> Tex. Tax Code §25.25(h)

<sup>334</sup> Tex. Tax Code §25.26(b)

<sup>335</sup> Tex. Tax Code §25.26(d)

If the property owner receives a value reduction in a late ARB hearing, the taxing units will refund the difference between the tax payment and the correct amount of taxes to the property owner who paid the taxes.<sup>336</sup>

## Protest Considerations

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In deciding whether to file a protest, a property owner may want to first consider these questions:

1. What reasons do I have to support the protest?
2. What evidence is available to support the protest?
3. Is the amount of any potential tax savings worth the time, effort and expense of protesting?

The following additional protest recourses are available on the Comptroller's website:

- *How to Present Your Case at an Appraisal Review Board Hearing – A Homeowners Guide*;
- *How to Present Your Case at an Appraisal Review Board Hearing – A Guide for Small Businesses*;
- *Appraisal Review Board Manual*; and
- *Continuing Education Course for Appraisal Review Board Members*.

## Respect the Process

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Many property owners do not choose to be represented by agents or attorneys in protest hearings. While the law requires the hearings to be as informal as possible,<sup>337</sup> the ARB must follow the written and adopted hearing procedures.<sup>338</sup> Property owners are entitled to expect hearings to be conducted as described in the hearing procedures.<sup>339</sup>

### **A property owner should decide how to appear at the hearing.**

A property owner or property owner's agent may appear at a protest hearing in one of four ways:

1. in person;
2. by affidavit, offering evidence or argument by affidavit without appearing in person;
3. by telephone conference call with argument and evidence offered by affidavit; or

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<sup>336</sup> Tex. Tax Code §26.15(f)

<sup>337</sup> Tex. Tax Code §41.66(b)

<sup>338</sup> Tex. Tax Code §41.66(a)

<sup>339</sup> Tex. Tax Code §41.66(a)

4. by videoconference with argument and evidence offered by affidavit.<sup>340</sup>

A property owner must request a hearing by telephone conference or videoconference on the notice of protest or in writing at least 10 days prior to the scheduled hearing date.<sup>341</sup> A hearing by videoconference may not be available in a county with a population of less than 100,000 if the ARB does not have the technological capability to offer a hearing by videoconference.<sup>342</sup>

### **A property owner should not contact ARB members outside the hearing.**

ARB members are prohibited from communicating with the property owner or other persons about a property under protest outside of the hearing.<sup>343</sup> Each ARB member must sign an affidavit stating that he or she has not discussed the case with anyone.<sup>344</sup> An ARB member who discusses a case outside the hearing must remove him or herself from the hearing.<sup>345</sup> An ARB member who communicates on specific evidence, argument, facts or the merits of a protest with the chief appraiser, appraisal district staff, or a member of the appraisal district board of directors outside the hearing commits a Class A misdemeanor.<sup>346</sup> A property tax consultant or attorney representing a party to the ARB proceeding, chief appraiser, appraisal district staff or a member of the board of directors commits a Class A misdemeanor if they communicate with an ARB member with the intent to influence a decision.<sup>347</sup>

### **A property owner should be on time and prepared for the hearing.**

Common courtesy dictates that a property owner should be on time for an appointment. ARBs often hear hundreds or thousands of protests. They have to be fair to everyone and strive to provide every protester an appropriate amount of time to make a presentation.<sup>348</sup> To hear every protest, the ARB may place a time limit on hearings.<sup>349</sup>

### **A property owner should stick to the facts of the presentation.**

The ARB has no control over the appraisal district's operations or budget, tax rates, inflation or local politics; addressing these topics in a presentation wastes time and will not help a property owner's case. The property owner should focus on the details of the property appraisal or other protested concern.

### **A property owner should present a simple and well-organized protest.**

A property owner should stress key facts related to the protest, writing them down in logical order and giving copies to each ARB member. A property owner is required to give either a written or electronic copy of his or her evidence to the appraisal district staff at or before the hearing.<sup>350</sup>

Photographs and other documents are useful evidence. The property owner should practice his or her presentation beforehand to improve the delivery.

### **The property owner should recognize that the ARB acts as an independent judge.**

The ARB must listen to the property owner and the chief appraiser before making a decision; it is not a case of the property owner against the chief appraiser and the ARB. All testimony at an ARB hearing must be given under oath.<sup>351</sup>

### **Evidence**

In value and unequal appraisal protests, the chief appraiser has the burden of proving the property's value by a preponderance of the evidence presented at the ARB hearing.<sup>352</sup> If the chief appraiser fails to meet this burden of proof, the ARB must decide in the property owner's favor.<sup>353</sup>

The law provides for a different burden of proof when a property under protest has a market or appraised value of \$1 million or less and the property owner submits to the appraisal district a properly conducted, recently completed and certified appraisal of property value made by a licensed appraiser at least 14 days before the hearing.<sup>354</sup> In this case, the appraisal district has the burden of establishing the value of the property by clear and convincing evidence.<sup>355</sup> If the appraisal district fails to do so, the ARB is required to rule in favor

<sup>340</sup> Tex. Tax Code §41.45(b)

<sup>341</sup> Tex. Tax Code §41.45(b-1)

<sup>342</sup> Tex. Tax Code §41.45(b-4)

<sup>343</sup> Tex. Tax Code §41.66(f)

<sup>344</sup> Tex. Tax Code §41.66(g)

<sup>345</sup> Tex. Tax Code §41.66(g)

<sup>346</sup> Tex. Tax Code §6.411(a) and (d)

<sup>347</sup> Tex. Tax Code §6.411(b) and (d)

<sup>348</sup> Tex. Tax Code §41.66(b)

<sup>349</sup> Tex. Tax Code §41.66(a)

<sup>350</sup> Tex. Tax Code §41.45(h)

<sup>351</sup> Tex. Tax Code §41.67(a)

<sup>352</sup> Tex. Tax Code §41.43(a)

<sup>353</sup> Tex. Tax Code §41.43(a)

<sup>354</sup> Tex. Tax Code §41.43(a-1)

<sup>355</sup> Tex. Tax Code §41.43(a-1)

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of the property owner.<sup>356</sup> To be valid, the property owner's appraisal must meet specific statutory requirements.<sup>357</sup>

The appraisal district also has a burden of establishing the property's value by clear and convincing evidence presented at a hearing concerning value or unequal appraisal<sup>358</sup> if:

- the property's appraised value was lowered in the previous year by the ARB, an arbitrator or a district court;<sup>359</sup>
- the property's appraised value in the preceding year was not determined by a written agreement of the parties;<sup>360</sup> and
- not later than 14 days before the protest hearing, the property owner files with the ARB and delivers to the chief appraiser (1) information, such as income and expense statements or information regarding comparable sales, which is sufficient to allow for a determination of the property's appraised or market value if the protest is authorized under Tax Code Section 41.41(a)(1); or (2) information that is sufficient to allow for a determination of whether the property was appraised unequally if the protest is authorized under Tax Code Section 41.41(a)(2).<sup>361</sup>

A property owner should make sure that the property's description is correct. Are the measurements for the home or business and lot accurate? The property owner should pull together blueprints, deed records, photographs, a survey or his or her own measurements to contest the appraiser's decision.

Does the appraisal district's survey show all of the home's defects, such as a cracked foundation or inadequate plumbing? The property owner should take photographs, statements from builders or independent appraisals to the hearing.

If a property owner wants to show that a property was not treated equally, he or she should ask the appraisal district for appraisal records on similar properties in the area to try to determine whether there is a significant difference in their values. Once the property owner has the records of similar property values, appropriate adjustments must be made for issues such as size, location and condition.

If a property owner wants to show that a property was appraised excessively, he or she should collect evidence on

recent sales of similar properties from neighbors or real estate professionals. A property owner should ask the appraisal district for the sales that it used.

A property owner should consider using an independent appraisal by a real estate appraiser. A property owner's insurance records also may be helpful.

If a property owner decides to use sales information to support a protest, he or she should:

- obtain documents or sworn statements from the person providing the sales information;
- use sales of properties similar in size, age, location and type of construction;
- use recent sales — those occurring as close to Jan. 1 as possible are the best to compare to the property;<sup>362</sup> and
- provide photographs of the properties that sold.

## Limited Binding Arbitration for Certain Procedural Requirements

A property owner who has filed a notice of protest and believes that the ARB or chief appraiser failed to comply with a procedural requirement can file a request for limited binding arbitration (LBA) to compel the ARB or chief appraiser to comply with the procedural requirement.<sup>363</sup> A property owner can request LBA to compel the ARB or the chief appraiser, as appropriate, to:

- rescind ARB procedural rules adopted by the ARB that are not in compliance with the Comptroller's model hearing procedures;
- schedule a hearing on a protest;
- deliver certain information to the property owner;
- allow the property owner to offer evidence, examine or cross-examine witnesses or other parties and present arguments;
- set a hearing for a time and date certain and postpone a hearing that does not begin within two hours of the scheduled time;
- schedule hearings on protests concerning multiple properties identified in the same notice of protest on the same day at the request of the property owner or the property owner's designated agent; or

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<sup>356</sup> Tex. Tax Code §41.43(a-1)

<sup>357</sup> Tex. Tax Code §41.43(a-2)

<sup>358</sup> Tex. Tax Code §41.43(a-3)

<sup>359</sup> Tex. Tax Code §41.43(a-3)(1)

<sup>360</sup> Tex. Tax Code §41.43(a-3)(2)

<sup>361</sup> Tex. Tax Code §41.43(a-3)(3)

<sup>362</sup> Tex. Tax Code §§23.01(a) and 23.013(f)

<sup>363</sup> Tex. Tax Code §41A.015

- refrain from using or offering as evidence information requested by the property owner that was not delivered to the property owner at least 14 days before the hearing.<sup>364</sup>

A property owner cannot file a request for LBA unless he or she has first filed a protest and followed the local complaint resolution process.<sup>365</sup>

The property owner must deliver written notice of an alleged violation of a procedural requirement to the ARB chair, chief appraiser and the taxpayer liaison officer by certified mail within five business days from the date the ARB or chief appraiser was required to comply with the requirement.<sup>366</sup>

The ARB chair or chief appraiser has 10 days to deliver a written statement to the property owner confirming they will comply with the procedural requirement or cure a failure to comply with the requirement.<sup>367</sup>

The ARB can cure an alleged failure to comply with a procedural requirement that occurred during an ARB hearing by rescinding the order determining the protest and scheduling a new hearing on the protest.<sup>368</sup> Failure to comply with a procedural requirement is not a ground for postponement of a hearing on a protest.<sup>369</sup>

If the ARB chair or chief appraiser does not provide the property owner with a statement of the intention to comply with the procedural requirement or cure a failure to comply with the procedural requirement, the property owner may file a request for LBA with the Comptroller's office no earlier than the 11th day and no later than the 30th day after delivering notice of the alleged procedural violation to the ARB chair, chief appraiser, and taxpayer liaison officer.<sup>370</sup> The request must be submitted on the form prescribed by the Comptroller's office and include a required deposit ranging from \$450 to \$550 based on the property type and value.<sup>371</sup>

A property owner may submit a single LBA request that involves multiple properties, multiple protest hearings and multiple allegations of failure to comply with one or more procedural requirements.<sup>372</sup>

<sup>364</sup> Tex. Tax Code §41A.015(a)

<sup>365</sup> Tex. Tax Code §41A.015(a)

<sup>366</sup> Tex. Tax Code §41A.015(b)(1)

<sup>367</sup> Tex. Tax Code §41A.015(b)(2)

<sup>368</sup> Tex. Tax Code §41A.015(c)

<sup>369</sup> Tex. Tax Code §41A.015(c)

<sup>370</sup> Tex. Tax Code §41A.015(d)

<sup>371</sup> Tex. Tax Code §41A.015(e)

<sup>372</sup> Tex. Tax Code §41A.015(f)

Upon receipt of a completed request for LBA, the Comptroller's office will process the request and appoint an arbitrator to hear the dispute.<sup>373</sup> Only arbitrators who are licensed attorneys may be appointed to hear an LBA case.<sup>374</sup>

The appointed arbitrator will arrange for an LBA hearing.<sup>375</sup> Not later than 20 days after the hearing, the arbitrator will issue an award that includes a determination on whether the ARB or chief appraiser failed to comply with a procedural requirement as alleged in the request for LBA.<sup>376</sup>

A determination that the ARB or chief appraiser failed to comply with a procedural requirement must direct the ARB or chief appraiser, as applicable, to comply with the procedural requirement, or, if the protest hearing was held and the ARB issued an order of determination, direct the ARB to rescind the order and hold a new hearing on the protest that complies with the procedural requirement.<sup>377</sup> The ARB or the chief appraiser, as soon as practicable after receiving notice of a determination, must take any action required to comply with the determination.<sup>378</sup> The arbitrator's determination is final and cannot be appealed.<sup>379</sup>

If the arbitrator determines that the ARB or chief appraiser failed to comply with the procedural requirement, the appraisal district must pay the arbitrator's fee and the deposit will be refunded to the property owner, less the Comptroller's \$50 administrative fee.<sup>380</sup> If the arbitrator determines that the ARB or chief appraiser complied with the procedural requirement, the Comptroller's office pays the arbitrator's fee from the property owner's deposit.<sup>381</sup>

An LBA determination does not affect the property owner's right to appeal the final ARB order of determination to district court or to pursue any other statutory remedy available to the property owner.<sup>382</sup>

## Appealing an ARB Order

Once the ARB rules on the protest, it will send the property owner a written order and a copy of the Comptroller's ARB

<sup>373</sup> Tex. Tax Code §41.015(g)

<sup>374</sup> Tex. Tax Code §41A.015(p)

<sup>375</sup> Tex. Tax Code §41A.08(a)

<sup>376</sup> Tex. Tax Code §§41A.015(j)(1) and 41A.09(a)

<sup>377</sup> Tex. Tax Code §41A.015(j)(2)

<sup>378</sup> Tex. Tax Code §41A.015(m)

<sup>379</sup> Tex. Tax Code §41A.015(j)(4)

<sup>380</sup> Tex. Tax Code §41A.015(k)

<sup>381</sup> Tex. Tax Code §41A.015(l)(1)

<sup>382</sup> Tex. Tax Code §41A.015(n)

survey by certified mail.<sup>383</sup> If the property owner is dissatisfied with the ARB's findings, he or she has the right to file an appeal with the district court in the county in which the property is located,<sup>384</sup> or, in certain instances, request binding arbitration<sup>385</sup> or appeal to the State Office of Administrative Hearings (SOAH).<sup>386</sup>

### **District Court**

A property owner is entitled to appeal an order of the ARB to district court.<sup>387</sup> To exercise this right, the property owner must file a petition for review with the district court within 60 days after receiving notice that a final order has been entered, or at any time after the hearing but before the 60-day deadline.<sup>388</sup> If the property owner is appealing the ARB's determination of a motion to correct the appraisal roll, he or she must file suit to compel the appraisal renew board to order a change in the appraisal roll within 60 days after receiving notice of the ARB's determination.<sup>389</sup> Failure to file a petition within this period bars any appeal to district court.<sup>390</sup>

The property owner is required to make a partial payment of taxes, usually the amount of taxes not in dispute, before the delinquency date.<sup>391</sup> The property owner may ask the district court to be excused from prepaying taxes; to do so, he or she must file an oath attesting to an inability to pay the taxes in question and argue that prepaying them would restrain the property owner's right to go to court on the protest.<sup>392</sup> The district court will hold a hearing and decide the terms or conditions of payment.<sup>393</sup>

An appeal to district court means the property owner is entitled to trial by jury, but the property owner may request a bench trial. At a bench trial, the trial judge hears and decides all fact and legal issues in the case without a jury.<sup>394</sup>

### **Binding Arbitration**

As an alternative to appealing an ARB determination to district court, the property owner may appeal through binding

arbitration.<sup>395</sup> Binding arbitration is available for market or appraised value or unequal appraisal determinations by ARBs.<sup>396</sup> Binding arbitration is available only if the property is:

- a residence homestead, regardless of value,<sup>397</sup> or
- has an appraised value of \$5 million or less.<sup>398</sup>

As with filing a suit in district court, if the property owner requests binding arbitration he or she must pay taxes that are not in dispute before the delinquency date.<sup>399</sup> To appeal an ARB order to binding arbitration, the property owner must file with the appraisal district not later than the 60th day after receiving notice of the order.<sup>400</sup>

To apply for binding arbitration, the property owner must complete the request form prepared by the Comptroller's office, attach a copy of the ARB order determining protest and submit a required deposit ranging from \$450 to \$1,550 based on the property type and value.<sup>401</sup>

The property owner must make the deposit in the form of a money order or cashier's check, payable to the Texas Comptroller of Public Accounts.<sup>402</sup> Although the deposit is made payable to the Comptroller's office, the property owner must file it, along with the application and copy of the ARB order, in the appraisal district in which the ARB order was issued.<sup>403</sup> The appraisal district will complete the application and forward the request and deposit to the Comptroller's office.<sup>404</sup>

After the Comptroller's office receives the property owner's request, the property owner and the appraisal district enter into a 45-day settlement period.<sup>405</sup> If the parties do not reach a settlement by the end of the 45-day period, the Comptroller's office will appoint an eligible arbitrator from the Comptroller's registry.<sup>406</sup>

<sup>383</sup> Tex. Tax Code §41.47(d)

<sup>384</sup> Tex. Tax Code §§42.01(a) and 42.21

<sup>385</sup> Tex. Tax Code §41A.01

<sup>386</sup> Tex. Gov't Code §2003.901

<sup>387</sup> Tex. Tax Code §§42.01(a) and 42.21

<sup>388</sup> Tex. Tax Code §42.21(a)

<sup>389</sup> Tex. Tax Code §42.21(a)

<sup>390</sup> Tex. Tax Code §42.21(a)

<sup>391</sup> Tex. Tax Code §42.08(b)

<sup>392</sup> Tex. Tax Code §42.08(d)

<sup>393</sup> Tex. Tax Code §42.08(d)

<sup>394</sup> Tex. Tax Code §42.23(c)

<sup>395</sup> Tex. Tax Code §41A.01

<sup>396</sup> Tex. Tax Code §41A.01

<sup>397</sup> Tex. Tax Code §41A.01

<sup>398</sup> Tex. Tax Code §41A.01

<sup>399</sup> Tex. Tax Code §41A.10(a)

<sup>400</sup> Tex. Tax Code §41A.03(a)

<sup>401</sup> Tex. Tax Code §41A.03(a)(1) and (2)

<sup>402</sup> Tex. Tax Code §41A.03(a)(2) and Tex. Admin. Code §9.4252(b)

<sup>403</sup> Tex. Tax Code §41A.03

<sup>404</sup> Tex. Tax Code §41A.05(a)

<sup>405</sup> Tex. Admin. Code §9.4255(c)

<sup>406</sup> Tex. Admin. Code §9.4255(c)

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The appointed arbitrator will arrange for an arbitration hearing.<sup>407</sup> Not later than 20 days after the hearing, the arbitrator will issue an award that includes a determination of the property's appraised or market value, as appropriate.<sup>408</sup> The arbitrator's award is final and may not be appealed except in certain instances.<sup>409</sup>

If the arbitrator's decision is closer to the property owner's opinion of value stated in the request for arbitration, the appraisal district will pay the arbitrator's fee and the Comptroller's office will refund the property owner's deposit, less a \$50 administrative fee that the law provides that the Comptroller's office retain.<sup>410</sup> If the arbitrator's decision is closer to the value determined by the ARB, or equal to half of the difference between the property owner's value and the ARB's value, the arbitrator's fee will be paid from the property owner's deposit.<sup>411</sup> Any deposited amount remaining after the arbitrator's fee and the Comptroller's \$50 administrative fee has been paid, will be refunded to the property owner.<sup>412</sup>

### **State Office of Administrative Hearings (SOAH)**

Property owners also may appeal ARB determinations of property with value that exceeds \$1 million to SOAH.<sup>413</sup> The decisions of SOAH administrative law judges are final and may not be appealed.<sup>414</sup> Certain properties are not subject to SOAH review (i.e., industrial property).<sup>415</sup>

To appeal an ARB order to SOAH, the property owner must file with the chief appraiser of the appraisal district, not later than the 30th day after the date the property owner receives notice of the order, a completed notice of appeal to SOAH in the form prescribed.<sup>416</sup> The property owner must file a \$1,500 deposit not later than the 90th day after the date the he or she receives notice of the order.<sup>417</sup> The chief administrative law judge prescribes the form of notice of appeal.<sup>418</sup> The form must require that the property owner provide a copy of the ARB's order; a brief statement explaining the basis for the appeal; and a statement of his or her opinion of the appraised or market value, as applicable, of the property.<sup>419</sup>

As soon as practicable after receiving of a notice of appeal, a chief appraiser must indicate, where appropriate, those entries in the records that are subject to the appeal; submit the notice of appeal and filing fee to SOAH; and request the appointment of a qualified administrative law judge to hear the appeal.<sup>420</sup>

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<sup>407</sup> Tex. Tax Code §41A.08(a)

<sup>408</sup> Tex. Tax Code §41A.09(a)

<sup>409</sup> Tex. Civ. Prac. & Rem. Code §171.088 and Tex. Tax Code §§41A.09(b) (1) and (4) and 41A.11

<sup>410</sup> Tex. Tax Code §41A.09(c)

<sup>411</sup> Tex. Tax Code §41A.09(d)(1)(A)

<sup>412</sup> Tex. Tax Code §41A.09(d)(1)(B)

<sup>413</sup> Tex. Gov't Code §2003.901

<sup>414</sup> Tex. Gov't Code §2003.914

<sup>415</sup> Tex. Gov't Code §2003.904

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<sup>416</sup> Tex. Gov't Code §2003.906(a)(1) and (a-1)

<sup>417</sup> Tex. Gov't Code §2003.906(a)(2) and (a-2)

<sup>418</sup> Tex. Gov't Code §2003.907

<sup>419</sup> Tex. Gov't Code §2003.907

<sup>420</sup> Tex. Gov't Code §2003.906(b)

# Assessment

Once the ARB approves the appraisal records, the chief appraiser prepares and certifies an appraisal roll for each taxing unit.<sup>421</sup> If the ARB has not approved the appraisal records by July 20, the chief appraiser certifies an estimate of taxable values by July 25 to the assessor for each taxing unit.<sup>422</sup> An appraisal roll lists all the taxable property within the taxing unit's boundaries.<sup>423</sup> Once the appraisal roll is certified, the appraisal district's job is finished. It has, at least in theory, provided a set of equal and uniform property values for the use of all local taxing units.<sup>424</sup>

The governing body of each taxing unit adopts tax rates annually, generally before Sept. 30.<sup>425</sup> Taxing units for a taxable property always include a county and school district, but a property owner also may pay taxes to a city or to special purpose districts such as hospital, junior college or water districts. The tax roll is created when tax rates are applied to taxable values.<sup>426</sup>

Generally, after receiving the appraisal roll, each governing body must decide what services the taxing unit will provide in the coming year and determine how much money it will need to do so.

## Determining the Tax Rate

As a taxpayer, it is important for a property owner to understand how government spending affects the size of a tax bill. Changes in property values may affect a tax bill, but do not necessarily increase or decrease the total amount of taxes paid to a taxing unit; that is determined by the taxing unit's budget.

<sup>421</sup> Tex. Tax Code §26.01(a)

<sup>422</sup> Tex. Tax Code §26.01(a-1)

<sup>423</sup> Tex. Tax Code §26.01(a)

<sup>424</sup> Tex. Const. art. VIII, §1(a)

<sup>425</sup> Tex. Tax Code §26.05(a)

<sup>426</sup> Tex. Tax Code §26.09(c)

Total taxes collected increase only when government spending increases, but Texas law gives taxpayers a voice in decisions affecting property tax rates.

A taxing unit must identify its needs and prepare a budget to meet them. To assist counties, cities and school districts in this process, the chief appraiser prepares and certifies an estimate of the taxable value of property within that taxing unit to the tax assessor by April 30.<sup>427</sup> Based on current year's values, a taxing unit then must decide how much property tax revenue is necessary to fund that budget and what tax rate is needed to produce that amount. It also must determine the tax revenue it will need to pay its long-term debt.

Cities, counties and school districts must hold a public hearing on the proposed budget and publicize the date, time and location.<sup>428</sup> The proposed budget must be made available for inspection and posted on the city, county or school district website.<sup>429</sup>

Adoption of a county budget, in most cases, and a city budget that will require raising more revenue from property taxes than in the previous year, requires a separate vote to ratify the property tax increase reflected in the budget.<sup>430</sup>

The vote to adopt a county or city budget must be a record vote and the adopted budget must be posted on the city or county website.<sup>431</sup>

## Calculating Tax Rate

Beginning in early August, most taxing units take the first step toward adopting a tax rate by calculating and publishing the no-new-revenue (NNR) tax rate and voter-approval tax rate (VATR).<sup>432</sup> In certain cases, school districts may choose to adopt a tax rate before the adoption of a budget.<sup>433</sup> The

<sup>427</sup> Tex. Tax Code §26.01(e)

<sup>428</sup> Tex. Educ. Code §44.004; Tex. Loc. Gov't Code §§102.006, 111.007, 111.038(a) and 111.067

<sup>429</sup> Tex. Loc. Gov't Code §§102.005(c) and 111.006(b); Tex. Educ. Code §44.0041; Tax Code §26.18

<sup>430</sup> Tex. Loc. Gov't Code §§102.007(c), 111.008(c), 111.039(c) and 111.068

<sup>431</sup> Tex. Loc. Gov't Code §§102.007(a), 102.008(a)(2)(A), 111.008(a), 111.009(a)(2)(A), 111.039(a), 111.040(a)(2)(A) and 111.068(a)

<sup>432</sup> Tex. Tax Code §26.04(e)

<sup>433</sup> Tex. Educ. Code §44.04(j)



chief appraiser of its appraisal district must have certified to the school district's tax assessor an estimate of the school district's taxable property value.<sup>434</sup>

The NNR tax rate is the rate the taxing unit needs to generate about the same amount of revenue it received in the year before on properties taxed in both years.<sup>435</sup> If property values rise, the NNR tax rate will go down and vice versa.<sup>436</sup> The actual tax rate depends on the budget adopted by the governing body.

The VATR would provide cities, counties and special purpose districts with about the same amount of tax levied in the previous year for day-to-day operations, plus an extra 3.5 percent increase for operating expenses and sufficient revenue to pay its debts in the coming year.<sup>437</sup> Junior college districts, hospital districts and certain small taxing units are allowed an 8 percent increase for operating expenses. The VATR for school districts is tied to school funding calculations plus the debt tax rate.<sup>438</sup>

Taxing units must publish their NNR tax rate and VATR on their websites.<sup>439</sup> If a property owner believes that a taxing unit did not calculate and publish these rates or other required information in good faith, he or she may ask the district court to stop the taxing unit from adopting a tax rate until it complies with the law.<sup>440</sup>

Local government taxing units and special districts are required to publish their proposed tax rates and notice of hearing as a quarter-page notice in a local newspaper or by mailing notice to each taxpayer no later than Sept. 1 or 30 days after receiving each certified appraisal roll. School districts, small taxing units, water districts and other taxing units have other specific notice requirements.<sup>441</sup>

Generally, if a taxing unit wants to increase its property tax rate above the lower of either the NNR tax rate or VATR, it must publish a quarter-page notice in a local newspaper or mail notice to each taxpayer to alert them of a special

hearing.<sup>442</sup> The public hearing allows taxpayers to voice opinions about the proposed tax increase and ask questions of the governing body.<sup>443</sup> The governing body may vote on the proposed tax rate at the hearing. If it does not, the governing body must announce a date, time and place for the tax rate's formal adoption.<sup>444</sup>

If a taxpayer believes that a taxing unit failed to comply with tax rate adoption laws in good faith, he or she can ask a district court for an injunction to stop tax collections until the taxing unit complies with the law.<sup>445</sup>

## Election to Approve Tax Rate

A taxing unit other than a school district or a water district is required to hold an election to approve a tax rate when:

- a special taxing unit or a city with a population of 30,000 or more adopts a rate that exceeds the VATR; or
- any taxing unit other than a special taxing unit or a city with a population of less than 30,000 regardless of whether it is a special taxing unit adopts a rate that exceeds the greater of its VATR or de minimis rate.<sup>446</sup>

The governing body shall hold an election in the taxing unit that occurs in November of the applicable tax year. The order calling the election may not be issued later than the 71st day before the date of the election.<sup>447</sup> A successful election limits the taxing unit's current tax rate to the VATR.

If a school district adopts a tax rate that exceeds the VATR, it must automatically hold a tax rate ratification election (TRE). A successful election limits the taxing unit's current tax rate to the VATR.<sup>448</sup> An election is not required in a school district if a tax rate increase is intended to pay for responses to a natural disaster.<sup>449</sup>

Only in certain circumstances can voters in local taxing units petition for an election. The petition-based election is for a taxing unit other than a special purpose district, school district, or city of 30,000 or more and only where the taxing unit's de minimis rate is higher than the VATR.<sup>450</sup> If a taxing

<sup>434</sup> Tex. Tax Code §26.01(e)

<sup>435</sup> Tex. Tax Code §26.04(c)(1)

<sup>436</sup> Tex. Tax Code §26.04(c)(1)

<sup>437</sup> Tex. Tax Code §26.04(c)(2)

<sup>438</sup> Tex. Tax Code §26.08(n)

<sup>439</sup> Tex. Local Gov't Code §140.010(c); Tex. Tax Code §§26.04(e), 26.04(e-1) and 26.052(b)(2)

<sup>440</sup> Tex. Tax Code §26.04(g)

<sup>441</sup> Tex. Tax Code §§26.04, 26.04(e-1) and 26.052(b) and (c); Tex. Water Code §§49.107 and 49.236

<sup>442</sup> Tex. Tax Code §§26.05(d) and 26.06(b) and (c)

<sup>443</sup> Tex. Tax Code §26.06(a)

<sup>444</sup> Tex. Tax Code §26.06(d)

<sup>445</sup> Tex. Tax Code §26.05(e)

<sup>446</sup> Tex. Tax Code §26.07(b)

<sup>447</sup> Tex. Tax Code §26.07(k) and (c)

<sup>448</sup> Tex. Tax Code §26.08(d)

<sup>449</sup> Tex. Tax Code §26.08(a)

<sup>450</sup> Tex. Tax Code §26.075(d)

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unit adopts a rate that is less than or equal to the de minimis rate and higher than the VATR calculated either under the regular (3.5 percent) or special (8 percent) formula voters can petition for an election.

A petition calling for the taxing unit to hold a tax rate election must:

- state that it is intended to require an election in the taxing unit on the question of reducing the tax rate for the current year;<sup>451</sup>
- be signed by at least 3 percent of the registered voters in the taxing unit, depending on whether the adopted tax rate raises more or less than \$5 million for maintenance and operations taxes;<sup>452</sup> and
- be presented to the taxing unit's governing body within 90 days after it adopts the tax rate.<sup>453</sup>

Once the taxing unit's governing body receives a petition and finds that it is valid (or fails to act within the time allowed), it must order an election to be held on the next uniform election date that allows for compliance with election laws.<sup>454</sup>

If a majority votes in favor of the tax rate reduction, the tax rate is reduced to the VATR immediately.<sup>455</sup>

## Tax Bills, Receipts and Other Records

The tax assessor must mail tax bills to both the property owner and his or her designated agent, if one is authorized.<sup>456</sup> If a property owner's mortgage company pays property taxes on a home out of an escrow account, the property owner should make sure the taxing units send original tax bills to the mortgage company so that it receives the tax bill. A property owner may want to request a receipt from the tax office to verify that the mortgage company paid these taxes on time.<sup>457</sup> The tax collector must give the taxpayer a receipt for the tax payment if he or she requests one.<sup>458</sup>

A property owner must pay taxes on property owned on Jan. 1 of the tax year.<sup>459</sup> Dealers and retailers of certain special inventories must submit a monthly inventory tax statement to the assessor-collector.<sup>460</sup> If the business owner is a motor vehicle, vessel and outboard motor or heavy equipment dealer or a manufactured housing retailer, he or she should check with the appraisal district or tax office for details on how to report property and pay taxes on inventory.

If a property owner goes out of business after the first of the year, he or she is still liable for taxes on property owned on Jan. 1.<sup>461</sup> A property owner is not relieved of this liability because he or she no longer owns the property.<sup>462</sup> If a property owner conducts a going-out-of-business sale, he or she must request a going-out-of-business permit from the appraisal district.<sup>463</sup> A business owner should check with the appraisal district for more details.

The tax bill may include taxes for more than one taxing unit if taxing units have combined their collection operations.<sup>464</sup>

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<sup>451</sup> Tex. Tax Code §26.075(d)

<sup>452</sup> Tex. Tax Code §26.075(d)(2)

<sup>453</sup> Tex. Tax Code §26.075(d)(3)

<sup>454</sup> Tex. Tax Code §26.075(e)

<sup>455</sup> Tex. Tax Code §26.07(d)

<sup>456</sup> Tex. Tax Code §31.01(a)

<sup>457</sup> Tex. Tax Code §31.075(a)

<sup>458</sup> Tex. Tax Code §31.075

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<sup>459</sup> Tex. Tax Code §32.07(a)

<sup>460</sup> Tex. Tax Code §§23.122(b), 23.124(b), 23.125(b) and 23.128(b)

<sup>461</sup> Tex. Tax Code §32.07(a)

<sup>462</sup> Tex. Tax Code §32.07(a)

<sup>463</sup> Tex. Business & Commerce Code §17.83

<sup>464</sup> Tex. Tax Code §31.01(e)

# Collections

Tax collections begin around Oct. 1.<sup>465</sup> A property owner typically has until Jan. 31 of the following year to pay the taxes.<sup>466</sup> On Feb. 1, penalty and interest charges begin accumulating on most unpaid tax bills.<sup>467</sup> If Feb. 1 is drawing near and no bill has been received, a taxpayer should contact the local tax office to find out how much tax is owed and make sure the correct name and address are on record.

Under certain circumstances, taxing units may impose additional penalties for legal costs on unpaid taxes.<sup>468</sup> Before a person buys a home, it is a good idea to obtain a tax certificate for the home from all jurisdictions that tax it. The tax certificate will show whether delinquent taxes are owed on the property.<sup>469</sup>

## Tax Payment Deadlines

If the tax bill is mailed after Jan. 10, the delinquency date is postponed to the first day of the next month that allows at least 21 days to pay after the original bill is mailed.<sup>470</sup> The delinquency date must be printed on the bill.<sup>471</sup>

Most property owners pay their property taxes before year's end so they can deduct the payments from their federal income taxes. If a property owner is appealing an ARB order to district court, he or she must pay the amount not in dispute; the amount due based on the ARB order; or the amount of taxes imposed on the property in the preceding year.<sup>472</sup> If a property owner's taxes are subject to the split-payment option, he or she may pay one-half of the required tax before Dec. 1 and the remaining half of that amount before July 1 of the following year.<sup>473</sup> The appeal must be accompanied by a statement in writing of the amount of taxes not in dispute the property owner proposes to pay.<sup>474</sup> A property owner may pay an additional amount of taxes at any time without forfeiting

his or her right to a final determination of the appeal.<sup>475</sup> If a property owner is appealing an ARB order to binding arbitration, he or she must pay the tax amount not in dispute.<sup>476</sup>

A property owner may make a payment under protest by indicating so on the instrument of payment or a document accompanying the payment.<sup>477</sup>

## Payment Options

Check with the tax collection office on local payment options that may be available, such as tax deferrals, discounts, escrow accounts, installments and split payments.

### Property Tax Deferrals

A property owner may defer homestead taxes for value exceeding 105 percent of the home's appraised value, plus any new improvements, from the preceding tax year.<sup>478</sup> The property owner must file a deferral application with the appraisal district before the taxes become delinquent<sup>479</sup> and pay the taxes based on 105 percent of the home's value.<sup>480</sup>

While any taxpayer can defer payments on value that exceeds 105 percent, a homeowner age 65 or older or disabled or an individual qualified for a Tax Code Section 11.22 disabled veteran exemption may defer or postpone paying any property taxes on the full taxable value of the home for as long as he or she owns and lives in it.<sup>481</sup>

To postpone tax payments, the taxpayer must file a tax deferral affidavit with the appraisal district.<sup>482</sup> A tax deferral only postpones the tax liability.<sup>483</sup> It does not cancel it.<sup>484</sup>

Interest on the amount due accrues at the rate of 5 percent a year.<sup>485</sup> Past taxes and interest become due 181 days after the

<sup>465</sup> Tex. Tax Code §31.01(a)

<sup>466</sup> Tex. Tax Code §31.02(a)

<sup>467</sup> Tex. Tax Code §33.01(a)

<sup>468</sup> Tex. Tax Code §§33.01(a), 33.07 and 33.08

<sup>469</sup> Tex. Tax Code §31.08(a)

<sup>470</sup> Tex. Tax Code §31.04(a)

<sup>471</sup> Tex. Tax Code §31.01(c)(7)

<sup>472</sup> Tex. Tax Code §42.08(b)

<sup>473</sup> Tex. Tax Code §42.08(c)

<sup>474</sup> Tex. Tax Code §42.08(b-1)

<sup>475</sup> Tex. Tax Code §42.08(c)

<sup>476</sup> Tex. Tax Code §41A.10(a)

<sup>477</sup> Tex. Tax Code §31.115

<sup>478</sup> Tex. Tax Code §33.065(a)

<sup>479</sup> Tex. Tax Code §33.065(b) and (c)

<sup>480</sup> Tex. Tax Code §33.065(f)

<sup>481</sup> Tex. Tax Code §33.06(a) and (b)

<sup>482</sup> Tex. Tax Code §33.06(b)

<sup>483</sup> Tex. Tax Code §33.06(a)

<sup>484</sup> Tex. Tax Code §33.06(b) and (d)

<sup>485</sup> Tex. Tax Code §33.06(d)

collector delivers a notice of delinquency once the property owner or qualified surviving spouse no longer owns or lives in the home that qualified as a homestead.<sup>486</sup> Any penalty and interest that was due on the tax bill for the home before the tax deferral will remain on the property and become due when the deferral ends.<sup>487</sup>

A property owner may abate a delinquent tax lawsuit by filing this affidavit with the court.<sup>488</sup> A property owner may stop a pending tax sale by filing the affidavit with the officer conducting the sale and the appraisal district, taxing unit or taxing unit's delinquent tax attorney.<sup>489</sup>

### **Installment Payments**

Some taxpayers can pay homestead taxes in installments.<sup>490</sup> If a person qualifies for a residence homestead exemption because he or she is disabled, age 65 or older, a disabled veteran or the surviving spouse of a disabled veteran, the property owner may pay the current taxes on the home in four installments.<sup>491</sup> This installment option is also available to partially disabled veterans and their unmarried surviving spouses with homes donated by charitable organizations.<sup>492</sup>

Homeowners and some small businesses whose property is damaged in a disaster or emergency and located in a designated disaster area or emergency area also may pay their taxes in four installments.<sup>493</sup>

If a governing body of a taxing unit adopts the installment payment option for small businesses whose property is in a disaster area or emergency area that has not been damaged as a result of the disaster or emergency, they may also pay their taxes in four installment payments.<sup>494</sup>

A property owner may pay taxes imposed on property in four equal installments without penalty or interest if the first installment payment is paid before the Feb. 1 delinquency date and the remaining three payments before April 1, June 1 and Aug. 1.<sup>495</sup> If the delinquency date is not Feb. 1, other

installment deadlines apply.<sup>496</sup> Installment payments apply to all taxing units on the tax bill.<sup>497</sup>

The property owner must give written notice with his or her first payment that the property owner is paying the taxes in installments.<sup>498</sup> A property owner may make the first installment and request the installment agreement prior to the first day of the first month after the delinquency date, but the owner will be penalized for the delinquency of the first installment.<sup>499</sup>

If a property owner misses an installment payment, he or she will receive a 6 percent penalty and pay interest at 1 percent per month for each month of delinquency.<sup>500</sup>

### **Other Payment Options**

Check with the tax collector on payment options that may be available on a local option basis, such as:

- **discounts**, if taxes are paid early;<sup>501</sup>
- **split payment** of taxes, allowing the property owner to pay half the taxes by Nov. 30 and the remainder by June 30 without a penalty;<sup>502</sup>
- **partial payment** of the taxes;<sup>503</sup>
- **escrow agreements** for a special year-round account;<sup>504</sup> and
- **work contracts**, in lieu of paying taxes, for certain taxpayers doing certain duties.<sup>505</sup>

A tax collector is only required to enter into an escrow agreement when one is requested by:

- a disabled veteran or a recipient of the Purple Heart, Congressional Medal of Honor, Bronze Star Medal, Silver Star, Legion of Merit or a service cross awarded by a branch of the United States armed forces for payment of property taxes on the property owner's residence homestead;<sup>506</sup> or
- a manufactured homeowner for payment of property taxes on the property owner's manufactured home.<sup>507</sup>

<sup>486</sup> Tex. Tax Code §33.06(b) and (f)

<sup>487</sup> Tex. Tax Code §33.06(d)

<sup>488</sup> Tex. Tax Code §33.06(c)

<sup>489</sup> Tex. Tax Code §33.06(c-1)

<sup>490</sup> Tex. Tax Code §31.031

<sup>491</sup> Tex. Tax Code §31.031(a)

<sup>492</sup> Tex. Tax Code §31.031(a)(2)(B)

<sup>493</sup> Tex. Tax Code §31.032(a)

<sup>494</sup> Tex. Tax Code §31.033

<sup>495</sup> Tex. Tax Code §31.031(a-1)

<sup>496</sup> Tex. Tax Code §31.031(a-1)

<sup>497</sup> Tex. Tax Code §31.031(a-1)

<sup>498</sup> Tex. Tax Code §§31.031(a-1) and (a-2) and 31.032(b) and (b-1)

<sup>499</sup> Tex. Tax Code §§31.031(a-2) and 31.032(b-1)

<sup>500</sup> Tex. Tax Code §§31.031(b), 31.032(d) and 33.01(c)

<sup>501</sup> Tex. Tax Code §31.05

<sup>502</sup> Tex. Tax Code §31.03

<sup>503</sup> Tex. Tax Code §31.07

<sup>504</sup> Tex. Tax Code §31.072

<sup>505</sup> Tex. Tax Code §§31.035, 31.036 and 31.037

<sup>506</sup> Tex. Tax Code §31.072(h)

<sup>507</sup> Tex. Tax Code §31.072(i)

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## Failure to Pay Taxes

The longer a taxpayer allows delinquent property taxes to go unpaid, the more expensive it becomes, as penalty and interest charges will be added to the taxes due.<sup>508</sup> The property also may be foreclosed or seized.<sup>509</sup>

### ***Penalty and interest charge accrue.***

Regular penalty charges may be as high as 12 percent depending on how long the taxes remain unpaid.<sup>510</sup> Interest is charged at the rate of 1 percent per month with no maximum.<sup>511</sup> Private attorneys hired by taxing units to collect delinquent accounts can charge an additional 20 percent penalty.<sup>512</sup>

Some tax collectors allow property owners to pay delinquent taxes in installments for up to 36 months.<sup>513</sup> They are not required to offer this option, except for a residence homestead.<sup>514</sup> Before signing an installment agreement, the property owner should know that the law considers his or her signature an irrevocable admission that the property owner owes all the taxes covered by the agreement.<sup>515</sup>

### ***Taxpayer can be sued.***

The tax collector's last resort is to take a property owner to court if he or she is delinquent in paying taxes. Court costs and other expenses will be added to the delinquent tax bill.<sup>516</sup>

If a taxpayer owns taxable property on Jan. 1, he or she is liable for all taxes due on the property for that year.<sup>517</sup> The property owner can be sued for delinquent taxes even if the property has since been sold or transferred.<sup>518</sup>

### ***Property may be sold.***

Each taxing unit holds a tax lien on each of a property owner's taxable properties.<sup>519</sup> A tax lien automatically attaches to the property on Jan. 1 each year to secure payment of all taxes.<sup>520</sup>

This tax lien gives the courts the power to foreclose on the lien and seize a property owner's property, even if he or she did not own the home on Jan. 1.<sup>521</sup> The property then will be auctioned and the proceeds used to pay the past due taxes.<sup>522</sup>

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<sup>508</sup> Tex. Tax Code §33.01

<sup>509</sup> Tex. Tax Code §§33.41, 33.21, 33.91 and 33.911

<sup>510</sup> Tex. Tax Code §33.01(a)

<sup>511</sup> Tex. Tax Code §33.01(c)

<sup>512</sup> Tex. Tax Code §§33.07 and 33.08

<sup>513</sup> Tex. Tax Code §33.02(a)(4)

<sup>514</sup> Tex. Tax Code §33.02(a)

<sup>515</sup> Tex. Tax Code §33.02(c)

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<sup>516</sup> Tex. Tax Code §33.48(a)

<sup>517</sup> Tex. Tax Code §32.07(a)

<sup>518</sup> Tex. Tax Code §32.07(a)

<sup>519</sup> Tex. Tax Code §32.01(a)

<sup>520</sup> Tex. Tax Code §32.01(a)

<sup>521</sup> Tex. Tax Code §32.05(a)

<sup>522</sup> Tex. Tax Code §§34.01(a) and 34.02(b)(6)

For more information, visit our website:  
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