



TEXAS PROPERTY TAX

APPRAISAL REVIEW BOARD MANUAL

CAROLE KEETON RYLANDER • TEXAS COMPTROLLER OF PUBLIC ACCOUNTS



ARB INFORMATION

As a member of an appraisal review board (ARB), what legal guidelines and precedents do you face? Who schedules protests and challenges? How do you decide what is a fair ruling on a protest or challenge? What is the limit of your authority? How do you let taxpayers and taxing units know your decisions? How do you stay out of court? You will routinely face these questions and many more.

This manual will help you perform your duties as an ARB member with confidence and a basic understanding of the property tax laws. The manual provides general information about policies, procedures, and legal guidelines. It outlines your official responsibilities, the resources available to you, and the chronology of the review process. The manual also serves as the official course text for training you must complete before participating in ARB hearings.

Most of this manual covers required and recommended procedures, property appraisals, exemptions, types of protests, and standards of evidence. The first pages detail administrative aspects important throughout the ARB process. The manual tells you how to avoid conflicts of interest. It suggests ways to be sure people get

fair hearings. It tells you how to follow the laws on open meetings and open records. Appendices contain examples of notices and orders used at various points of the ARB's work.

This manual won't address every situation you may face as an ARB member. You may wish to discuss unclear or complicated legal issues with your ARB or appraisal district attorney. The Office of the Texas Comptroller of Public Accounts can also help answer questions you may have after studying this manual. However, the law forbids the Comptroller from advising an ARB member, property owner, owner's agent, or appraisal district employee or official on any matter that the Comptroller knows is subject to a protest to the ARB.

You may e-mail general questions to: **ptd.cpa@cpa.state.tx.us**. More information about local property taxes is available at the Local Property Taxes Web page on the Comptroller's Web site at: **www.window.state.tx.us**.

Or address general questions to the agency's Technical Assistance Section by writing to P.O. Box 13528, Austin, TX 78711-3528 or by calling the toll-free number, 1-800-252-9121. In Austin, call (512) 305-9999.



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The ARB's Role in the Property Tax System

The local property tax system follows the principle of checks and balances. An appraisal district board of directors hires the chief appraiser and sets the budget. The directors have no authority to set values or appraisal methods. The chief appraiser carries out the appraisal district's legal duties, hires the staff, makes the appraisals, and operates the appraisal office.

The appraisal review board (ARB) is the judicial part of the system. The ARB is a separate body from the appraisal office and serves a different function. It hears and resolves disputes over appraisal matters. This is a very broad and important responsibility, but the ARB must be sensitive to its legal and practical limits.

First, the ARB only has authority over matters submitted to it. The ARB has no role in the day-to-day operations of the appraisal office or in appraising property.

Except where it is deciding a property owner protest, taxing unit challenge, or a correction motion, the ARB has no authority to change a value or correct the appraisal records directly. In a taxing unit challenge, it must order the chief appraiser to reappraise or correct the records related to the challenge. Only in resolving taxpayer protests can the ARB make changes or set a value on its own. Such a change only affects the property in question.

Qualifications, Appointment, and Compensation

Who can serve?

To serve on the ARB, you must have lived in the appraisal district for at least two years before taking office. You don't need any special qualifications, but you may not serve on the board if you are:

- a current appraisal district director,
- a current employee or chief appraiser of the appraisal district,
- a current board member, employee, or officer of a taxing unit served by the appraisal district, or
- a current employee or officer of the Comptroller of Public Accounts.

If you reside in an appraisal district serving a county with a population of more than 100,000, you have

additional restrictions for service as an ARB member. You may not serve as an ARB member:

- if you were a former appraisal district director,
- if you were a former employee or former officer of the appraisal district,
- if you ever appeared before the ARB for compensation, or
- until the fourth anniversary of the date you ceased to serve as a member or officer of a taxing unit for which the appraisal district appraises property.

In all counties, you also may **not** serve as an ARB member if you are closely related to a person who operates for compensation as a tax agent or is in the business of appraising property for property tax purposes in the appraisal district. Relatives barred are those within the second degree by consanguinity (blood) or affinity (marriage). If you knowingly violate this provision, you commit a Class B misdemeanor. Appendix Y lists these relatives.

The law also bars you from ARB service if you have a contract with the appraisal district or with a taxing unit in the appraisal district. The bar applies if you or a business entity in which you have a substantial interest contracts with the appraisal district or a taxing unit that participates in the appraisal district. Likewise, the same taxing units and the appraisal district are each prohibited from contracting with an ARB member or a business entity in which an ARB member has a substantial interest. **Substantial interest** is defined as either:

1. combined ownership by the member or the member's spouse of at least 10 percent of the voting stock or shares of the business, or
2. service by the member or the member's spouse as a partner, limited partner, or officer in the business entity.

The Tax Code also disqualifies a person from serving on an ARB if the person owns property on which delinquent property taxes have been owed for more than 60 days, after the date the person knew or should have known of the delinquency. This restriction does not apply if the person is paying the delinquent taxes under an installment payment agreement or has deferred or abated a suit to collect delinquent taxes.

You also may **not** serve if you hold some other paid public office. The Texas Constitution does not allow a person to hold more than one paid public office.

Finally, although you may serve as an ARB member, you may not participate in any hearings until you have

completed an ARB training course authorized by the Comptroller of Public Accounts. The Comptroller will issue you a certificate indicating that you have completed the required training. If you are appointed to the ARB after the Comptroller has offered ARB training courses for that year, you may continue to serve and participate in hearings as long as you complete the next Comptroller training course offered.

ARB terms and size

Members serve two-year staggered terms; approximately half the members' terms expire each year. Terms begin January 1.

The appraisal district directors appoint ARB members by majority vote and record their decision in a resolution. They appoint between three to nine members in counties with less than 250,000 inhabitants. In counties with a population of at least 250,000 to 500,000, the number of ARB members may not be more than 40 members. In counties with a population of at least 500,000, the number of ARB members may not be more than 75 members.

Terms are limited based on the size of the population in the county served by the appraisal district. A person in an appraisal district serving a county with a population of more than 100,000 may not serve more than all or part of three terms on the ARB. After completing the third term, the person may never serve on the ARB again.

This three-year term limit includes appointments as either a regular ARB member or as a former auxiliary and/or temporary ARB member (discussed next).

In any other appraisal district, a person may not serve more than all or part of three consecutive terms on the ARB. Persons who have served three consecutive terms are only ineligible for ARB membership during the term that starts on the next January 1 following the third of those terms. In other words, the ex-member must sit out at least one full ARB term to be eligible to serve again. After that time, the board of directors may reappoint the person. This term limit includes appointment as either a regular ARB member or an auxiliary ARB member (discussed next).

County population for determining the length of ARB terms is based on the 2000 federal census.

Policy for temporary ARB members

The Tax Code provides that appraisal district directors may appoint temporary ARB members. Effective January 1, 2002, the Texas Legislature repealed Tax Code Section 6.411 concerning the appointment and

duties of auxiliary ARB members. With the increased number of regular ARB members available for appointment, the Legislature discontinued auxiliary ARB members.

The law requires *temporary* ARB members in one specific situation. The directors must adopt and put into action a policy for temporarily replacing an ARB member who cannot sign the ex parte affidavit (discussed on page 13). These temporary ARB members may not be used for any purpose other than replacing a removed member. The Tax Code does not set a number of temporary ARB members that the appraisal district board may appoint.

The board of directors should develop a temporary replacement policy to fit the ARB's needs. For example, if the ARB has enough members to place one on a panel needing a temporary member, the board of directors may choose to use current members as temporary panel replacements. On the other hand, a board of directors may prefer to designate a number of eligible individuals to serve as temporary replacements for removed members.

When developing its policy, the board of directors should remember that a temporary replacement:

- is an ARB member;
- must meet all ARB member eligibility requirements;
- must take the oath of office and sign the required statement (discussed on page 3) before serving on the board; and
- should be appointed for a term of the same length as regular ARB members.

However, temporary members may not serve on the ARB in any other capacity. Specifically, a temporary member serves only when a regular member cannot sign the affidavit and has been removed from a hearing.

The term limitation that applies to ARB members also applies to temporary ARB members. The time that an individual serves as a temporary ARB member counts toward the regular term limitation. Temporary ARB members also must complete the Comptroller training course, discussed earlier.

ARB appointment veto

Taxing units that vote for appraisal district directors may veto the appointment of an ARB member. To do so, a majority of the voting taxing units (county, schools, cities, and conservation and reclamation districts in some cases) must pass a veto resolution within 15 days after the appraisal district board appoints the member.

ARB member removal

Under certain circumstances, appraisal district directors may remove ARB members by majority vote. Property Tax Code Section 6.41 requires the appraisal district board of directors to adopt a specific procedure for the removal of ARB members. The directors may remove an ARB member for violating Section 6.412 (ARB member's relative is an appraiser or tax agent appearing before the ARB) or Section 6.413 (ARB member related to someone with a substantial interest in an appraisal district or taxing unit contract). Appendix Y lists the relatives barred under Sections 6.412 and 6.413.

The directors may remove an ARB member for failing to attend ARB meetings as established by the appraisal district board policy. The appraisal district directors must include in their written policy the number of meetings an ARB member may fail to attend before the directors have grounds for removing the ARB member.

The directors may remove an ARB member for violating Section 41.66 (communicating about a protest outside of the hearing) or for participating in a hearing when the ARB member has a conflict of interest or is related to a party of the hearing.

ARB location

Generally, an ARB may reside in any office it chooses, limited only by its budgetary constraints. Most ARBs meet at the appraisal district office.

Pay for ARB members

ARB members are generally paid by the day and reimbursed for expenses. The appraisal district directors set the amount of payment in the budget. However, some appraisal districts do not budget to reimburse ARB members for their expenses.

Oath of office

Newly appointed and reappointed ARB members must sign a notarized statement and take an oath of office before beginning a term. January 1 of the year in which the term begins is the earliest date the oath may be administered. ARB members must be properly sworn before taking any official action.

ARB members must take two separate steps. First, the ARB member must sign the following statement before a notary public and file it with the appraisal district office before taking the oath of office:

STATEMENT OF ELECTED/APPOINTED OFFICER (Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)

I, _____, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Affiant's Signature

Position to Which Elected/Appointed

City and/or County

SWORN TO and subscribed before me by affiant on this _____ day of _____, _____.

Signature of Person Authorized to Administer Oaths/Affidavits

Printed Name

Title

(Seal)

Effective November 30, 2001, appraisal districts retain the notarized statement. They no longer send them to the Secretary of State in Austin, Texas. The Secretary of State's Statutory Documents Division has this form available at: [www.sos.state.tx.us/statdoc/statforms.shtml#auf\(form#2201\)](http://www.sos.state.tx.us/statdoc/statforms.shtml#auf(form#2201)).

Once the ARB member has signed the statement, the member may take the oath of office. The oath of office reads as follows:

"I, _____, do swear (or affirm) that I will faithfully execute the duties of the office of Appraisal Review Board Member of the _____ County Appraisal District of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God."

This is Form #2204 on the Secretary of State's Web page listed on page 30.

The ARB member must take and sign the oath before a notary public, county clerk, judge, or other official authorized to administer oaths of office.

Rules and Administrative Procedures

Duties of ARB officers

The ARB elects a chairperson and a secretary at its first meeting of the year. The chair sees that the rules of order are followed, that all witnesses giving evidence are sworn, and that all parties are treated fairly.

The secretary sends notices to taxpayers and taxing units. Examples of such notices are hearing notices and final notices of ARB determinations. The secretary also keeps the official minutes of the ARB proceedings. In practice, the ARB may delegate these duties to a member of the appraisal district staff, but it must still elect a secretary.

Hearing procedures

The ARB must adopt protest and challenge hearing procedures and may choose to adopt procedures or rules of order for its own meetings. The Property Tax Code requires the most informal hearing procedures that are practical.

Except for a few instances, the law does not specify what must be in the procedures. Instead, the board may decide for itself how it wishes to conduct its business. Hearing procedures are not only legally required, but well-designed procedures will help the board set specific policies ensuring smooth operation.

The ARB may use Roberts Rules of Order, Uniform Code of Parliamentary Procedures, or other recog-

nized sets of procedures for its optional procedures. It may consider developing customized hearing procedures to meet its particular needs and local concerns. For example, the rules may include a provision limiting each protest hearing to a reasonable time that allows for full presentation of the taxpayer's evidence, cross-examination and arguments, but also ensures that protests and challenges are completed in a timely manner.

The law does require certain ARB hearing practices. The ARB must give each party the right to offer evidence, examine and cross-examine witnesses, and present arguments on protest subjects. The ARB's procedures should reflect these and other property owners' hearing rights.

The ARB must adopt a rule that provides for hearing times on protests in the evening or on a Saturday or Sunday. The ARB does not have to conduct hearings both in the evening and on weekends, but must choose an evening or weekend day to schedule hearings. The ARB's procedures should inform property owners of these times.

The ARB must post written ARB hearing procedures in a prominent place in each room in which it holds hearings. The procedures must be made available to the public. In addition, the ARB must actively provide its hearing procedures to a protesting property owner. (See page 10.)

All members should review the ARB's procedures, preferably at the first meeting after January 1, when terms of office for new members begin. A group review ensures that all members understand the rules and provides a forum for discussion. Finally, remember that the ARB's rules of order must provide for compliance with the Open Meetings Act and the Public Information Act. (See pages 5 and 8.)

For assistance in drafting or revising ARB hearing procedures, the Property Tax Division's Technical Assistance staff can refer calls to ARBs that have revised their written hearing procedures. E-mail requests to ptd.cpa@cpa.state.tx.us or call 1-800-252-9121. In Austin, call (512) 305-9999.

Hearings

In conducting its hearings on taxing unit challenges and taxpayer protests, the ARB needs to address several administrative matters. The members should also prepare for the legal and appraisal issues that will arise during the hearings.

Scheduling. The ARB or a staff member should assign a case number to each protest and challenge. A

numbering system helps keep track of all records and evidence. The ARB then places the appeals on a hearing schedule. The schedule should state the date and time of each hearing. It should also state the nature of each protest or challenge.

The ARB may decide to use a schedule sheet with additional information as part of its permanent records. It may contain information regarding the date and time of hearings, parties involved, a description of the property involved, a brief statement of issues and notations of who appeared, and the final ARB order.

Time limits. The ARB's hearing procedures may place a time limit on hearings, but any limit should be reasonable and flexible. The Comptroller's office suggests that hearing procedures give each panel chair the authority to extend the hearing. Each property owner is entitled to a reasonable amount of time to present relevant evidence and argument. What is reasonable depends on the circumstances of each protest. A simple protest about a residential property may require less presentation time than a complex protest involving a large industrial property.

The ARB may also group hearings for similar types of property such as residential, commercial, or mineral on specified dates.

Combined hearings. If more than one protest is filed relating to the same property, the ARB must schedule a single hearing on all timely filed protests that relate to the property. The ARB must also schedule joint hearings for all owners of a property owned in fractional or undivided interests. These include mineral properties. If the ARB changes the appraised value of this type of property, it must adjust the value of each interest accordingly. The ARB must adjust the value for the owner of each interest, whether or not the owner appeared at the joint hearing.

Similarly, the ARB should consider consolidated hearings for protests involving residential real property inventory. Section 23.12, Property Tax Code, requires the appraisal district to appraise a builder's or developer's unsold residential real property as inventory – at the price the parcels would sell for as a unit to another person in the same business. The builder or developer must request such appraisal.

Legal counsel. The ARB may need the services of an attorney. The ARB may hire its own attorney if the appraisal district budget provides funds for one. If not, the ARB may use the services of the county attorney.

Support staff. ARBs often rely on appraisal district staff for clerical assistance. Some appraisal district budgets fund a separate ARB staff.

The Open Meetings Act **(Chapter 551, Government Code)**

The Open Meetings Act bars a governmental body from having closed or secret meetings except in very rare cases. It also requires posting information about meetings in advance.

Open meetings. The open meetings law imposes strict rules prohibiting secret meetings by governmental bodies. Generally, a quorum of members can't meet and discuss or conduct business in a closed or executive session. For an ARB, the only exceptions to this rule are: (1) meetings with the ARB's attorney to discuss pending litigation and (2) meetings to discuss personnel matters, if the ARB has its own staff.

When a governmental body holds a closed meeting, it must comply with strict procedural rules:

- It must post the meeting, just like any other meeting. (See below.)
- It must convene in open session. The chair must announce that the board is going into closed session and state the legal authority for entering a closed session.
- It may not take any action in the closed session. All formal action must be taken after returning to open session.
- It must come back into open session before the adjournment.

The ARB must keep a record of any closed session. The law allows either a tape recording or a certified agenda to be kept. The attorney general strongly recommends keeping a tape recording instead of a certified agenda. The ARB may keep both a tape recording and certified agenda. The certified agenda or tape must be kept for two years, or as long as litigation concerning the meeting is pending. If litigation about the legality of the meeting takes place, the judge can read the agenda or listen to the tape to determine whether or not the ARB violated the law. Otherwise, the certified agenda or tape of a closed meeting must be kept sealed.

The open meetings law applies any time a quorum of the ARB is together. Members may meet in less than a quorum. They may also meet in a quorum at social occasions and seminars without violating the law, provided they don't discuss their ARB business. Violation of the Open Meetings Act is a misdemeanor.

The open meetings law also allows a person to record, photograph, or videotape all or any part of open meetings. The ARB may impose reasonable restrictions, such as requiring video cameras placed at

a certain location so they don't physically interfere with the proceedings.

The Property Tax Code adds three specific requirements for ARBs. First, the ARB can't hold a closed protest hearing. The hearing must be open to the public. Second, the chief appraiser or an appraisal district representative must be present at all meetings. The ARB can't exclude the chief appraiser or representative, even at the request of a taxpayer or taxing unit. Third, the ARB may not receive or consider evidence concerning a protest outside of the protest hearing (discussed on page 15).

Governmental bodies may conduct conference meetings—both open and closed meetings—only if (1) an emergency or public necessity exists, (2) the convening of a quorum at one location is impossible or (3) the meeting is held by an advisory board. Government Code Section 551.045 defines emergency or public necessity.

While it is highly unlikely that an ARB would conduct a conference meeting by telephone, the ARB must do the following if it does. The ARB must give notice of the telephone conference call meeting in the same manner as other meetings (see the next subsection). There must be two-way communication throughout the entire telephone meeting. The call must be audible to the public at the location specified in the notice of the meeting. The telephone meeting must be tape recorded. The recording is an open record.

For more information about telephone conference calls or the Open Meetings Act, call the Attorney General's Open Government Section at (512) 478-6736 or 1-800-252-5476.

Notice of meetings. The ARB must announce a meeting to the public at least 72 hours before the meeting takes place. The written announcement must state the time, date, place, and subject of the meeting. Post a copy of the meeting notice at the county clerk's office in each county in which the appraisal district is located and at the appraisal district office(s).

If the appraisal district includes property in four or more counties, the ARB must post notice only at the county clerk's office in which the district's administrative office is located and at the appraisal district office. The ARB must also send notice to the Secretary of State. The 72-hour period begins from the date the county clerk or Secretary of State posts the notice. A sample notice appears in Appendix W.

It is critically important for the notice to state the subject of the meeting. The ARB must list the meeting's

subjects with enough detail that a person reading it would know what would be talked about or decided at the meeting. The notice may require more detail if the subject is one of great public interest. A court can void an ARB decision if the subject wasn't properly listed in the open meetings notice. Many attorneys recommend including the schedule of hearings in each notice.

Depending on public interest, the ARB may want to post very specific notices that include the subject of the protest and the name of the property owner. The ARB should decide to include this information on a case-by-case basis.

Customer service

The ARB should strive to create and sustain a good relationship with the public. Members should see that the public has information about its procedures and its hearing schedule. Sending required notices is one avenue for informing the public, but the ARB may also consider sending out news releases and posting meeting notices in public places. If the appraisal district has a taxpayer liaison officer, the ARB should give the officer up-to-date information.

The hearing itself is an ARB's most accessible and perhaps most important avenue for conducting good public relations. Property owners may base their opinions of the property tax system in general, and the ARB in particular, on their experience at the hearing.

Each protesting property owner should get a hearing that not only is in fact fair and impartial, but that also looks fair and impartial. For example, if a property owner sees ARB members and appraisal district staff talking among themselves as if they were good, familiar friends, the owner's confidence in his or her opportunity for a fair hearing is damaged.

Conflicts of interest

ARB members must comply with "conflict of interest" laws. Two conflict laws apply.

Chapter 171, Local Government Code, is a more general law that requires you to abstain in any case in which you or one of your close relatives has a "substantial" interest. Under this law, you must not only abstain in such a case; you must file an affidavit stating your interest.

Section 41.69, Property Tax Code, bars you from taking part in any taxpayer protest in which you or one of your close relatives has an interest.

In combination, these laws bar you from discussing or voting on a protest if you or one of your close rela-

tives has an interest in the matter. They also require you to file an affidavit describing your interest if you or one of a smaller group of relatives has a “substantial” interest in a business or real property that is the subject of an ARB decision.

Chapter 171. Chapter 171 comes into play whenever you or one of your relatives has a “substantial” interest in a matter. Appendix Y lists the relatives affected.

Chapter 171 says that you or your relative has a substantial interest:

- in a business, if you own 10 percent or more of its voting stock or shares, own 10 percent or more or \$15,000 or more of its fair market value, or received more than 10 percent of your gross income from it in the previous year;
- in real property, if you own \$2,500 or more of the fair market value of the property, whether your title is legal or equitable.

A person related to you in the first degree by consanguinity or affinity is a relative under Chapter 171. Service on the board of directors of private, nonprofit corporations for **no** compensation or other benefit does not create a conflict of interest.

When you determine you have a substantial interest, you must do two things. You must abstain from joining in any discussions or votes on the issue. Second, you must file an affidavit (a statement made under oath) with the ARB’s secretary that states the nature and extent of your interest. You must file this affidavit before the ARB takes any votes on the matter. A sample affidavit is in Appendix Q.

There is an exception to this rule. If the matter you are voting on doesn’t confer any special benefit on the business or property apart from the benefit it confers on all businesses or properties, you may vote on it. For example, if the ARB considers a taxing unit challenge that would decrease values on all business inventories in a certain area and your business is in that area, the action confers no special benefit on your business different from that conferred on all. You can still vote, but you must file an affidavit disclosing your interest.

Section 41.69. Section 41.69 bars you from discussing or deciding a taxpayer protest in which you or one of a wide group of relatives has an interest. This provision prevents you from acting in a matter that involves you or one of your relatives even if your interest is too small to be considered a substantial interest under Chapter 171. Appendix Y lists the relatives affected by Section 41.69.

Generally, you have an “interest” in a protest if your family member’s personal stake in the outcome could keep you from acting strictly in the public’s interest. You must make your own decisions in gray areas, based on your own ethics and moral standards.

The same is true when the personal stake would cause the appearance of favoritism or a conflict of interest, even if you don’t believe you would actually be influenced. If the public would be likely to believe you have a conflict of interest, you should abstain from participating in the matter. The public must perceive the ARB as a fair and impartial body where no person, business, or property is favored over another.

The Texas Attorney General ruled in Opinion No. DM-259 (1993) that an ARB member may not represent a taxpayer involving the appraisal of land in the ARB member’s capacity as a court-appointed receiver of the land. The ARB member has a direct personal or pecuniary interest in the result.

This same 1993 attorney general opinion found that there is no law prohibiting a registered property tax consultant from serving as an ARB member. However, if the ARB member performs property tax consulting services in a taxpayer’s protest before the ARB, then the ARB member has a direct personal or pecuniary interest in that matter and is prevented from participating in the protest determination. No law prevents an ARB member from performing property tax consulting services before an ARB of another appraisal district. (In 1999, the Texas Legislature changed the law to provide that a person is ineligible to serve on the ARB of an appraisal district in a county with a population of more than 100,000 if the person has ever appeared before the ARB for compensation, such as a property tax consultant.)

You should take great care to avoid conflicts of interest or the appearance of improper actions. A court that finds you violated the law may nullify an important ARB decision. And, if you violate Chapter 171, you commit a Class A misdemeanor.

ARB records

Good ARB records are important for a good defense to a court appeal of the ARB’s decision. (Appeals are discussed on page 32.) Although the ARB may not be a defendant in each appeal, many legal issues involve ARB records. Additionally, the owner’s appeal may include the same issues presented at the hearing. Without complete, well-kept records, an attorney may find it difficult to prove important legal or factual points.

For example, if the owner was required to file a notice of his or her appeal and did not file within the 45-day deadline, the owner has not met legal requirements for the district court to hear the case. Or, for example, statements made by a witness at the protest may be used to prove the witness' dishonesty or confusion if statements change at trial.

Comptroller Rule 9.803 requires the ARB to keep records of the hearing. These are minimum standards that require the records to include:

- the names of the ARB members present and the date of the hearing or proceeding;
- the name and residence address of the property owner, or his or her agent (if applicable), or the challenging taxing unit;
- a description of the property subject to protest or challenge;
- summaries of both the nature of the case and of the chief appraiser's testimony;
- any documents or physical evidence (or reference numbers for the evidence) that the ARB admits;
- the name and residence address of every witness and a statement that the witness testified under oath;
- any formal motions made and the ARB's ruling on them;
- the affidavits signed by the ARB members that they have not communicated about the property subject to protest before the time of the protest hearings; and
- the ARB's final order or a reference number to it; actual testimony may be tape recorded and retained as part of the record.

Public Information Act (Chapter 552, Government Code)

The Public Information Act, also known as the Open Records Act, gives the public the right to see records and documents of government agencies. Under this law, all ARB records are public records and must be available for inspection or copying upon request unless the law clearly makes the record confidential. Only four classes of property tax records are exempt from the law:

- renditions, attachments to renditions, and property reports (such as reports of decreased value and special inventory declarations and monthly statements);
- sales information that a person discloses to the appraisal district under a promise that the information will be kept confidential;

- applications for I-d agricultural appraisal; and
- income and expense information filed with an appraisal office.

Even records that are normally exempt from disclosure can be disclosed under the following conditions:

- when a court or the ARB subpoenas the information.
- to the person who gave the information.
- to the Comptroller or a Comptroller employee authorized in writing to receive the information.
- to an assessor or chief appraiser who requests the information in writing.
- for statistical purposes in a form that doesn't identify a specific property or owner.
- to the extent the information is needed for inclusion in a public document or record that the appraisal district must maintain.
- to a taxing unit or its legal representative for the collection of delinquent taxes on the property.
- according to an attorney general's opinion, confidential sales information can be disclosed to the property owner if the information was used in appraising that owner's property.

Unauthorized disclosure of confidential information is a Class B misdemeanor. Failure to disclose information legally open to the public is also a Class B misdemeanor.

Resolving Disputes and Approving Appraisal Records

Appraisal review boards do most of their work in early summer. They must begin their work by May 15 and complete it by July 20. During these two months, ARB members resolve taxpayer protests and taxing unit challenges.

The ARB does **not** review the appraisal records for uniformity in a general review. The ARB's review process involves these steps generally:

1. The chief appraiser submits the appraisal records to the ARB.
2. The ARB hears and determines taxing unit challenges.
3. The ARB hears and determines taxpayer protests.
4. The ARB issues "change orders" directing the chief appraiser to make changes in the appraisal records. The ARB sends these to the chief appraiser and to each protesting taxpayer or challenging taxing unit.

5. The ARB approves the appraisal records.
6. The chief appraiser certifies an appraisal roll to each taxing unit.

Step 1
Chief appraiser submits records to the ARB.

The chief appraiser begins the review process by formally transferring the appraisal records to the ARB. May 15 is the deadline for doing so. The chief appraiser may submit all records at once, or may submit them in groups. Before submitting a group of records to the ARB, the chief appraiser must deliver all legally required notices. A list of these notices appears in Appendix V. If the chief appraiser hasn't delivered a required notice to a taxpayer, that taxpayer may be able to bring a late protest before the ARB. (See page 34.)

The chief appraiser must send an advisory notice to property owners having a property that lies in two or more appraisal districts. One appraisal district appraises the property for one taxing unit, and the other district(s) appraise it for other taxing units. Some taxing units' boundaries fall into more than one county, and these taxing units may choose which appraisal district will appraise the property in each unit's boundaries. The annual notice tells the property owner, when filing property tax information, to file in each appraisal district in which the property is located. Such information includes exemption applications, renditions, changes in current mailing address, property ownership, or any other information that helps the chief appraiser list and appraise the property with each appraisal district.

The chief appraiser may send this advisory notice with the notice of appraised value. See Appendix U for the Comptroller's model notice, required by Section 6.025 of the Property Tax Code. The Comptroller suggests a type size of 10 to 12 points for the notice.

The chief appraisers in each of these appraisal districts with overlapping properties will share appraisal information. Through written agreement, the appraisers must coordinate appraisal records and activities relative to the overlapping properties. This cooperation is designed to encourage and facilitate the appraisal of these properties at the same value. The appraisal districts are not required to propose the same appraised value on the property.

Property owners that have their appraised values determined by more than one appraisal district must protest to the ARB of each appraisal district that they

disagree with the district's appraisal or other action.

Section 25.22, Property Tax Code, requires the chief appraiser to submit a sworn statement like this with the appraisal records:

I, _____, chief appraiser for _____ Appraisal District, solemnly swear that I have made or caused to be made a diligent inquiry to ascertain all property in the district subject to appraisal by me and that I have included in the records all property that I am aware of at an appraised value determined as required by law.

Step 2
Board hears taxing unit challenges.

The ARB hears any taxing unit's formal objections to the records. The Property Tax Code calls a taxing unit hearing a challenge; the taxpayer's hearing is a protest.

It is important to realize that taxing units can challenge only certain types of issues. Taxing units can't dispute the appraised value placed on a particular property for review. However, taxing units may challenge:

- the level of appraisal of any category of property or geographical area in the district (but not the appraised value of a single parcel of property);
- property left off the appraisal records for the unit or the district;
- a grant of an exemption; and
- a determination that land qualifies for special appraisals.

Appraisal level challenges can have significant impact on the appraisal roll. If improper appraisal methods have affected a group of similar properties or a particular area, the taxing unit may challenge the district's overall appraisal level of that group or area.

For example, a taxing unit may believe that the chief appraiser has appraised single-family residences in the district below market value. In a challenge hearing, the unit attempts to prove it by presenting relevant evidence.

If a taxing unit's evidence shows a group of properties is undervalued, the ARB should direct the chief appraiser to reappraise each property within the category or within the specified territory. (See page 21 for more on appraisal level challenges.)

The three other challenge categories are similar to taxpayer protests discussed on pages 19-32.

Usually the ARB schedules taxing unit challenges before taxpayer protests because challenges are rare and usually filed before the deadline for protests.

Taxing units must file challenges before June 1, or within 15 days after the chief appraiser submits the appraisal records, whichever is later. Appendix A is an example of a challenge petition.

The Property Tax Code does not address the issue of late-filed challenges. An ARB confronted with this issue should consult with its attorney. The Comptroller's office suggests, however, that the ARB may resolve this gray area of the law by hearing the challenge. This is especially so if the taxing unit asks for the challenge before the ARB approves the records, shows a good reason for missing the deadline, and agrees to explain its reasons in its challenge grounds.

The ARB must notify the taxing unit in writing of the date, time, and place of its challenge hearing. The ARB sends the notice by first-class mail at least 10 days before the hearing date. The ARB's secretary also shall deliver notice of the date, time, and place for the challenge hearing to each taxing unit in which the property involved in the challenge is or may be taxable. Each taxing unit may appear to offer evidence or argument, as provided by Section 41.05, Property Tax Code.

When the challenge includes property involving a taxable leasehold or other possessory interest in property owned by the state or a taxing unit, the state or unit also receives notice of the ARB hearing. The state or taxing unit may appear at the ARB hearing to offer evidence and arguments.

If an ARB correction increases a property owner's tax liability, the affected owner must be sent a correction order and given 30 days from the date of mailing to file a protest and request a hearing.

Step 3

Board hears taxpayer protests.

Resolving disputes between the appraisal district and property owners is the ARB's most important function. If this process breaks down, the district or its taxing units may face costly court action later. The *usual* last day for filing a protest is May 31. Exceptions are discussed later in this section.

Who may file. Normally, the person who owned the property January 1 files a protest. The property

owner may appoint an agent to protest if he or she does so in writing. The owner must use Comptroller Model Form 1.111 [50-162-1] or 1.111R [50-241-1]. (See Appendix C.) A taxpayer who acquires property between January 1 and the protest deadline **may** file a protest in the place of the January 1 owner. A taxpayer who acquires property while a protest is pending may apply to the ARB to continue the protest in the place of the original owner. A person who claims an interest in the property may file a protest even if the person is not shown as the owner on the appraisal district records. Both old and new property owners can file. The ARB should hold a joint hearing for both owners.

Section 41.413 allows a lessee —person who is contractually obligated to reimburse the lessor (property owner) for property taxes—to protest to the ARB the appraised value of the leased property. The lessee may protest only if the lessor does not protest. The lessee's right to protest exists for leased personal or real property. The lessee assumes all rights to receive notices from the ARB relating to the protest because the lessee is considered the property owner for the protest.

Filing deadlines. The usual deadline for filing a protest is midnight, May 31. If the last day falls on a Saturday, Sunday, or holiday, the filing deadline is postponed until the next business day. The Property Tax Code requires that a mailed document be post-marked by the day before the deadline. When the deadline falls on a weekend or holiday, the Comptroller believes that the document may be post-marked on the new deadline date. However, attorney opinions differ on this question, so the ARB should consult its attorney when the issue arises.

The usual deadline may be postponed in a number of cases. First, if the district mails a late notice of appraised value (after May 2), the deadline is 30 days from the mailing date. Second, a property owner who misses the original deadline for good cause may still file a protest. The deadline in this case is the day before the ARB approves the appraisal records. In such a case, the property owner receives a two-step hearing. First, the ARB decides whether the property owner had good cause for missing the deadline. Then and only if the owner had good cause, the ARB hears the protest. A good cause is usually something not within the taxpayer's control. An example of good cause is a medical emergency. A special deadline applies to protests that result from changes the ARB makes to the appraisal records. The property owner must file a protest within 30 days of the date notice of the ARB change is delivered to the owner.

The deadline for filing a protest may be even later if the property owner claims the appraisal district or ARB didn't mail a required notice. See page 34 about this type of late protest.

A lessor is required to send to the lessee a copy of the property's notice of appraised value. Failure to do so, however, does not affect the protest deadline for the property in question.

Notice of Protest. A property owner must file a written notice of protest. The notice may take any form, but must be in writing and show at least the following three elements: (1) the property owner's identification, (2) the property's identification, and (3) an indication of the owner's dissatisfaction with some determination by the appraisal district.

The Comptroller's office has adopted a model notice of protest form that ARBs and appraisal districts must make easily accessible to the public and deliver to an owner who requests the form. The Comptroller's form (see Appendix B) permits the property owner to request a copy of the ARB's hearing procedures and to allow for the lessee's name and address.

Notice of Hearing. The ARB must provide a protesting taxpayer with written notice of the time, date, and place of the protest hearing. The ARB must deliver the notice by first-class mail at least 15 days before the scheduled hearing date. A property owner, however, may waive in writing his or her right to the hearing notice. Additionally, the chief appraiser is entitled to advance notice of the hearing, but the law does not specify how far in advance.

When the protest hearing is for property involving a taxable leasehold or other possessory interest in property owned by the state or a taxing unit, the state or unit also receives notice of the ARB hearing. The state or taxing unit may appear at the ARB hearing to offer evidence and arguments.

Delivery of Protest Information. The chief appraiser must deliver certain materials and information to a property owner at least 14 days before a protest hearing. The chief appraiser must deliver: (1) a copy of the Comptroller's publication, *Taxpayers' Rights, Remedies & Responsibilities* to the property owner, or to the owner's agent (on agent request); (2) a copy of the ARB's hearing procedures; and (3) notify the property owner that the owner has a right to inspect and copy the data, schedules, formulas, and any other material the chief appraiser plans to introduce at the hearing. Compliance with this provision requires the chief appraiser to know what evidence the district intends to introduce at the protest hearing. The

Comptroller's office recommends that the chief appraiser have these materials readily available to a protesting property owner 14 days before the scheduled hearing.

Charges for the copies are limited. The chief appraiser may not charge more than \$15 for copies of material related to a residential property protest. The charge for materials related to one non-residential property is limited to \$25. If the charge is less than these limits, the appraisal district must consult the Open Records Act because charges may not exceed the charges authorized by the act.

Members should know about a second law that requires the delivery of the ARB's protest procedures to a protesting property owner on request. The law doesn't specify the entity responsible for complying, but other provisions make it beneficial to the ARB for it to send or oversee sending this information. The Property Tax Code requires delivery of requested ARB hearing procedures at least 10 days before the scheduled hearing. This law requires that the Comptroller's, appraisal district's, and ARB's notice of protest have a space for the property owner to "accept or decline" delivery of the procedures. The Comptroller's notice of protest hearing form appears in Appendix D.

The ARB and chief appraiser may consider delivering *Remedies*, hearing procedures, and information about the availability of data at the same time the ARB delivers the notice of hearing. The ARB must deliver the notice at least 15 days before the hearing so, if the notice of hearing is delivered on time, the materials and information will be delivered ahead of schedule. One mailing thus ensures compliance with both laws.

Failure to comply with the 14-day delivery requirements requires the ARB to postpone the hearing if the owner asks for more time to prepare for the hearing. The owner must prove that the chief appraiser did not deliver *Remedies*, hearing procedures, or information about materials in time. However, the ARB only has to postpone the hearing once for the chief appraiser's failure to comply. The chief appraiser has the burden of complying with this provision, but the postponement requirement makes compliance with the law a matter of importance for the ARB. So, both entities should work together to ensure compliance.

Records with contract appraisal firm. Section 25.195 allows property owners (and agents) whose property is appraised by private appraisal firms, under contract with appraisal districts, to inspect and copy appraisal firm information used or considered in the owner's appraisal at the appraisal firms' offices. The appraisal firm must make the information available for

inspection and copying not later than the 15th day after delivery of a written request to inspect the information. The information request does not include information made confidential under Tax Code Section 22.27.

If denied the information, the owner or agent may take the denial to the ARB for the ARB to conduct a special hearing. Failure by the appraisal firm to provide the requested information may result in an ARB decision not to approve the appraisal records relating to the property until the requested information is made available.

Waiver of protest. Before going to a hearing, many appraisal districts encourage a property owner to meet with a district staff member to try to resolve the dispute. Often, the property owner and appraisal district representative will reach a mutually agreeable solution to the owner's protest. Both parties may sign a settlement and waiver of protest form (see Appendix F) and give it to the ARB. The property owner agrees on a settlement with the appraisal district and drops the protest on the matter. If the owner's agent signs the form, the agreement between the agent and the appraisal district is final. The ARB may not review or reject agreements between an owner/agent and the appraisal district.

Grounds for protest. The Property Tax Code permits a property owner to protest any determination by the appraisal district, the chief appraiser, or the ARB that applies to and adversely affects the owner. Section 41.41 specifically lists several grounds for protest. Owners may base their protests on any of these grounds:

- Appraisal that exceeds the market or productivity value of the property,
- Appraisal that exceeds the median level of appraisal of properties in the district,
- Inclusion of the property on the appraisal records,
- Denial in whole or in part of a partial exemption,
- Determination that the property does not qualify for special appraisal,
- Identification of the taxing units in which the property is taxable,
- Determination of the property's ownership,
- Determination that the use of agricultural or timber land has changed, or
- Any other action of the appraisal district, chief appraiser, or ARB that adversely affects the property owner.

Property owner representation. A property owner may have an agent present his or her protest. The property owner must designate the agent in writing. A property manager or other person who has legal authority to act for the property owner in naming tax agents may also designate an agent. Comptroller Rule 9.3044 requires the property owner to use Comptroller Forms 1.111 [50-162-1] or 1.111R [50-241-1] for designating an agent. (See Appendix C.) Form 1.111 [50-162-1] addresses designating an agent for property other than a single-family residence in which the owner resides. The second form—Form 1.111R [50-241-1]—is for designating an agent for a single-family residence and states in boldface type that a taxpayer may wish to contact the appraisal office or taxing units for free information or forms. Use of the form is required unless the property owner filed a valid designation before January 1, 1990. The ARB may not require a property owner to designate an agent in any other manner. An owner does not have to file a form for an attorney, mortgage lender, owner's employee, or for a person who simply acts as a courier.

Granting a hearing. The ARB determines whether it will hear a protest. In other words, the ARB decides if the protest notice is timely filed and the notice has the three necessary elements that make up a protest. (See *Notice of Protest* on page 10.) Carefully determining whether the property owner is entitled to a hearing protects the owner's right to protest. In addition, the ARB may find itself defending a lawsuit if it denies a hearing to which a property owner was entitled under Tax Code Chapter 41.

Section 41.45(f) provides that a property owner who is denied a hearing has the right to bring suit directly to district court. The aggrieved owner may sue directly by filing a petition or an application to force the ARB to provide the hearing. If the court finds that the owner was wrongfully denied a hearing, it will order the ARB to hold the hearing. In addition, the court may award the property owner court costs and attorney's fees.

A property owner with pooled or unitized mineral interests files protests with the ARBs of more than one appraisal district. The ARB for the county where the production site is located must hear and decide on the protest before another ARB in the other district(s) may hold a hearing on a protest filed with that ARB(s). If there are two or more production sites for the pooled or unitized mineral interests, the ARB in the county where at least two-thirds of the area of the mineral interest is located hears and decides the protest first before the other ARB(s).

Step 4

Board orders changes resulting from hearings.

The ARB may make its decision at the conclusion of a hearing or postpone the decision to a later date. If the ARB divides into panels to hear separate cases, a hearing panel can't make a final decision. A panel's decision is **not final** until a majority of the entire ARB approves the panel's recommendations.

The ARB's procedures should address how the ARB will handle panel recommendations. The procedures should include if and how the review board will handle requests by property owners or the chief appraiser to offer new or additional evidence, to rehear a taxpayer's protest before the full ARB, or to limit issues to those presented to the panel. However, if the ARB postpones a decision, it must tell the parties when it will make the final decision. Any postponed decisions must be in open sessions.

The ARB's final orders come in two forms: (1) an order determining a protest and (2) an order determining a challenge. These are written orders issued to the chief appraiser, signed by the ARB chair, and specifying the ARB's disposition of the protest or challenge. The ARB also issues other types of orders and notices in certain cases. Appendices H-N contain samples of all these orders and notices.

A property owner may receive another panel hearing if the full ARB rejects the first panel's decision. The second panel must be composed of ARB members who did not hear the first protest hearing. If three members are not available to make up a new panel, the full ARB may determine the protest. The ARB must notify the taxpayer of the new hearing in the same manner provided for a regular ARB hearing.

Step 5

Board approves records by July 20.

The ARB must approve appraisal records by July 20. The deadline is mandatory.

Taxing units may sue the ARB or chief appraiser in district court for failure to meet the Property Tax Code deadlines. If the court finds the deadline was missed for a good reason, it must set a new deadline. If the court finds there was not a good reason, the deadline becomes 10 days from the date the court signs the judgment. The court may enforce its deadlines by holding parties in contempt. The court may make any other order that it finds necessary for compliance.

Even so, it may be impossible or impractical to approve the appraisal records by the July 20 deadline. Section 41.12 requires the ARB to complete substantially all protest hearings before approving the appraisal records.

Specifically, if the sum of appraised values of property on which taxpayers have filed protests but have not received determinations exceeds 5 percent of the total appraised value of other properties in the district, the ARB can't approve the appraisal records.

To help achieve 95 percent completion of the appraisal records review, the ARB may wish to hear protests first on properties with larger appraised values. It may then hear protests on properties with lower appraised values, such as residential properties.

Although the ARB should try to hear all protests before it approves the appraisal records, it need not delay the entire appraisal roll for a few hearings.

As stated previously, the value involved in pending protests at the time of appraisal record approval may not be greater than 5 percent of the appraised value of properties that are not under protest in the district. The ARB has the authority to order these properties onto supplemental appraisal records, approve the already completed records, and allow the chief appraiser to certify appraisal rolls to the taxing units.

If the ARB believes it will not complete its review by July 20, it should notify the chief appraiser and the taxing units. The ARB should estimate the earliest probable date for completion and explain the reasons for the delay. However, the ARB should make every effort to meet the July 20 deadline.

Step 6

Chief appraiser certifies rolls to taxing units.

The appraisal records, as the ARB changes and approves them, constitute the appraisal roll for the appraisal district. July 25 is the deadline for the chief appraiser to prepare and certify each taxing unit's appraisal roll to its tax assessor. An example of the certification appears on page 14.

When protests are still pending after certification, the chief appraiser gives each taxing unit a list of pending protests when certifying the unit's appraisal roll. The list shows each property and gives two values for each—the value proposed by the appraisal district and the value claimed by the property owner. The chief appraiser must estimate a probable value for the

property if the owner doesn't indicate a value in the protest. The taxing unit uses the lower of the two values in calculating its effective and rollback tax rates.

Example of certification

CERTIFICATION OF *(tax year)* APPRAISAL ROLL
 FOR _____

“I _____ Chief Appraiser for _____, solemnly swear that the attached is that portion of the approved appraisal roll of the _____ Appraisal District which lists _____ property taxable by _____ and constitutes the appraisal roll for _____.”

(tax year) Appraisal Roll Information

{	Total appraised value	\$ _____
	Total assessed value	\$ _____
	Total taxable value	\$ _____
	Number of accounts	_____

 Chief Appraiser Date

 Received by Date

A taxing unit can't levy a tax on a property under protest until the ARB approves a final value for that property. The Property Tax Code contains procedures for adding approved supplemental records to appraisal and tax rolls.

Conducting Hearings

The ARB conducts two types of hearings—challenges by taxing units and protests by taxpayers. The two have guidelines and requirements in common.

A quorum (that is, a simple majority of review board members) must be present to conduct business. ARBs with more than three members may conduct hearings on taxpayer protests in panels of not fewer than three members. However, the *entire* ARB must make the final determination of a protest.

If the entire ARB rejects a panel's decision, a second panel may rehear the protest. The second panel must be composed of ARB members who did not hear the first protest. If three new members are not available, the full ARB determines the protest.

The Property Tax Code requires the chief appraiser or an appointed staff member to attend all ARB hearings to represent the appraisal district.

Board meetings and hearings are open to the public. Although it does not have the power to hold a closed hearing on a protest or challenge, the ARB should not allow anyone to disrupt the proceedings.

ARB ex parte contacts and affidavit

An ARB member must be very careful to maintain a truly unbiased approach to each property under protest. An ARB member may not communicate with another person about any matters related to a property under protest, including evidence, argument, facts, and the case's merits. Also, a member may not communicate about the property under protest, unless the property is discussed in another protest or used before the board as a comparison or sample property in another protest or proceeding. Comptroller rules permit an ARB member to discuss a property under protest when the law specifically allows the member to discuss the property. For example, an ARB member may hear a request for a subpoena related to the property under protest.

The law requires each ARB member to file a notarized affidavit at the start of each protest hearing. The affidavit form adopted by the Comptroller's office (Appendix X) states that the member has not communicated about the property under protest in the ways discussed above. If the member has communicated in violation of the law, the member must be recused—or removed—from the hearing. The removed member may not hear, discuss, or vote on

Example oath

The State of Texas §
 County of _____ §

Affidavit of Sworn Testimony:
 I do solemnly swear or affirm that the testimony I shall present to the Appraisal Review Board for the _____ County Appraisal District is true and correct.

 Affiant

Subscribed and sworn to before me this the _____ day of _____, _____.

 Chair, Appraisal Review Board

the protest. The Comptroller's office suggests that a removed member leave the hearing room, so the property owner will have no reason to believe that the recused member heard the protest or influenced the outcome.

The law requires the appraisal district's board of directors to adopt and put into action a policy for temporarily replacing an ARB member who must be removed from a protest hearing. The policy may take many forms as discussed on page 2.

Appearance at the protest hearing

Most property owners will present their protest. However, some property owners may appoint an attorney, lessee, or agent to present the protest and perform other required actions. The owner must use the Comptroller's Forms 1.111 [50-162-1] or 1.111R [50-241-1] (see Appendix C) to make this appointment. The second form—1.111R—is for designating an agent for a single-family residence in which the property owner resides. The owner must sign the form, but it doesn't have to be notarized. Neither the ARB nor the appraisal district may require the owner to designate the agent in any other way.

Agent appointments aren't binding until the form is filed with the appraisal district. However, Comptroller rules recognize that values are changed on the basis of information from persons other than the owner or owner's agent. The owner can't be injured by favorable changes in value made on the representations of one other than the designated agent. But, the ARB should require the form before taking any action that increases the property owner's tax liability on the basis of information from one claiming to be the owner's agent. The ARB also should study the form to determine whether the agent is authorized to receive all ARB communications. Attorneys, most mortgage lenders and corporate employees authorized by the corporation to represent it are not required to file agent designation forms.

The ARB must accept and consider a motion or protest filed by an owner's agent if the agent's authorization form is filed at or before the hearing begins on the motion or protest.

What if an agent appointed by a property owner has not registered with the Texas Department of Licensing and Regulation (TDLR)? Article 8886, VTCS, is the registration act for property tax consultants. The ARB should not act to cut off the property owner's right to a hearing on his or her protest. Based on the advice of the ARB's attorney, the ARB should decide how best to report noncompliance with the registration act.

For more information about the licensing act, call TDLR at (512) 463-6599 or 1-800-803-9202. TDLR's address is P.O. Box 12157, Austin, Tx 78711 and fax number is (512) 475-2871.

A property owner need not appear at the hearing if the evidence is presented by affidavit. A property owner may file a notarized affidavit before the ARB hears the protest. In addition, the chief appraiser has a right to study and copy the affidavit. The property owner may use the Comptroller-prescribed affidavit form in Appendix AA, available to owners without charge from the appraisal district. The owner is not required to use this form. The owner may submit a notarized affidavit that includes (1) the owner's name; (2) a property description; and (3) the owner's statement specifying the appraisal district or ARB determination for which the owner seeks relief.

The property owner also may get the affidavit form from the Comptroller's office by sending an e-mail to **ptd.cpa@cpa.texas.state.us**. Or, call 1-800-252-9121. In Austin, call (512) 305-9999. The Comptroller form is also available at the Comptroller's Web site at **www.window.state.tx.us**.

The Texas Supreme Court has held that a property owner must appear at the protest. The owner must appear, either in person (or by attorney or agent) or by an affidavit, before the owner may appeal to district court. An ARB should consult its attorney to determine whether to issue orders in these cases, or to include in its orders a space indicating whether the owner appeared at the protest. In a related case, a court of appeals held that the owner need not present evidence at the hearing. This court said that the owner may appeal to district court after the ARB issues its order. Again, the ARB should consult its attorney on the effect of this case. The notice of protest hearing (see Appendix D) informs an owner that failure to appear may bar a court appeal. On the advice of its attorney, an ARB may also add an indication on its Order Determining Protest (see Appendix D) that the owner did not appear.

As a matter of procedure, the ARB chair calls the cases in the order scheduled and makes certain each party takes an oath promising the accuracy of the party's testimony. (See sample oath on page 14.) People may either swear or affirm. If a property owner refuses to take an oath, the ARB should note the refusal in its hearing records. The ARB may take the refusal into account as it weighs the evidence. Appraisal district staff must take an oath. After consulting with its attorney, the ARB should adopt a policy about the requirement for sworn testimony.

Standards of proof

The ARB is not a court, and most property owners do not bring attorneys to ARB hearings. For this reason, the law requires that ARB hearings be as informal as possible. The ARB should make every effort to help the property owner present evidence.

The same general rule applies when the owner exercises the legal right to examine and cross-examine witnesses. Finally, the owner should be given an opportunity to rebut the appraisal district's evidence.

The ARB may prohibit witnesses other than the appraisal district's representative and the property owner from hearing one another's testimony. This practice is referred to as placing the witnesses "under the Rule."

Evidence

After swearing in all witnesses, the ARB is ready to hear evidence about the protest or challenge. A property owner or taxing unit may present any evidence relevant to the issue being protested.

The law prohibits the ARB from considering any evidence supplied by the appraisal district unless the evidence is presented at the protest hearing. Neither the appraisal district nor the property owner may give an ARB member information about the property except during the protest hearing. This rule against *ex parte* contacts is discussed on page 14. An ARB member who violates this rule and can't sign the required affidavit must be removed from the hearing.

The ARB may not consider any evidence presented by the chief appraiser that was not made available to the property owner at least 14 days before the hearing. Section 41.67(d) states that information requested under Section 41.461 by the property owner that was not available at least 14 days before the hearing may not be used.

Section 41.45(h) states that either before or after the hearing begins, the protesting party and the chief appraiser must provide each other with copies of any written materials that will be submitted to the ARB during the hearing.

The protesting party does not have 14 days to *study* the records made available by the appraisal district. But, if the owner could not gain *access* to all or part of the appraisal district's evidence 14 days before the hearing, the ARB must exclude the unavailable evidence. For example, the owner appears at the appraisal district two days before the hearing to inspect the evidence, and it is made available. The evidence is admissible at the regularly scheduled

protest hearing, even though the owner may not have had time to study the records. On the other hand, the owner appears 14 days before the hearing to inspect the evidence and some of it is not made available. The appraisal district can't use that evidence at the hearing. The property owner may waive the right to see the evidence during the 14 days before the hearing. The ARB may postpone the hearing, as discussed on page 18.

Section 25.195 allows property owners (and agents) whose property is appraised by private appraisal firms, under contract with appraisal districts, to inspect and copy appraisal firm information used or considered in the owner's appraisal at the appraisal firms' offices. The appraisal firm must make the information available for inspection and copying not later than the 15th day after delivery of a written request to inspect the information. The information request does not include information made confidential under Tax Code Section 22.27. If denied the information, the owner or agent may take the denial to the ARB for the ARB to conduct a special hearing. Failure by the appraisal firm to provide the requested information may result in an ARB decision not to approve the appraisal records relating to the property until the requested information is made available.

As the ARB listens to the evidence, members should keep in mind: (1) evidence presented by both sides, (2) the standard for judging the evidence, and (3) the weight to give to different evidence.

In a protest on appraised value, the law states that the appraisal district has the burden of establishing the value of the property by a preponderance of the evidence presented at the hearing. If the appraisal district fails to meet the burden of proof, the ARB must determine the protest in the property owner's favor. In a protest of unequal appraisal, the ARB must find for the taxpayer unless the appraisal district can prove that the appraisal ratio of the property is not greater than the median level of appraisal of:

1. a reasonable and representative sample of other properties in the appraisal district;
2. a sample of properties in the appraisal district consisting of other properties similarly situated to, or of the same general kind or character, as the subject property; or
3. a reasonable number of comparable properties appropriately adjusted.

Normally, the property owner presents evidence first. After the chief appraiser presents the district's posi-

tion, the property owner presents rebuttal evidence. The ARB must allow cross-examination of witnesses. Values from prior years or the decisions of previous review boards do not bind the current ARB—each year stands alone.

The appraisal district usually offers testimony and evidence including:

- The property's legal description and location;
- The type of property and its use;
- The property's appraised value and the way it was appraised;
- A description of any improvements to the land and their age, condition, and appraised value;
- The way the improvements were appraised;
- The total value for each type of property considered;
- Any information on sales of comparable properties in the neighborhood or elsewhere in the area;
- The reasons for denying the exemption or special appraisal; and
- The reasons for the decision the chief appraiser made concerning other matters under protest or challenge.

Relevant evidence. Evidence is simply information that helps the ARB to decide what the facts are. Evidence may include data, schedules, formulas, and other information. The ARB should consider only relevant evidence. Relevant evidence is information that has particular meaning in the hearing in which it is introduced. If information introduced in an ARB hearing does not meet the definition of evidence, or if it's irrelevant, the ARB should disregard it.

For example, a homeowner may introduce information such as recent sales of similar properties to demonstrate too high of a home value. This is relevant evidence. A complaint that taxes are too high because a certain taxing unit's governing body spends money carelessly is irrelevant, and the ARB should disregard it. The ARB should also disregard any comments about who will pay the taxes after the case is settled.

Witnesses

Anyone is competent to appear as a witness and give testimony, except the insane and children. Ideally, the witness should have firsthand knowledge of the facts. The ARB should consider only testimony pertinent to the facts. Expert witnesses are exceptions to this rule.

Expert witnesses. Appraisal often requires a high degree of specialized knowledge and training. Both

sides may present the testimony of expert appraisers, both about value and about methods of appraisal. These are matters of opinion based on specialized knowledge rather than firsthand observation of the facts.

The ARB should ask about the experts' qualifications and experience. It should be sure it understands the facts on which the experts base their opinions.

Above all, the ARB should ask expert witnesses whether they have any reservations about or qualifications to their opinions. As with any witness, the ARB is free to believe all, some, or none of an expert's testimony.

Hearsay. Firsthand observation and expert testimony will have the witness testifying, "I saw it," "I measured it," "I did it." When the witness says, "I heard it from someone else," the testimony is hearsay. Hearsay is secondhand testimony. Ordinarily, the ARB should not consider hearsay statements as evidence.

For example, in a protest over denial of a residence homestead exemption, the chief appraiser testifies, "The property owner's neighbor told me the owner does not live in the house." The statement is hearsay. Ideally, the neighbor should be at the hearing and under oath to substantiate the statement.

However, there may be cases where common sense tells you to rely on hearsay. The ARB should consider hearsay only if it is, in light of the facts, the sort of information that reasonably careful people would rely on when deciding serious matters.

Appraisals by chief appraiser and relatives

The Property Tax Code places a special restriction on appraisals made by the chief appraiser in a private capacity on behalf of a taxpayer or taxing unit. The ARB may not consider such an appraisal as evidence in a protest or challenge. Similarly, if a relative within the second degree (see Appendix Y) of the chief appraiser makes an appraisal, the ARB may not consider that appraisal as evidence.

Documents

Documents and papers are important items of evidence before the ARB. In general, the ARB may consider any documents, provided a witness identifies them under oath, or the owner of the original certifies them as copies of the original.

Section 41.67(b) provides that a party must submit the original of a document unless the ARB determines

that it's not readily available. If a copy of a document is used, any party has the right to compare the copy with the original.

Documents submitted in evidence become a permanent part of the hearing record.

Official notice

As a general rule, the ARB must make its decision only on the evidence brought by the parties. However, the ARB may also consider certain kinds of basic facts that neither side presents as evidence. This is called "taking official notice" of the fact.

The ARB, like a judge, may take official notice of any fact that is reasonably certain, either because it is (1) generally known in the community, or (2) capable of being easily confirmed by sources whose accuracy can't reasonably be questioned. For example, an ARB may take official notice that a house borders a park that may affect its property value. If it takes official notice of a fact, the ARB must inform both parties and give them an opportunity to argue against this action.

Subpoenas and records

The Property Tax Code provides that the ARB and the parties involved in a hearing should gather all evidence relevant to the case.

The property owner or a challenging taxing unit has a right to know the basis of the appraisal district's determinations. Similarly, the appraisal district has the right to know relevant facts in the taxpayer's possession.

To ensure these rights, the Property Tax Code gives the ARB the power to:

- subpoena witnesses, books, records, or other documents. The ARB may do so only after holding a hearing to determine whether good cause for issuing the subpoena exists. A subpoena may only be issued if a property is under protest and may be issued only to a party to the protest. The ARB may not subpoena books, records, or documents that belong to persons other than the property owner or the appraisal district involved in the protest;
- inspect the records or other materials of the appraisal office that are not made confidential under the Property Tax Code (Section 41.64); and
- request the Comptroller to assist in determining the accuracy of appraisals or to provide other professional assistance. The appraisal

district must reimburse the costs of providing assistance if the Comptroller requests reimbursement (Section 41.65).

To inspect confidential records or other materials that the appraisal office has, the ARB must subpoena the information from the appraisal district. Such records include renditions, income and expense data filed with the appraisal district, and sales information granted confidentiality by the appraisal office.

An ARB may not issue a subpoena unless it holds a hearing to determine that good cause exists for issuing the subpoena. The ARB must establish a procedure for a good cause hearing for issuing a subpoena. The procedures must require the ARB to deliver written notice—not later than the fifth day before the date of the hearing—to the party to be subpoenaed. The party has the right to be heard at the hearing. Appendix G is a sample subpoena.

The ARB may consult with its attorney. Under Section 6.43, the ARB may employ an attorney paid through the appraisal district budget, or it may use the services of the county attorney.

Postponement of hearings

Three different incidents require the ARB to postpone a protest hearing. First, the ARB must postpone a hearing for 5-15 days if either the property owner (or agent) shows good cause or the chief appraiser consents to the owner's request. The chief appraiser and the property owner may agree to a shorter or longer postponement. No additional notice is required.

Second, the ARB must postpone an ARB hearing if either the property owner or owner's agent is scheduled for an ARB hearing in another appraisal district on the same date. To qualify for the postponement, the owner or agent must show that the postmark on the other ARB's hearing notice is earlier than the postmark on the hearing notice delivered by the ARB in which the postponement is requested.

Third, the ARB must postpone a hearing if the chief appraiser does not comply with the requirement to deliver at least 14 days before the hearing a copy of ARB hearing procedures, *Remedies*, or make evidence available. The owner must ask for additional time to prepare for the hearing and prove the chief appraiser's failure to comply. The owner is entitled to only one postponement for failure to comply, although the ARB may grant more postponements. Again, evidence not available to an owner 14 days before the postponed hearing may not be used as evidence at the hearing.

Types of Protests and Challenges

Over-appraisal

The law forbids appraising a property for tax purposes at more than its market value. If the property owner can prove the property is overvalued, the ARB should adjust the appraisal accordingly. Only the property owner may bring a claim of excessive appraisal on a specific property. A taxing unit may not challenge individual appraisals.

Most ARB actions concern market value. The Property Tax Code defines market value as “the price at which a property would transfer for cash or its equivalent under prevailing market conditions if:

- a. exposed for sale in the open market with a reasonable time for the seller to find a purchaser;
- b. both the seller and 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
- c. both the seller and purchaser seek to maximize their gains and neither is in a position to take advantage of the other.”

All taxable property must be appraised at its market value unless the law provides for a different value. The most common type of different value is productivity value. Property qualified for agricultural or timber appraisal is taxed on its productivity value rather than its market value.

The ARB does not have the authority to determine if the appraisal district uses the appropriate appraisal methods. It must nevertheless review the values that result from these methods.

Mass appraisal. An appraisal district must estimate the value of thousands of properties. The district doesn’t have the time or money to repeat the full appraisal process for each individual property. Instead, it uses an appraisal method known as “mass appraisal.”

If the appraisal district determines appraised values using mass appraisal standards, those standards must comply with the Uniform Standards of Professional Appraisal Practice (USPAP). Copies of these standards are available from The Appraisal Foundation for \$30 by writing The Appraisal Foundation, Publication Department, P. O. Box 96734, Washington, D. C.

20090-6734 or by calling 1-800-805-7857 or (202) 347-7722. The ARB may ask the appraisal district for a copy of these standards.

In a mass appraisal, the appraisal district first collects detailed descriptions of each taxable property in the district. It then classifies properties according to a variety of factors, such as size, use, and construction type. Using data from recent property sales, the district appraises the value of typical properties in each classification. Using modifiers to adjust for minor differences such as age or location, the district uses the typical property values to appraise all the properties in the classification. Computers often make the process more efficient. ARB members should become familiar with the district’s mass appraisal methods.

Methods of appraisal. The ARB members should be familiar with the three approaches to value — cost, income, and market — that the chief appraiser must consider in determining the market value of property. The chief appraiser must consider all three and use the method most appropriate in appraising a particular property.

Cost approach. When using the cost method of appraisal, the appraisers will:

- (1) use cost data obtained from generally accepted sources;
- (2) adjust appropriately for physical, functional, or economic obsolescence;
- (3) make available to the public on request, for a reasonable charge, cost data developed and used by the chief appraiser on properties within a property category;
- (4) state clearly the reason for any variation between generally accepted cost data and locally produced cost data, if the data vary by more than 10 percent; and
- (5) make available to a property owner on request all applicable market data that demonstrates the difference between an improvement’s replacement cost and the improvement’s depreciated value.

Income approach. When using the income method of appraisal, the appraisers will:

- (1) use rental income and expense data pertaining to the property, if possible and applicable;
- (2) project future rental income and expenses only from clear and appropriate evidence;
- (3) use data from generally accepted sources to determine an appropriate capitalization rate; and

- (4) determine a capitalization rate for income-producing property that includes a reasonable return on investment, taking into account the investment's risk.

Market approach. When using the market data comparison method of appraisal, the appraisers will use comparable sales data and adjust the comparable sales to the subject property.

Additional information about the approaches to value may be found in appraisal textbooks. Appraisers usually determine the value of producing mineral deposits—such as oil, gas, and coal—by using the income approach to value. Most appraisal districts contract with consultants to appraise mineral properties. The chief appraiser can provide information concerning the method used to appraise mineral properties.

The Property Tax Code also requires appraisers to use special methods or principles for the following types of property:

- Land qualifying for agricultural or timber appraisal (Chapter 23, subchapters C, D, E, and H);
- Deed-restricted land qualifying for recreational, park and scenic land appraisal, or as public access airport property (Chapter 23, subchapters F and G);
- Inventory (Section 23.12);
- Taxable leaseholds (Section 23.13);
- Dealer's motor vehicle inventory (Section 23.121);
- Dealer's vessel and outboard motor inventory (Section 23.124);
- Dealer's heavy equipment inventory (Section 23.1241);
- Retailer's manufactured housing inventory (Section 23.127);
- Intangible assets, such as stock, of insurance companies and savings and loan associations (Sections 23.15 and 23.16);
- Nonproducing mineral interests (Section 23.17); and
- Property owned and used by members of a non-profit homeowners' association (Section 23.18).

Value limitations. The Property Tax Code also requires limiting values on certain properties.

Government restrictions. Property Tax Code Section 23.21 requires appraisers to consider the effect of government restrictions on the appraised value of private property (including a restriction to preserve wildlife habitat) to which the owner has not consented.

Low-income housing. Appraisers must adjust for property rented or leased to a low-income individual or family meeting income-eligibility standards established by a governmental entity. Section 23.22 requires the appraiser to account for that use and for the limit on rent or lease payments in the property's appraisal.

Homesteads. Section 23.23 limits the increase on appraisals of homestead properties. The appraised value of a residence homestead for a tax year is limited to the lesser of either its market value or the sum of the market value of any new improvements and 110 percent of the appraised value for the preceding year. The allowance for an annual 10 percent increase is cumulative — that is, 10 percent times the number of years since the property was last appraised. Therefore, if a homestead increases in value by 20 percent or less in the two years since the last appraisal, all of the increase can be added to the appraisal roll.

When appraising a residence homestead, the chief appraiser must include in the appraisal records the home's market value and limited appraised value. A limitation takes effect for a residence homestead on January 1 of the tax year following the first tax year the owner qualifies the property for the residence homestead exemption. The limitation expires on the January 1 of the first tax year that neither the owner nor the owner's spouse or surviving spouse qualifies for the homestead exemptions.

Appraiser testimony and evidence. Since appraisal often requires special knowledge and skills, appraisers are often key witnesses in ARB hearings. Remember that such testimony is informed opinion, not necessarily verifiable fact. The ARB should ask about an appraiser's qualifications, and it should have access to the data the appraiser uses in making a value estimate. Finally, it should be aware of any misgivings the appraiser has in making an estimate.

There could be many reasons for over-appraisal. The property could have hidden flaws that the appraiser didn't consider, such as a cracked foundation or asbestos insulation. Some key measurement of the property might be wrong. Some property data might have been incorrectly transcribed. Or, the market value of the property might have fallen since the last appraisal.

The most reliable indicators of market value are sales of comparable properties on or near the January 1 assessment date. Information about sales should be confirmed to be sure that it is reliable. Ideally, affi-

davits from parties to a sale would verify the terms of a comparable sale. Getting such affidavits isn't always possible, but there should be some basis for believing sales information is correct.

Unequal appraisal

"Equal appraisal" means the district's appraisal methods produce consistent results from property to property. To measure equality, the ARB will consider appraisal levels or ratios. To determine a property's appraisal level, you divide the appraisal roll value by the property's true market value. Usually, sales or independent appraisals establish the true market value. For example, if a property appraised by the appraisal district at \$95,000 recently sold for \$100,000, its appraisal level is $\$95,000/\$100,000$ or .95.

By computing the typical ratio for a sample of properties, appraisers can estimate the typical level of appraisal for a group of properties or for the appraisal district as a whole. Such a procedure is called a "ratio study." Under Texas law, the median ratio of such a sample is used to estimate the overall level. The median is determined by saving the ratios in numerical order and choosing the middle ratio. If the sample has an even number of properties, the appraiser would average the two middle numbers.

Category challenge by taxing unit. A taxing unit may challenge the appraisal records when it believes the appraisal district has treated a group of properties unequally. The group must be either in a property category—such as properties with similar characteristics or uses—or in a particular territory within the district, such as a neighborhood or definable area.

In determining a challenge of appraisal level, the ARB should ask not only what is the median level of appraisal for a category, but what is the consistency in ratios for the category.

If the category is large, the taxing unit may present ratio study statistics from a sample of properties in the category rather than from the entire category. There are many ways to present ratio study evidence and a number of other valid statistical measures of appraisal level and consistency. The important point to remember is that additional appraisal work is needed both when the overall level is under market and when appraisals in the category are not reasonably consistent.

Individual property level protest. A property owner may file a protest on unequal appraisal. Where appraisals in a district are not consistent, a taxpayer may be penalized even though the property is appraised at or below market value.

Suppose that a property is appraised at \$105,000, but worth only \$100,000. The ARB should lower the value to \$100,000 because the appraisal is excessive. Suppose, however, that a representative sample shows the median level of appraisal for the district is .85. The taxpayer has the right to a further reduction. To calculate the proper value, multiply the \$100,000 market value by the median ratio ($\$100,000 \times .85 = \$85,000$).

A taxpayer may use three different types of samples to show unequal appraisal:

- a reasonable and representative sample of other properties in the appraisal district;
- a sample of a reasonable number of properties in a similar location, or of the same general kind or character; or
- a sample of a reasonable number of comparable properties appropriately adjusted.

A sample is used to determine if property appraisals are uniform and equal, including the appraisals of both sold and unsold properties. Selectively reappraising only sold properties may result in sold properties being appraised at a different level of appraisal than unsold properties. ARBs should ask in an unequal appraisal protest if all properties are treated equally.

Comptroller study. Each year the Comptroller of Public Accounts publishes a study of property appraisals **for the preceding year** in each appraisal district. The study estimates median appraisal levels and coefficients of dispersion for the previous year, not the current tax year.

Taxable situs

The word "situs" means location. The law links the taxability of property to its location. If a taxing unit can legally levy a tax on property, that property has taxable situs in the unit.

A taxing unit may challenge appraisal records that omit property it can tax. Similarly, a property owner may protest that the property should not be on the appraisal roll, either for the district or for a particular taxing unit.

Real property. Situs disputes rarely involve real property (land, improvements, mines, quarries, items fixed to land, and interests in real property). A taxing unit can tax the real property in its boundaries on January 1. Boundary disputes or property description problems create the most common real property situs problems.

Personal property. Most situs problems involve movable personal property (tangible items that aren't real property). Personal property normally has situs at its January 1 location unless it was there only temporarily. This is the general rule. Commercial interstate air carriers are allowed to designate the tax situs of their aircraft that land in Texas as either the carrier's principal office in Texas or that Texas airport from which the carrier has the highest number of departures. Personal property that stays in one taxing unit during the year creates no problems. Situs problems usually involve property that crosses boundary lines during the year.

- **Property crossing state boundary lines.** Multi-state situs problems usually involve businesses that operate or move goods in more than one state. Goods or equipment gain taxable situs in Texas if present for more than a temporary period here. They also gain situs if continually used here. If they are temporarily outside the state on January 1, but their owner resides here, they still have situs here. (See Section 11.01, Property Tax Code.) Equipment used in several states may be partially taxed in some or all of the states. Goods shipped across a state may or may not be taxable.
- **Multi-state equipment.** A business that uses equipment in more than one state on a regular basis may qualify for allocation of property value. The chief appraiser reduces the property's value according to the percentage of time or mileage in this state compared with total use in all states that could tax the property. Comptroller Rule 9.4033 governs allocation procedures and sets out guidelines for determining whether property could be taxed in another state. The difficult issue here is that under federal court decisions, it doesn't matter whether the other state actually taxes the property. What matters is whether the other state could tax the property without violating the federal constitution. One court decision involving a private business jet held that the taxpayer must show that the property has acquired situs either by being operated along fixed and regular routes or by being habitually used in the other state to acquire the right to allocation.

Finally, two other general rules are important. Aircraft that fly over the state without landing in the state doesn't become taxable here. Also, property outside the state on January 1 and for

the entire preceding year is not taxable here. (See Section 11.01(e), Property Tax Code.)

- **Goods in interstate transit.** Items that cross Texas in transit from one state to another (e.g. from New Mexico to Arkansas) don't become taxable here. However, the transit must be unbroken. If the property stops in Texas for some business purpose unrelated to safe and efficient transportation, it becomes taxable here.
- **Property crossing taxing unit lines.** In most cases, property has situs in the taxing unit where it was located on January 1, unless the evidence shows that it moves during the tax year. A property has only one taxable situs in Texas; there is no allocation of property value for property moving among Texas taxing units. Property that moves among taxing units is taxable in one unit if:
 - it is located in that unit for more than a temporary period on January 1;
 - it is temporarily somewhere else on January 1 but is normally located in the unit;
 - it normally returns to that unit between uses elsewhere; or
 - the owner resides or maintains a principal place of business in the unit and the property has no other situs under any of the preceding circumstances.

To disprove situs in a unit where property is located on January 1, the property owner must prove that the property was there only temporarily. The owner must also show neither the owner nor the property has any continuing contact with the unit. To disprove any situs in the district at all, the property owner must show either that the property has taxable situs in some other appraisal district or that the property is not taxable in this state. If the property owner proves the property has situs in another appraisal district, the Property Tax Code directs the chief appraiser to notify the chief appraiser of the other district of the fact.

ARB members may consider time spent in various units in determining whether property is in one or another for more than a temporary period. Neither the Property Tax Code nor the courts have defined "temporary" or "more than temporary." The most difficult problem arises when property spends considerable time in two or more units. For example, a truck divides its time nearly equally between two school districts during the tax year. There is no provision in the law for dividing the value of the truck. The ARB

must decide on the basis of the evidence and the rules just outlined which district has the greater ties with the property.

Exemptions

Both property owners and taxing units may appeal the chief appraiser's exemption determinations. Property is taxable unless the owner shows clearly that it meets all legal requirements for an exemption. Requirements are strictly construed. If it appears questionable that property is exempt, then the ARB must deny an exemption.

A partial exemption removes a percentage or a fixed dollar amount of a property's value from taxation. An absolute exemption excludes the entire property from taxation.

In most cases, the law requires the property owner to apply for the exemption. If a property owner fails to file a required application on time, the owner usually forfeits the right to the exemption, and the ARB has no authority to grant it. Timely exemption applications ask for most of the information ARB members need to decide an exemption issue. Remember that the requirements for exemptions are extensive and detailed. Unless the facts of the case clearly show eligibility for an exemption, the ARB should not grant it.

Most exemption cases will depend on one or more of three issues:

- The owner's qualifications,
- The property's qualifications, or
- The property's use.

Owner qualifications. With some exceptions, January 1 is the date for determining an owner's qualifications for a specific exemption. January 1 is the date for determining an owner's qualifications for the general and disabled homestead exemptions. Property receiving exemptions for freeport, abatement, pollution control, historic or archeological site, solar and wind-powered energy devices, offshore drilling rigs, water conservation initiatives, and disabled veterans must qualify on January 1.

Homeowners who turn 65 during a tax year, however, will qualify immediately for an over-65 exemption as if the homeowner qualified on January 1 of the tax year. In addition, surviving spouses age 55 or older may qualify for an over-65 exemption if the spouse dies in the year he or she turns 65. Homeowners must file the application for the exemption within one year of the date the person turns 65.

When the state, a political subdivision, and other qualifying organizations acquire property, the chief

appraiser determines the property's exemption qualifications as of the acquisition date. Organizations qualifying for immediate exemption include cemeteries, charitable organizations, religious organizations, private schools, community housing development organizations, youth development associations, non-profit water and wastewater supply corporations, veterans organizations, and other non-profit organizations.

Charitable organizations improving property for low-income housing and community housing development associations must file the application for exemption within 30 days of acquiring the property. Other organizations must file for exemption within one year of acquiring the property.

Ownership requirements vary by exemption. Exemptions such as those for individuals or families (homestead or disabled veterans' exemptions) may require evidence of age, physical condition or disability, military service, family relationship, or other factors.

Exemptions for schools, charitable organizations, religious organizations, youth development organizations, and water supply and wastewater service corporations require the property owner to have a charter or bylaws dedicating property to particular purposes. Special charter provisions must provide for disposition of property upon dissolution. Finally, the organization must operate as a non-profit organization.

In some instances, an organization's charter and by laws will be necessary evidence. In others, evidence about the way the organization or business operates will be needed.

Finally, some exemptions require that property belong to a particular type of owner, such as a family, a farmer or rancher, or a non-profit corporation.

An individual property owner may not challenge the grant of an exemption to another property owner, according to the ruling of the Fort Worth Court of Appeals. The court found that Section 41.03, Property Tax Code, provides that only a taxing unit may challenge before the ARB the exemption of property from the appraisal records.

Kind of property. Many exemptions apply only to specific classes of property. Homestead exemptions, for example, do not apply to personal property other than a mobile home. Religious exemptions apply only to worship places and clergy residences. The property owner must list all property subject to the exemption and demonstrate to the ARB that each property meets exemption requirements.

Property use. How and when the property owner uses the property is critical in determining exemption cases. An important factor is whether a property's use is exclusive, primary, or incidental.

"Exclusive use" means use of a property for one and only one specific purpose. Other uses of the property, unless incidental, invalidate the exemption. "Primary use" means that the required use is the most frequent or predominant use of the property. "Incidental use" means occasional use of the property that does not interfere with its main use.

Types of exemptions. Property Tax Code exemption requirements are extensive. ARB members should read applicable statutes carefully. The Comptroller's annotated Property Tax Code contains the text of the law and notes on significant court cases. Following is a short summary of the most important exemption provisions.

- **Section 11.11. Public Property.**

To qualify for the public property exemption, the State of Texas or a political subdivision of the state must own the property. Political subdivisions must use it for public purposes—primarily for the health, comfort, and welfare of the public. Property owned by the state must also meet the general public-purpose test.

State-owned property is taxable if it is rented to a private business that uses it for something inconsistent with the agency's duties. The property may not be used to provide housing to the public other than students or agency employees. However, if an educational institution uses the property primarily for instructional purposes and secondarily for residences, the property is exempt. Additionally, property held (as opposed to used) for the benefit of a state junior college, college, or university is exempt under the same conditions.

Property of a higher education development foundation or an alumni association located on land owned by the state for the support, maintenance, or benefit of a state institution of higher education is exempt provided that the foundation or organization meets the requirement of Section 11.18(e) and (f). The organization must also be organized exclusively to operate programs or perform activities for the benefit of institutions of higher education. Finally, the property must be used exclusively in those programs or activities.

An improvement owned by private persons is

property used for public purposes if it is (1) located on land owned by the Texas Department of Criminal Justice, (2) leased and used by the department, and (3) subject to a lease-purchase agreement providing that legal title to the improvement will pass to the department when the lease ends. No application is necessary.

Tangible personal property leased to the state or a political subdivision is exempt if the property is subject to a lease-purchase agreement providing that the state or political subdivision takes legal title to the property at the end of the lease term. The exemption ends thirty days after the lease terminates if the state or political subdivision does not take title to the personal property.

Section 11.11(i) exempts as public property real and personal property owned by a non-profit corporation engaged exclusively in providing chilled water and steam to certain health related facilities, as defined in Health and Safety Code Section 301.031. The corporation's property would be considered as if owned by the state and used for health and education purposes.

- **Section 11.111. Public Property Used To Provide Transitional Housing for the Indigent.**

This section exempts property owned by the United States or a federal agency and used to provide transitional housing to the poor under a program operated by the U. S. Department of Housing and Urban Development. The property is exempt by ordinance or order of the taxing units in which the property is located. The exemption requirements include an annual application.

- **Section 11.12. Federal Exemptions.**

Property owned by the federal government is usually exempt from property taxes unless federal law specifically makes the property taxable. In addition, federal law exemptions sometime override state tax laws. The major issues under this section are either (1) whether the owner is a federal agency or (2) whether some federal statute or case law exempts the property. Unlike the public property exemption, the property's use is not usually important. No application is needed.

- **Section 11.13. Residence Homestead.**

Most residential exemption cases concern

either (1) the owner's qualifications for the exemption; (2) whether the exemption covers specific improvements or amounts of land; or (3) whether the property is the principal residence of the owner.

- **Owner qualifications:** There are no specific owner qualifications for the general homestead exemption other than that the owner have an interest in the property and use the property as the principal residence. To qualify for the over-65 exemptions, the owner must be 65 or older and live in the house. If the over-65 homeowner dies, the surviving spouse may continue to receive the exemptions if the surviving spouse is 55 years of age or older at the time of death and lives in and owns the home.

The most detailed qualifications relate to the exemption for disabled persons. "Disabled" has a specific meaning. The disabled person must meet the definition of disabled for the purpose of receiving disability insurance benefits under Federal Old-Age, Survivors and Disability Insurance Act. To qualify for the exemption, the person need not actually receive these benefits.

The beneficiary of some trusts may qualify for the residence homestead exemption. A residence owned by an individual through an interest in a qualifying beneficial trust and occupied by such individual as a trustor may qualify.

Note that Section 11.26 places a ceiling on school taxes for residence homesteads owned by persons 65 and over. A constitutional amendment continues the tax ceiling for over-55 surviving spouses of persons who die while qualified for the tax ceiling. These homeowners may also transfer the percent of tax paid, based on their ceiling, when they purchase another home and use it as their principal residence.

- **Exemption coverage:** Normally the exemption applies to those portions of the house actually used for residential, as opposed to business, purposes. The homestead includes up to 20 acres of land used for residential purposes (yard, garden, driveway, etc.) and any additional improvements used for residential purposes.
- **Principal residence:** The home must be the principal residence of the applicant. A

common problem occurs when the applicant leaves the house "temporarily." Normally, if the owner intends to return and does not establish a different principal residence, the property may receive the exemption.

In Opinion No. JC-0415, the Texas Attorney General held that a residence homeowner's rental of a part of the residence to another person disqualifies that part of the home for homestead exemptions. He concluded, however, that this rental provision did not apply when the homeowner rents the entire residence to another and is absent from the homestead. The items to consider to determine the exempt status when rental of the entire home include whether the owner's absence is temporary, whether the owner has established a different principal residence, and whether the owner intends to return and occupy the property as the principal residence.

Mobile homes may qualify for homestead exemptions. Owners of certain mobile homes must provide a copy of the title to the home or a verified copy of the purchase contract with their homestead exemption applications. Note that land and outbuildings are exempt only if the owner of the mobile home also owns and uses them for residential purposes.

A property owner may also receive a homestead exemption for cooperative housing. Co-op housing structures are owned by a corporation, not an individual. The shareholders have the right to occupy an apartment in the structure. Upon application by the co-op, the chief appraiser must separately appraise and list each individual stockholder's interest. Each stockholder whose interest is separately appraised may protest and appeal the appraisal like any other property owner.

- **Sections 11.14 -11.15. Tangible Personal Property Not Used to Produce Income and Family Supplies.**

Generally these provisions provide that all tangible personal property, other than manufactured homes, that is not held or used for production of income is exempt from property taxes. However, the governing body of a taxing unit may by official action continue to tax

property other than family supplies, household goods, or personal effects. No application is needed for these exemptions.

- **Section 11.142. Travel Trailers.**

In 2002, a taxing unit, other than a school district, may exempt travel trailers not held or used for the production of income. Travel trailer is defined as a house trailer-type vehicle or a camper trailer, regardless of whether the vehicle is affixed to real property, that: 1) is less than 400 square feet in area, and 2) is designed primarily for use as temporary living quarters in connection with recreational, camping, travel, or seasonal use and not as a permanent dwelling.

- **Sections 11.145 - 11.146. Income-Producing Tangible Personal Property and Mineral Interest Property Having Value of Less Than \$500.**

These two sections exempt income-producing personal property and mineral interest property valued at less than \$500. An owner's personal property used to produce income is aggregated to determine if the owner's total taxable value in each separate taxing unit is less than \$500 and, thus, exempt from taxation. The taxable value of a property owner's mineral interests are aggregated to determine if the taxable value within each taxing unit is less than \$500. No form is necessary to claim these exemptions.

- **Section 11.16. Farm Products.**

This section exempts livestock, poultry, agricultural products, and some nursery products when they are still in the hands of the person who raised them. Common problems involve definitions: whether the item is livestock, poultry, or a farm product. Nursery products are only exempt if they are still growing on January 1. Agricultural products held for sale by a cooperative marketing association are still considered exempt if owned by members of the co-op. Livestock and poultry must be owned by the person who is paying for their care on January 1. Farm products include standing timber or timber that has been harvested and on January 1 is located on the real property on which it was produced and is under the ownership of the person who owned the timber when it was standing. No application is needed.

- **Section 11.161. Implements of Husbandry.**

This section exempts items primarily designed and used for farming, ranching, and timber production. The exemption applies only to movable personal property, including poly houses. Barns, silos, and other items fixed to the land do not qualify. No application is needed.

- **Section 11.17. Cemeteries.**

This section exempts cemetery property. The property must be used exclusively for human burial. The property may not be held for profit.

- **Section 11.18. Charitable Organizations.**

This section exempts property owned by qualified charitable organizations.

An organization must meet stringent requirements regarding how it is organized, what it does, and how it uses its property. Special problem areas of this exemption frequently concern whether the organization's bylaws meet the requirements of Section 11.18. Under Section 11.18, the bylaws must limit the organization to charitable activities. The bylaws must pledge the group's properties to charitable purposes. They must prevent anyone from realizing a profit out of the organization's activities. In some cases, particularly involving medical care facilities, children's homes, and nursing homes, questions will involve whether the institution serves people who can't pay for services as well as those who can.

The exemption applies to any property owned by the charitable organization. The property must be used exclusively by the organization or other equally qualified organizations. If part of the property is leased to or used by a non-qualified person or business, the other use must be limited to activities that benefit the people the organization serves.

- **Section 11.181. Charitable Organization Improving Property for Low-Income Housing.**

This section provides an exemption for a charitable organization improving property for low-income housing. The charitable organization must meet Section 11.18 (e) and (f) requirements. It must use volunteer labor to build or repair housing for sale without profit to a low-income individual or family. Each property may be exempt for a maximum of three years after the property's acquisition date. If the

organization sells the property to an individual or family that is not low income, the chief appraiser enters a penalty in the appraisal records and notifies the organization and the buyer. The penalty is equal to the taxes that would have been imposed in each year the property was exempt.

- **Section 11.182. Community Housing Development Organizations Improving Property for Low-Income and Moderate-Income Housing.**

This section provides an exemption for an organization improving property for low and moderate-income housing. The organization must be organized as a community housing development organization and meet Section 11.18(d) and (g) requirements. It must build or repair housing on property to sell or rent without profit to a low or moderate-income individual or family satisfying the organization's eligibility requirements. Each property may be exempt for a maximum of three years after the date the property is acquired, unless the property is rented or offered for rent to individuals or families satisfying the organization's eligibility requirements. The organization's administrative offices and personal property used for administrative purposes may be granted an exemption if the property is used exclusively by the organization for activities incidental to the organization's use and that benefit the organization's beneficiaries.

- **Section 11.184. Primarily Charity Organizations.**

This section exempts real and personal property owned by organizations engaged primarily in performing charitable functions listed in Section 11.18(d). An exemption may not be granted unless the governing body of a taxing unit or a majority vote at an election called by the governing body (based on a petition of at least 20 percent of the qualified voters at the last taxing unit election) approves the exemption. Before applying for an exemption, an organization must obtain from the Comptroller a determination letter stating the organization is engaged primarily in performing charitable functions. The chief appraiser must accept a Comptroller determination letter as conclusive evidence that the organization engages primarily in performing charitable functions and is eligible for exemption. The chief appraiser determines if the organization uses its proper-

ty for its charitable purposes. An organization is required to obtain a new Comptroller determination letter every fifth year after the exemption is granted. To implement the determination process, the Comptroller has adopted rules and prescribed a form for applying for a determination letter.

- **Section 11.183. Charitable Associations Providing Assistance to Ambulatory Health Care Centers.**

This section provides an exemption for an organization that assists ambulatory health care centers. The charitable organization must be exempt from federal income tax; be funded by a grant under Section 330, Federal Public Health Service; and not perform abortions or abortion services. An application is required.

- **Section 11.19. Youth Spiritual, Mental and Physical Development Associations.**

This section exempts the property of "three-fold purpose" youth development groups. Like the charitable exemption, the exemption for youth development organizations imposes detailed requirements beyond the scope of this pamphlet. Special concerns with this exemption involve whether the applicant is affiliated with a state or national organization and whether the applicant's primary concern is youth development. A recent court case noted that an organization whose primary purpose was religious in nature could not qualify its property under Section 11.19 because its primary concern was not youth development. A youth development association may use its property in performing its functions or the functions of another youth development organization.

- **Section 11.20. Religious Organizations.**

This section exempts worship places and clergy residences owned by qualified religious groups. The requirements for the religious organization exemption are also extremely detailed. Religious organizations must be organized and operated primarily for religious worship or the spiritual welfare of individuals. The religious organization must meet requirements similar to those imposed on charitable and youth organizations. Generally, if an organization qualifies under this section, it may exempt property of the following types: actual places of religious worship, personal property

used at the place of worship, residences for clergy, and personal property used at the residences. In all cases, the organization must actually own the property. A place leased for worship is not exempt. A religious organization may use its assets in performing its functions or the functions of another religious organization.

Two special problems arise frequently. They concern the scope of the term “actual place of religious worship” and the kinds of property to which the exemption applies. Both the terms “worship” and “actual place of religious worship” are somewhat vaguely defined. The code defines worship as “individual or group ceremony or meditation, education, and fellowship, the purpose of which is to manifest or develop reverence, homage and commitment in behalf of a religious faith.” An actual place of religious worship need not be a traditional church building. However, “worship” must be the primary use of the building and must take place regularly.

The exemption also applies to partially complete improvements that will be used for worship or for physical preparation. The improvement must be under active construction on January 1 and designed as a place of religious worship. The exemption for incomplete improvements only lasts three years.

The religious organization exemption applies for property under physical preparation, too. “Physical preparation” means architectural or engineering work, soil testing, land clearing activities, site improvement, or beginning any environmental or land use study relating to constructing an improvement.

- **Section 11.21. Private Schools.**
The private school exemption exempts property used for school purposes. As with charitable, youth and religious organizations, the school must use its assets in performing its function or the function of another educational organization.
- **Section 11.22. Veterans’ Exemptions.**
The law provides tax exemptions for veterans who are disabled, spouses and survivors of deceased disabled veterans, and spouses and survivors of military personnel who died on active duty. The amount of exemption is determined according to percentage of service-connected disability.
- **Section 11.23. Miscellaneous Exemptions.**

Section 11.23 lists a number of exemptions that, with one exception, have no specific constitutional authorization. Attorney General opinions suggest an organization may qualify for one of the exemptions under this section if it meets the constitutional tests for a public charity.

The exemption for property owned by a veterans’ organization set out in Section 11.23 has constitutional authorization. Qualified veterans’ organizations are defined as non-profit organizations composed primarily of members or former members of the armed forces of the United States or its allies and that are chartered or incorporated by the U. S. Congress.

- **Section 11.24. Historic or Archeological Sites.**
To qualify for the historic or archeological site exemption in a given taxing unit, a structure must be designated a historic building or archeological site, and the taxing unit must vote to grant an exemption. The structure must be designated as a Recorded Texas Historic Landmark by the Texas Historic Commission or the taxing unit must designate it as historically significant and in need of tax relief. The taxing unit decides the amount of the exemption. An annual application is required.
- **Section 11.25. Marine Cargo Containers Used Exclusively in International Commerce.**
Marine cargo containers used exclusively in international commerce are exempt. A marine cargo container is a container used to transport goods by ship, readily handled without reloading to transfer from one mode of transport to another, and used repeatedly. The definition also includes a container that is fully or partially enclosed, has an open top suitable for loading, or consists of a flat rack suitable for securing goods onto the container. The exemption is limited to property owned by a citizen or entity of a foreign country and taxed in a foreign country. No application is needed.
- **Section 11.251. Goods Exported from Texas.**
Section 11.251 provides for a “freeport” exemption to implement Art. VIII, Sec. 1-j of the Texas Constitution. The “freeport” exemption applies to goods, wares, ores, and merchandise other than oil, gas, and petroleum products (defined as liquid and gaseous mate-

rials immediately derived from refining petroleum or natural gas) and to aircraft or repair parts used by a certificated air carrier. The “freeport goods” qualify if they leave Texas within 175 days of the date they are brought into or acquired in the state. An annual application is required to qualify for the freeport exemption.

However, for cotton stored in a warehouse to qualify for the freeport exemption, Section 11.436 provides that the warehouse operator may file a one-time application for the exemption. Property qualifies as freeport goods whether or not the person who transports it out of the state was the person who owned the property on January 1.

- **Section 11.252. Leased Vehicles for Personal Use.**

This section exempts motor vehicles (passenger cars or trucks with a shipping weight of not more than 9,000 pounds) leased for personal use. “Personal use” means using the vehicle more than 50 percent of its use (based on mileage) for activities that do not involve the production of income. The Comptroller by rule has established exemption application requirements and procedures to determine whether a vehicle qualifies. The lessee completes a Comptroller adopted form certifying under oath that the vehicle is not primarily used for the production of income. The owner (lessor) maintains the lessee executed forms for inspection and copying by the appraisal district. The owner renders non-exempt vehicles for taxation and provides the chief appraiser with an additional list of all leased vehicles. The exemption applies only to vehicles subject to a lease entered into on or after January 2, 2001. A city, by ordinance adopted before January 1, 2002, may tax personal leased vehicles.

- **Section 11.27. Solar and Wind-Powered Devices.**

People who install a solar or wind-powered device to produce energy are entitled to exempt the amount of value the device contributes to their property.

- **Section 11.271. Offshore Drilling Rigs.**

Offshore drilling rigs that are stored in a county bordering the Gulf of Mexico, or a bay, or other body of water immediately adjacent to the gulf are exempt. Drilling rigs are exempt only if they are stored for a purpose other than repair and are not used for drilling. They must

be designed for offshore drilling. An annual application is required.

- **Section 11.28. Tax Abatement.**

Chapter 312, Tax Code, allows cities, counties, and other taxing units to designate redevelopment zones and grant tax abatement exemptions by agreement with property owners in those zones. A person who has entered into a valid agreement is entitled to an exemption according to the terms of the agreement. An annual application is required for a tax abatement exemption.

- **Section 11.29. Dredge Disposal Sites.**

Section 11.29 exempts land used to dump sludge from dredging the main channel of the Gulf Intracoastal Waterway. The dredging must be done under state or federal direction, and the land must be dedicated for sludge disposal by a recorded easement. In Opinion No. DM-301, the Texas Attorney General ruled this section unconstitutional since there was no constitutional authority for the tax exemption.

- **Section 11.30. Non-profit Water Supply or Wastewater Service Corporation.**

Property owned and reasonably necessary for a non-profit water supply or wastewater service corporation’s functions is exempt.

- **Section 11.31. Pollution Control.**

Property acquired after January 1, 1994, and used for pollution control may receive an exemption. The exemption applies to all or part of real and personal property used solely or partly as a facility, device, or method to control air, water, or land pollution. Property not eligible for the exemption include residential; park or scenic land; vehicles; property subject to a tax abatement agreement before January 1, 1994; and property owned by a person or company that manufactures pollution control property or provides pollution control services.

To qualify for a use determination, the person or company must apply to the Texas Natural Resource Conservation Commission (TNRCC) for a permit or permit exemption. TNRCC notifies the chief appraiser about the application and determines the proportion of the property that is used for pollution control. Then, TNRCC issues a determination letter to the applicant. The property owner includes the letter with the exemption application to the appraisal district. The chief appraiser must accept the letter’s determination as conclusive evidence for the

exemption. The owner must file the one-time exemption application by April 30 of the tax year.

A person seeking a pollution control exemption or the chief appraiser may appeal before the TNRCC an executive director's determination that a facility, device, or method is used wholly or partly to control pollution. The TNRCC must adopt standards through rule adoption to ensure that pollution control determinations are uniform and equal and that property used for the production of goods and services are not determined to be exempt.

- **Section 11.32. Certain Water Conservation Initiatives.**

Section 11.32 exempts property designated by a taxing unit as property upon which approved initiatives have been implemented. The taxing unit may exempt part or all of the value of property with approved water conservation, desalination, or brush control initiatives. The taxing unit's governing body must designate approved initiatives, by adopting an ordinance or other law. An annual application is required.

- **Section 11.33. Raw Cocoa and Green Coffee Held in Harris County.**

This section exempts raw cocoa and green coffee held in Harris County. The owner need not claim the exemption, once granted, in subsequent years. The exemption will apply to all raw cocoa and green coffee the applicant holds in Harris County.

Agricultural and timber appraisal

A property owner is required to submit a one-time application to qualify for agricultural or timber appraisal, also called 1-d-1 agricultural appraisal or 1-d-1 timber appraisal. Land qualified for 1-d-1 appraisal is taxed on the basis of its productivity value—what typical land in its category can produce. It is not taxed on market value, which is usually higher than the land's productivity value. Although the land is not taxed on its market value, the chief appraiser is required to determine market value. The ARB should review both values.

An owner may protest to the ARB if the chief appraiser denies an application for any reason. An owner may protest the chief appraiser's appraisal, including the market value. An additional penalty applies, called the rollback tax, when an owner of land qualified for 1-d-1 appraisal changes the use of the land to a non-agricultural or non-timber use. An owner subject to

the rollback tax may protest the chief appraiser's determination that the use has changed.

Converting part of qualified agricultural land to the property owner's residence homestead does not trigger the rollback tax. Qualified agricultural land obtained by a religious organization is not subject to the rollback tax if the organization converts the land to an eligible religious use provided by Section 11.20, Property Tax Code, within five years.

Qualified agricultural land transferred to the state or a political subdivision to be used for a public purpose is not subject to the rollback tax. In addition, the chief appraiser may not consider the period during which land is owned by the state in determining whether land has been diverted to a nonagricultural use for triggering a rollback tax.

The Texas Supreme Court ruled that Section 23.56(3), Property Tax Code, is unconstitutional. Section 23.56(3) provided that land owned by a foreign corporation is ineligible for open-space land appraisal.

The rules for qualifying agricultural and timber land are explained in three agency publications: Manual for the Appraisal of Agricultural Land, Guidelines for Qualification of Agricultural Land in Wildlife Management Use, and Guidelines for the Appraisal of Timberlands. These publications also discuss in detail deadlines for applying for the appraisal. Members should be familiar with these rules because the chief appraiser is required to follow them in qualifying and appraising agricultural and timberlands.

For tax year 2002 forward, Section 23.521 transferred from the Comptroller to the Texas Parks and Wildlife Department (TPWD) the responsibility to develop standards for the qualification of open space land used for wildlife management. The Comptroller adopts the TPWD standards, and these standards are binding on the chief appraiser and ARB. The standards may require that a tract of land be a specific size to qualify as wildlife management land, taking into consideration: 1) the wildlife management activities listed in Section 23.51(7); 2) the type of animal population; 3) the land's location; and 4) any other factor TPWD determines is relevant. The standards also include specifications for a written management plan to be developed by a landowner, if the landowner receives a request for a written management plan from the chief appraiser.

The Comptroller also publishes booklets explaining how to qualify for two other types of specially appraised properties: deed-restricted airport property and recreational-park-scenic land.

The Tax Code also provides for special appraisal of Restricted Use Timberland. To receive appraisal under Subchapter H, Chapter 23, Tax Code, the property owner must apply for this special appraisal. If qualified as restricted use timberland, the land is appraised at one-half of the appraised value as determined under current methods for timberland.

Dealer's motor vehicle inventory

Section 23.121, Property Tax Code, provides a method for the appraisal of motor vehicle inventory. Owners of a motor vehicle inventory must file the Comptroller's *Dealer's Motor Vehicle Inventory Declaration* on or before February 1 of each year with the chief appraiser. The declaration includes the market value of the dealer's inventory for the current year, based on the prior year's inventory sales divided by 12. Some motor vehicle inventory is excluded from this new process: fleet sales, transactions between dealers and subsequent sales. Property owners may protest to the ARB any action by the appraisal district that applies to and adversely affects the dealer.

Dealer's vessel, outboard motor, and trailer inventory

Section 23.123 provides a method for the appraisal of vessels, outboard motors, and trailers inventory. Section 31.003, Parks and Wildlife Code, defines vessels and does not include those more than 65 feet in length (excluding sheer) and canoes, kayaks, punts, rowboats, rubber rafts, or other vessels under 14 feet in length when paddled, poled, oared, or windblown. An outboard motor has the meaning in Section 31.003, Parks and Wildlife Code.

Owners of vessels, outboard motors, and trailers inventory must file the Comptroller's *Dealer's Vessel, Trailer, and Outboard Motor Inventory Declaration* on or before February 1 of each year with the chief appraiser. The declaration includes the market value of the vessel, outboard motor, and trailer inventory for the current year, based on the prior year's inventory sales divided by 12. Some inventory is not part of this process: fleet sales, transactions between dealers, and subsequent sales. Property owners may protest to the ARB any action by the appraisal district that applies to and adversely affects the dealer.

Dealer's heavy equipment inventory

Section 23.1241 provides a method for the appraisal of heavy equipment inventory. Heavy equipment is self-propelled, self-powered, or pull-type equipment, including farm equipment or a diesel engine, that weighs at least 3,000 pounds and is intended for agricultural, construction, industrial, maritime, mining, or forestry use.

Owners of heavy equipment must file the Comptroller's *Dealer's Heavy Equipment Inventory Declaration* on or before February 1 of each year with the chief appraiser. The declaration includes the market value of the heavy equipment inventory for the current year, based on the prior year's inventory sales divided by 12. Some heavy equipment inventory is excluded from this process: fleet sales, transactions between dealers, and subsequent sales. Property owners may protest to the ARB any action by the appraisal district that applies to and adversely affects the dealer.

Retail manufactured housing inventory

Section 23.127 provides a method for the appraisal of manufactured housing inventory. Manufactured housing retailers must file the Comptroller's *Retail Manufactured Housing Inventory Declaration* on or before February 1 of each year with the chief appraiser. The declaration includes the market value of the manufactured housing inventory for the current year, based on the prior year's inventory sales divided by 12. Some manufactured housing inventory is excluded from this process: transactions between retailers, and subsequent sales. Property owners may protest to the ARB any action by the appraisal district that applies to and adversely affects the retailer.

September 1 appraisal

Section 23.12, Property Tax Code, allows a business owner to have the owner's inventory appraised at its value on September 1 of the prior year, four months before the normal January 1 date. The owner must file a request before August 1 of the prior year to qualify. Since inventories are valued according to the quantity of goods present on the appraisal date, September 1 appraisal can benefit a property owner who has lower inventory levels in September than in January. September 1 inventory is not available to a business with an inventory subject to the motor vehicle; vessel, outboard motor and trailer; heavy equipment; or manufactured housing inventory appraisal described above.

The Texas Supreme Court has ruled this provision constitutional.

Ownership issues

A property owner may protest the appraisal district's determination of a property's ownership. January 1 is the date for determining ownership and tax liability for a tax year. The person who owns property on January 1 is personally liable for the year's taxes.

Administrative policy regarding recording property transfers and ownership splits after January 1 varies

among appraisal districts. Some appraisal districts “freeze” the ownership records as of January 1 and maintain a separate file of subsequent transfers for the next January 1. Others continue to update ownership changes on the appraisal records until the ARB receives them.

The Corpus Christi Court of Appeals looked at the issue of which property owner may protest or continue a protest when property ownership changes—the January 1 owner, the new owner, or both owners. The court ruled that the term “property owner” in Chapters 41 and 42, Property Tax Code, includes both owners. Either owner or both owners may proceed with a protest to the ARB or with an appeal to district court.

Ownership problems can arise when (1) the appraisal district records do not reflect a property transfer and still list the previous owner, (2) more than one person owns an estate in the property, or (3) the property’s title is in dispute.

Generally, it is not difficult for a person to prove the sale of real property or loss of title. Real estate transfer documents are typical evidence in these hearings. Chapter 25 of the Property Tax Code contains specific guidelines on listing separate estates in real property. The chapter addresses undivided interests, life estates, improvements, condominiums, mineral interest, and other types of multiple ownership.

Personal property ownership is more difficult to prove because no formal title transfer provisions affect it, except for automobiles. A property owner may submit evidence such as accounting records or inventory lists in business personal property protests.

Other adverse actions

A chief appraiser may take other actions that adversely affect the property owner, such as cancelling an exemption, back assessment, or imposing a penalty for late agricultural or timber land appraisal application. The property owner has a right to be notified of these actions and to protest them before the ARB. The chief appraiser must send notices modifying or denying an exemption or denying an application for special appraisal by certified mail.

Duties after Records Approval

When the ARB approves the appraisal records for the year, the ARB loses most of its authority to change the records. However, an ARB’s duties do not end after it approves the appraisal records. The board may need to address other matters throughout the tax year, including late-filed residence homestead exemptions,

supplemental records, appraisal roll corrections, failure to deliver notice, cases of substantial error, and joint motions on incorrect values.

Late-filed homestead exemptions

Section 11.431, Tax Code, allows property owners to file homestead exemption applications after the May 1 deadline for filing has passed. Homeowners must apply for the exemption no later than one year after the taxes on the homestead were paid or became delinquent, whichever is earlier. Section 11.43 allows over-65 homeowners to file an application for the over-65 homestead exemption up to one year after the date the person turns 65. The chief appraiser approves, denies, or modifies the exemption as appropriate and submits the proposed change to the records to the ARB.

After the ARB approves the appraisal records and the late-filed homestead exemption, the chief appraiser notifies the collector for each taxing unit in which the home is located. The collector then calculates the new lower tax and sends the property owner a refund or new bill as appropriate.

It would be difficult, if not impossible, for the ARB to meet and review each late-filed homestead exemption individually. The chief appraiser may act on the applications and periodically submit accumulated changes to the ARB for approval.

If the chief appraiser denies a late-filed homestead exemption application, the property owner may file a notice of protest and request an ARB hearing.

Supplemental records

The chief appraiser often prepares and submits supplemental records to the ARB after approval of the initial appraisal records. Supplemental records list property that the chief appraiser discovers was not included in the initial records submission. They also include property that was omitted from the appraisal roll in an earlier year.

The ARB reviews and approves supplemental records by the same process used for the original appraisal records. However, the time deadlines for a property owner to protest are different. A property owner has 30 days after the chief appraiser submits the supplemental records to file a notice of protest. The ARB has 30 days after the property owner files the protest to hear and determine it or as soon after that date as possible.

Corrections after approval

There is an important difference between corrections to the appraisal records before approval and correc-

tions after approval. Before approval, the ARB may reconsider any order it has already issued, provided it gives interested parties notice of the reconsideration. After approval, the ARB has limited authority to order changes.

Sections 25.25 and 41.411, Property Tax Code, give the ARB and the chief appraiser authority to correct certain errors in approved appraisal records. Correction procedures vary, depending on the type of correction. The ARB may correct some errors up to five years after the year of the error and may correct other errors only if the property owner acts before the delinquency date. The filing deadlines and types of corrections are discussed below.

Section 25.25 provides that a person who acquires a property after the January 1 of the tax year in question has the same rights to file a motion to correct the property's record as the January 1 owner had. The new owner must meet the same deadline for filing the motion. In addition, the new owner may continue any motion filed by the January 1 owner.

Changes by the chief appraiser. Section 25.25(b) provides that the chief appraiser may change the appraisal roll at any time to correct a name or address, determination of ownership, a description of property, multiple appraisals of the property, a clerical error, or other inaccuracy as prescribed by ARB rule that does not increase a person's tax liability. The chief appraiser does not need to consult the ARB before making these changes. The ARB, however, must adopt written rules setting out the circumstances under which the chief appraiser may correct errors that affect a person's tax liability. The ARB may wish to consult with its attorney on drafting rules giving the chief appraiser authority to correct the appraisal rolls. Once adopted, these rules should become part of the ARB's written protest and hearing procedures.

Each quarter, the chief appraiser will submit a report to the ARB and appraisal district board of directors showing any changes to the appraisal rolls under Section 25.25(b). The report must include the property owner's name, address, property description, and type of clerical error or other inaccuracy that caused an error on the appraisal rolls.

The failure or refusal of a chief appraiser to make a clerical error change to an appraisal roll under Section 25.25(b) is not subject to an ARB action or a taxpayer lawsuit.

Changes by ARB. On the motion of the chief appraiser or a property owner, the ARB may order

changes to the appraisal roll to correct three different types of errors: (1) clerical errors that affect a property owner's liability for a tax; (2) multiple appraisals of a property in a single tax year; or (3) the inclusion of a property that does not exist, either in the form described on the appraisal roll or at the location described on the appraisal roll. The time in which an ARB may correct these errors is limited. **The ARB must correct the error for any of the five preceding years in which the error occurred.**

If the chief appraiser and property owner do not agree on a motion to correct the appraisal records under Section 25.25(c) within 15 days after the property owner files the motion, the property owner is entitled to a hearing on the motion if requested. The property owner is entitled to a hearing regardless of whether he or she protested the property value in a prior year. At least 15 days before the hearing, the ARB must deliver a written notice with the date, time, and place of the hearing to the property owner, chief appraiser, and presiding officer of the governing body of each taxing unit in which the property is located. The ARB should conduct hearings on Section 25.25(c) motions the same way it conducts regular protest hearings. A person forfeits the right to file a Section 25.25(c) motion if taxes are delinquent in a year for which the person seeks a correction.

Before delinquency date. On a motion by the chief appraiser or the property owner, the ARB may order changes to correct certain appraisal errors in the appraisal roll. The deadline for such a motion is before taxes on the property become delinquent.

On joint motion of the property owner and the chief appraiser, the ARB must approve an error that resulted in an incorrect appraised value for the owner's property. The deadline for filing this motion is before the taxes on the property become delinquent.

Finally, a taxpayer may file a protest after the normal protest deadline alleging failure of the ARB or the chief appraiser to provide or deliver a notice required by law. If the taxpayer can show that a notice was never delivered, the ARB must hear any protest the taxpayer wishes to bring on the property affected by the notice. The taxpayer must file before the delinquency date.

Types of corrections

Clerical errors that affect tax liability. A clerical error is defined by law. (See Section 1.04 for the exact definition.) Generally, a clerical error is defined as an error caused by a mistake in writing, copying, transcribing, computer data entry or retrieval, or a mathematical

error that prevents the appraisal or tax roll from correctly showing what the chief appraiser, ARB, or tax assessor said or did. A clerical error is not a mistake in reasoning or judgment in making a finding or determination.

For example, if a field appraiser appraises a residence at \$50,000 but the value is keypunched as \$5,000, the error is clerical. If, on the other hand the field appraiser mistakenly values the house at \$5,000 rather than \$50,000, the error is not clerical.

If such errors are brought to the ARB's attention within the proper five-year time frame after it approved the roll, the ARB may correct the clerical error in the first instance. However, it may not correct the judgment in the second instance unless it is the subject of a one-third over-appraisal error motion, a protest of failure to deliver notice, or a joint motion by the property owner and chief appraiser on an incorrect value. Taxes may not be delinquent for the years corrected.

Multiple appraisals. A multiple appraisal occurs when a property is listed in the appraisal records more than once for the same year. On the timely motion of the chief appraiser or of the property owner, the ARB may order a correction to the appraisal roll for a multiple appraisal. The five-year filing deadline applies. Taxes may not be delinquent for the years corrected.

Non-existent property. Non-existent property included on the appraisal roll is property that doesn't exist either in the form or at the location described on the appraisal roll. On the motion of the chief appraiser or the property owner, the ARB may correct, before the end of five years after January 1 of the tax year, any errors involving non-existent property. Again, taxes may not be delinquent for the years corrected.

The Dallas Court of Appeals ruled that the term "form" refers to the property's physical description, not to the property's use.

The Houston Court of Appeals ruled that the apportionment of value for use in other states met the definition of "does not exist at the location described" provision of Section 25.25(c)(3).

One-third over-appraisal error. The chief appraiser or a property owner may file a motion to correct an appraisal error that results in a wrongly appraised value for the owner's property. If the chief appraiser and property owner do not agree on a motion to correct the appraisal records under Section 25.25(d) within 15 days after the property owner files the motion, the property owner is entitled to a hearing on the motion if requested.

Section 25.25(d) provides that the error may be corrected only if the appraised value exceeds the correct value by more than one-third. The ARB should determine the correct value. It may wish to include its calculation method for the one-third difference in its administrative procedures.

The correction motion must be brought before taxes on the property become delinquent. The property owner must comply with Section 42.08 (payment of taxes – see next section on tax payment during an appeal). The ARB may correct the value if the property was not the subject of a protest for the year under Chapter 41, Property Tax Code, or a written agreement. Section 25.25(d) prohibits the ARB from making a requested appraisal roll correction if (1) the owner's property was the subject of an ARB hearing in which the owner appeared and offered evidence or argument and the ARB made a determination on the merits or (2) the appraised value was the result of a written agreement between the owner (or agent) and the appraisal district.

The law's language requires the ARB to grant a hearing to correct a one-third over-appraisal error. The only limitation on filing a motion is the delinquency date. Otherwise, the ARB should hold a hearing to determine whether the property was the subject of the owner's protest or written agreement setting value. If the property was not, then the ARB hears the evidence and determines whether the correct value has been exceeded by more than one-third. If so, the value may be corrected. Sample forms for making a correction motion appear in Appendices S and T.

After a motion is filed and a hearing granted, the ARB must deliver a 15-day notice of the time, date, and place of the hearing to the chief appraiser, the property owner, and presiding officer of the governing body of each taxing unit in which the property is located. Each party is entitled to present evidence and argument at the hearing and to receive written notice of the board's determination. The property owner or the chief appraiser may file a suit to compel the ARB to make a change required by law.

The property owner must pay a late-correction penalty if the ARB makes a change. The amount of the penalty is 10 percent of the taxes due on the new value. The 10 percent penalty must be paid to each taxing unit affected by the change.

Joint motion on incorrect value. Section 25.25(h) requires the ARB—on a joint motion by the property owner and the chief appraiser—to correct an error that resulted in an incorrect appraised value for the owner's property. The deadline for filing this joint

motion is before the delinquency date. An agreement between the property owner or the owner's agent and the appraisal district is final. The ARB may not review or reject the agreement.

Late protest based on failure to deliver notice. The Property Tax Code allows a property owner to file a late protest, after the normal deadline but before the delinquency date, alleging that the district or the ARB has not delivered or provided a notice required by law. If the ARB finds that the notice was required but was not delivered, it must hear any protest regarding the property that the property owner cares to present. The taxpayer must comply with Section 42.08. (See next section on payment.)

In the context of the law, "delivery" means that the appraisal district mailed the notice, correctly addressed to the property owner at the last address furnished by the property owner. Section 1.07 states that delivery is presumed unless the property owner provides some evidence that he or she did not receive the notice. In that case, the burden shifts to the appraisal district to show that the notice was properly mailed to the last correct address in its possession.

The courts have looked for the following evidence on delivery of a notice: (1) sufficient postage, (2) the notice was mailed, (3) the notice was sent by first class mail, and (4) the notice was sent to the most current address and not returned.

If the appraisal district can show proper mailing, then the taxpayer is not entitled to have the protest heard under this provision. If the taxpayer claims no receipt and the appraisal district can't show proper mailing, then the property owner has shown failure of delivery. If the ARB determines that this is the case, the ARB must then hear and determine any and all protests the property owner wishes to make regarding the property that was the subject of the notice.

Tax payment during an appeal

For a one-third over-appraisal, clerical, multiple appraisal, or non-existent property error; a late protest based on failure to deliver notice; or a district court appeal, the property owner must pay as required by Section 42.08, Tax Code. The owner must pay the lesser of the amount of taxes not in dispute or the amount of taxes due on the property based on the approved value that is being appealed. The owner must pay before the delinquency date.

On motion of a party to a district court appeal, the court shall hold a hearing to determine if the taxpayer complied with Section 42.08. The court may dismiss

the pending action for failure to comply or may require full compliance if the owner has only substantially complied. The owner has 30 days from the court's decision to fully comply.

Section 42.08 provides a procedure allowing a district court to excuse a property owner from the required payment of taxes to taxing units in a district court appeal. The property owner must file an oath of inability to pay the taxes in question and argue that the payment constitutes an unreasonable restraint on the right to obtain access to the courts to contest the matter. The court sets a hearing and determines reasonable terms or conditions for any relief from payment. The judge has the discretion to address the owner's needs to seek legal redress versus the taxing units' need for an adequate, reliable income stream.

Judicial review

Taxing units and property owners may appeal decisions of the ARB to district court. Judicial review is the subject of Chapter 42 of the Property Tax Code. In addition, a property owner who appeals an ARB decision has a right to non-binding arbitration. Binding arbitration is required if the appraisal district joins in the motion or consents to arbitration.

A property owner may appeal an ARB order determining a protest, including a protest filed under Section 25.25. The chief appraiser may appeal an ARB order determining a taxpayer protest if he or she has the written approval of the appraisal district board of directors. A taxing unit may appeal an ARB order determining a challenge.

Section 42.015 allows a lessee —person who is contractually obligated to reimburse the lessor (property owner) for property taxes—to appeal to district court an ARB order if the lessee protested the original property tax appraisal. The lessee is presumed to be the owner of the property for appeal purposes. The chief appraiser must send any written notice concerning the appeal to both the lessee and lessor.

To appeal, a party other than a property owner must file written notice within 15 days after receiving the notice of an order that the ARB issued. Taxing units must file this notice with the chief appraiser. If the chief appraiser appeals, he or she must file the notice with the ARB.

If the chief appraiser or a taxing unit initiates an appeal, the ARB must deliver a copy of the notice to the property owner involved within 10 days after the chief appraiser or taxing unit files the notice.

The party initiating the appeal then files a petition for

review with the district court no more than 45 days after receiving the notice of the ARB's order. A petition filed after the time limit bars district court appeal.

When a taxpayer appeals, the appraisal district is named as the defendant in the suit. The suit may also name the ARB. Normally the appraisal district's attorney handles the case, but the ARB does have the right to participate.

In a district court appeal, the property owner must pay as required by Section 42.08, Property Tax Code. See the section *Tax payment during an appeal* on page 32.

Appendices

Appendix A

Petition Challenging Appraisal Records.

This is a form which a taxing unit may use to file a challenge with the ARB. (Page 39)

Appendix B

Notice of Protest.

Property owners may use this form to file a protest with the ARB. (Page 40)

Appendix C

Appointment of Agent for Property Taxes.

Three forms address appointment of agent for property taxes.

A property owner must file this form to designate in writing another person to act as his or her agent for property other than a single-family residence. For example, a property owner may wish to have someone else present the protest to the ARB, or may wish to have the tax bills delivered to another person. (Page 41)

For designating an agent for a single-family residence, the property owner completes the second form. This form states in boldface type that a taxpayer may wish to contact the appraisal office or taxing units for free information or forms. (Page 43)

Finally, the third form provides for the agent to update accounts that he or she represents in the appraisal district. (Page 45)

Appendix D

Notice of Protest Hearing.

This notice informs the property owner of the time, date and place of the protest hearing. (Page 46)

Appendix E

Waiver of 15-Day Notice of Protest Hearing.

A property owner signs this affidavit for the ARB to confirm waiver of the right to 15-days advance notice of a protest hearing. (Page 47)

Appendix F

Settlement and Waiver of Protest.

The property owner and appraisal district representative sign this form and give it to the ARB. The property owner agrees on a settlement with the appraisal district and drops the protest on the matter. The property owner's agent may sign this form. An agreement made between an owner or the owner's agent and the appraisal district is final. (Page 48)

Appendix G

Form of Subpoena.

The ARB issues a subpoena to command a witness to appear before it. The ARB may also tell the witness to bring specific documents to the hearing. (Page 49)

Appendix H

Order Determining Challenge.

The ARB issues this order when it decides a taxing unit challenge. The ARB must send a copy of this order to the taxing unit by certified mail, together with a notice of issuance (see Appendix K). (Page 50)

Appendix I

Order Determining Protest.

The ARB issues this order when it decides a taxpayer protest. It must send a copy of this order to the taxpayer by certified mail, together with a notice of final order issuance (see Appendix J). (Page 51)

Appendix J

Notice of Final Order with Form for Notice of Appeal.

This notice informs a party of an ARB's final decision and of the party's right to appeal the decision. It may include a portion which the property owner can detach and return as the notice of appeal required by Section 42.06. (Page 52)

Appendix K

Notice of Issuance of ARB Order to Taxing Unit.

The ARB must send this notice by certified mail together with a copy of the order that determined the taxing unit challenge (see Appendix H). (Page 53)

Appendix L

Order to Correct Appraisal Records.

The ARB uses this form to correct errors or omissions to the appraisal records. (Page 54)

Appendix M

Order Approving Appraisal Records.

The ARB uses this form to indicate its completion of the review and equalization process and approval of the records. The ARB may use this form for supplemental appraisal records (see Appendix O) but it should change the title of the form to “Order Approving Supplemental Appraisal Records.” (Page 55)

Appendix N

Notice to Taxpayer (Property Tax Code Section 41.11).

If the ARB orders a value change based on a taxing unit challenge, a chief appraiser’s motion or an ARB motion, the ARB must deliver this correction notice to the affected property owner at least 15 days before the ARB approves the appraisal records. In turn, the property owner has 30 days after the ARB delivers the notice to file a written protest. (Page 56)

Appendix O

Order Approving Supplemental Appraisal Records.

After the initial records approval, the chief appraiser often discovers property omitted from the appraisal records. The chief appraiser sends a notice to the property owner and each of the taxing units involved. The property owner has 30 days to file a protest. (Page 57)

Appendix P

Order to Correct Appraisal Roll (After Certification).

Many times the chief appraiser will learn of necessary corrections to the appraisal roll after certifying it. The chief appraiser may correct a name, address, property description or clerical error which does not affect tax liability. The ARB may direct the chief appraiser to correct clerical errors affecting tax liability, to delete multiple appraisals or to delete property that should not have been included on the appraisal roll. The ARB may also direct correction of a one-third over-appraisal error, if the property owner or the chief appraiser has filed a motion requesting it, or a joint motion by the owner and chief appraiser to correct a value. (Page 58)

Appendix Q

Conflict of Interest Affidavit (Sample).

This affidavit publicly discloses the nature and extent of “substantial interest” as required by Chapter 171, Local Government Code. (Page 59)

Appendix R

Joint Motion to Correct Incorrect Appraised Value.

This form provides for the property owner and

chief appraiser to file a joint motion to correct an appraised value. (Page 60)

Appendix S

Motion for Hearing to Correct One-Third Over-Appraisal Error.

This motion requests an ARB hearing to correct a one-third over-appraisal error. (Page 61)

Appendix T

Notice of Hearing.

The notice informs the chief appraiser, property owner and taxing units that the ARB has set a hearing to correct a one-third over-appraisal error. Notice must be sent 15 days before the scheduled hearing. (Page 62)

Appendix U

Notice to Property Owners in Overlapping Appraisal Districts.

The chief appraiser must send an advisory notice to property owners having property located in two or more appraisal districts. The annual notice tells the property owner, when filing any property tax information, to file in each appraisal district in which the property is located. Such information includes renditions, exemption applications and notices of protest. The chief appraiser may send this advisory notice with the notice of appraised value. (Page 63)

The chief appraisers in each of these appraisal districts with overlapping properties will share appraisal information and homestead applications. Through written agreement, the appraisers must coordinate appraisal records and activities relative to the overlapping properties. This cooperation is designed to facilitate the appraisal of these properties at the same value.

Appendix V

Required Notices.

Failure to deliver one of these notices may give the taxpayer the right to a late protest. (Page 64)

Appendix W

Notice of Public Hearing of the Appraisal Review Board (Sample).

The ARB must post this notice 72 hours in advance of each meeting. The notice must state the date, time, place and subject of the meeting. Copies should be posted at the appraisal district office and the county clerk’s office. If the appraisal district includes property in four or more counties, the ARB must publish the notice in the *Texas Register*. (Page 65)

Appendix X

Affidavit for Protest Hearing.

Each ARB member must sign an affidavit before the hearing on the protest. The affidavit states that the ARB member has not communicated with anyone concerning the property under protest except during the hearing or at

another hearing in which the property was used as evidence. (Page 66)

**Appendix Y
Kinship Chart.**

This appendix lists relatives by various degrees of affinity and consanguinity. (Page 67)

**Appendix Z
Property Tax Protest and Appeal Procedures.**

On or after May 1 but before May 15, the chief appraiser must publish protest and appeal procedures. Comptroller Rule 9.3064 sets out the minimum standards for the form and content of the notice. (Page 68)

**Appendix AA
Property Owner's Affidavit of Evidence to the Appraisal Review Board.**

A property owner need not appear at the ARB hearing if the evidence is presented by notarized affidavit. An owner may use the Comptroller-prescribed form, although it is not required. (Pages 69-70)

APPENDICES

Appendix A

Case No. _____

PETITION CHALLENGING APPRAISAL RECORDS

1

This petition is brought before the Appraisal Review Board of _____
County, Texas to challenge the appraisal records for tax year _____. Taxing unit _____
Address _____

2

Taxing unit challenges the following with respect to the property, category of property or territory described below:

- The level of appraisal for the territory or category of property
- Exclusion of the property from the appraisal records
- Grant of exemption of the property
- Determination that the property qualifies for productivity appraisal
- Omission of the property from this unit's appraisal roll

3

Describe the property, category of property or territory involved in this challenge:

4

Briefly explain why the challenge is necessary:

5

Name

Title

sign
here 


Appendix B

Comptroller of Public Accounts Form 50-132 (Rev. 2-98/3) [41.44 (12/89) Rule 9.801]


PROPERTY TAX – NOTICE OF PROTEST

Appraisal district name		Phone (Area code and number)
Address		
<p>INSTRUCTIONS: If you want the appraisal review board to hear and decide your case, you must file a written notice of protest with the appraisal review board (ARB) for the appraisal district that took the action you want to protest. If you are leasing the property subject to the protest, you must have a contract requiring you to pay the property taxes on the property.</p> <p>FILING DEADLINES: The usual deadline for filing your notice (<i>having it postmarked if you mail it</i>) is midnight, May 31.</p> <p>A different deadline will apply to you if:</p> <ul style="list-style-type: none"> • your notice of appraised value was delivered to you after May 2; • your protest concerns a change in the use of agricultural, open-space or timber land; • the ARB made a change to the appraisal records that adversely affects you and you received notice of the change; • the appraisal district or the ARB was required by law to send you notice about a property and did not; or • you had good cause for missing the May 31 protest filing deadline. <p>Contact the appraisal district for your specific protest filing deadline. The ARB will determine if good cause exists for missing a deadline. Good cause means that something beyond your control, such as a medical emergency, prevented you from meeting the deadline.</p> <p>WEEKENDS, HOLIDAYS: If your deadline falls on a Saturday, Sunday or other legal holiday, it is postponed until midnight of the next working day.</p>		
Step 1: Owner's or lessee's name and address	Owner's or lessee's first name and initial	Last name
	Owner's or lessee's present mailing address (<i>number and street</i>)	
	City, town or post office, state, ZIP code	Phone (<i>area code and number</i>)
Step 2: Describe property under protest	Give street address and city if different from above, or legal description if no street address	

	Appraisal district account number (<i>optional</i>)	
	Mobile homes: (<i>Give make, model and identification number</i>)	
Step 3: Check reasons for your protest	<input type="checkbox"/> Value is over market value.	<input type="checkbox"/> Exemption was denied, modified or cancelled.
	<input type="checkbox"/> Value is unequal compared with other properties.	<input type="checkbox"/> Change in use of land appraised as ag-use, open-space or timber land.
	<input type="checkbox"/> Property should not be taxed in _____ (<i>name of taxing unit</i>)	<input type="checkbox"/> Ag-use, open-space or other special appraisal was denied, modified or cancelled.
	<input type="checkbox"/> Failure to send required notice. _____ (<i>type</i>)	<input type="checkbox"/> Owner's name is incorrect.
	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Property description is incorrect.
		<input type="checkbox"/> Property should not be taxed in this appraisal district or in one or more taxing units.
Step 4: Give facts that may help resolve your case (continue on additional page if needed)	_____	

	What do you think your property's value is? (<i>Optional</i>) \$ _____	
Step 5: Check to receive ARB hearing procedures	I want the ARB to send me a copy of its hearing procedures.	
	<input type="checkbox"/> Yes <input type="checkbox"/> No*	
	* If your protest goes to a hearing, you will automatically receive a copy of the ARB's hearing procedures.	
Step 6: Sign the application	Signature	Date
	sign here 	

Appendix C


 Congress
 of Public
 Accounts
 Form 50-162-1 (Rev. 2-93/2)
 [1.111 (12-89)]

Date received (appraisal district use only)

APPOINTMENT OF AGENT FOR PROPERTY TAXES

Appraisal district name

Phone (area code and number)

Address

INSTRUCTIONS

You can use this form:

- To name a tax agent to represent you on property tax matters;
- To direct that tax notices be mailed to a person you name. Read the instructions carefully. This form will be in effect until you file another form with the appraisal district that revokes it or until you file a form that names a different agent.

Step 1: Owner's name and address

Owner's name

Present mailing address (number and street)

City, town or post office, state, ZIP code

Phone (area code and number)

Step 2: Describe the property

- All property listed for this owner at the above address
- The following property (give account number or legal description)

(continue on attached page if needed)

Step 3: Specify the agent's authority for property tax matters (skip to step 6 if you only want to change tax notice mailing)

- General power to represent me in property tax matters concerning this property
- Specified powers: the agent has only the powers checked below
- file notices of protest and present protests before the appraisal review board
- receive confidential information
- negotiate and resolve disputed tax matters
- other action (specify) _____

Step 4: Name the agent for property tax matters

Agent's name

Present mailing address (number and street)

City, town or post office, state, ZIP code

Phone (area code and number)

Step 5: Date the agent's authority ends

If you do not fill in a date, the agent's authority will continue indefinitely. You must file a statement revoking this form or designate a new agent to end the agent's authority.

Date

Appendix C - (Continued)

Form 50-162-2 (Rev. 2-93/2)
[1.111 (12-89)]

**Complete steps 6-9 if you want tax notices mailed to an agent.
SKIP TO STEP 10 IF YOU DON'T WANT TO CHANGE TAX NOTICE MAILING**

<p>Step 6: Check if you want property tax notices delivered to an agent</p>	<p><input type="checkbox"/> I want my agent to receive all my property tax notices and other communications for this property, including appraisal notices, appraisal review board orders and hearing notices, tax bills and collection notices.</p> <p><input type="checkbox"/> I want my agent to receive <i>only</i> the following:</p> <p><input type="checkbox"/> All communications from the chief appraiser.</p> <p><input type="checkbox"/> All orders, notices and other communications from the ARB.</p> <p><input type="checkbox"/> All tax bills and notices from all taxing entities served by the appraisal district.</p> <p><i>NOTE: These notices can affect your legal rights. The affected offices are not required by law to send you duplicate copies.</i></p>				
<p>Step 7: Describe the property for which property tax notices will be delivered</p>	<p><input type="checkbox"/> The following property (<i>give account number or legal description</i>)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: center;"><i>(continue on attached pages if needed)</i></p> <p><input type="checkbox"/> My agent will provide a list</p> <p><i>NOTE: The designation of an agent to receive communications only applies to properties you expressly identify and only affects notices generated after the date you file the list identifying the property with the appraisal district.</i></p>				
<p>Step 8: Name the person who will get the notices</p>	<p>Name of person or firm _____</p> <p>Present mailing address (<i>number and street</i>) _____</p> <p>City, town or post office, state, ZIP code _____ Phone (<i>area code and number</i>) _____</p>				
<p>Step 9: Date the change of delivery ends</p>	<p>Date _____</p> <p>If you do not fill in a date, tax notices will continue to be mailed to your agent indefinitely. You must file a statement revoking this form or designate a new agent to end the agent's authority.</p>				
<p>Step 10: Sign the form</p>	<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">sign here Signature</td> <td style="width: 40%;">Date the designation took effect</td> </tr> <tr> <td colspan="2">Title and firm name if not the property owner</td> </tr> </table> <p>This form must be signed by the property owner; a person the owner has specifically authorized to name tax agents; or by a corporate officer (if the owner is a corporation). A property manager or other agent should attach a copy of the document authorizing the person to designate agents.</p>	sign here Signature	Date the designation took effect	Title and firm name if not the property owner	
sign here Signature	Date the designation took effect				
Title and firm name if not the property owner					

Appendix C - (Continued)


 Comptroller of Public Accounts
 Form 50-241-1 (8-93)
 [1.111 R]

APPOINTMENT OF AGENT FOR SINGLE-FAMILY RESIDENTIAL PROPERTY TAX MATTERS

		Date received (appraisal district use only)	
Appraisal district name		Phone (area code and number)	
Address			
INSTRUCTIONS			
<p>* In some cases, you may want to contact your appraisal district or other local taxing units for free information and/or forms concerning your case before designating an agent.</p> <p>You can use this form:</p> <ul style="list-style-type: none"> To name a tax agent to represent you on property tax matters involving single-family residential property; To direct that tax notices involving single-family residential property be mailed to a person you name. <p>Read the instructions carefully. This form will be in effect until you file another form with the appraisal district that revokes it or until you file a form that names a different agent.</p>			
Step 1: Owner's name and address	Owner's name		
	Present mailing address (number and street)		
	City, town or post office, state, ZIP code		Phone (area code and number)
Step 2: Describe the property	<input type="checkbox"/> All property listed for this owner at the above address		
	<input type="checkbox"/> If not all property listed above, give account number or legal description of property:		
	<hr/> <hr/> <hr/> <p style="text-align: center;">(continue on attached pages if needed)</p>		
Step 3: Specify the agent's authority for property tax matters (skip to step 6 if you only want to change tax notice mailing)	<input type="checkbox"/> General power to represent me in property tax matters concerning the single-family residential property		
	<input type="checkbox"/> Specified powers: the agent has only the powers checked below:		
	<input type="checkbox"/> file applications for exemptions. <input type="checkbox"/> file notices of protest and present protests before the appraisal review board. <input type="checkbox"/> receive confidential information. <input type="checkbox"/> negotiate and resolve disputed tax matters. <input type="checkbox"/> other action (specify) _____		
Step 4: Name the agent for property tax matters	Agents name		
	Present mailing address (number and street)		
	City, town or post office, state, ZIP Code		Phone (area code and number)
Step 5: Date the agent's authority ends	Date		
	If you do not fill in a date, the agent's authority will continue indefinitely. You must file a statement revoking this form or designate a new agent to end the agent's authority.		


Appendix C - (Continued)

50-241-2 (8-93)
[1.111 R]

**Complete steps 6-9 if you want tax notices mailed to an agent.
SKIP TO STEP 10 IF YOU DON'T WANT TO CHANGE TAX NOTICE MAILING.**

<p>Step 6: Check if you want property tax notices delivered to an agent</p>	<p><input type="checkbox"/> I want my agent to receive all my property tax notices and other communications for this single-family residential property, including appraisal notices, appraisal review board orders and hearing notices, tax bills and collection notices.</p> <p><input type="checkbox"/> I want my agent to receive <i>only</i> the following:</p> <p><input type="checkbox"/> All communications from the chief appraiser.</p> <p><input type="checkbox"/> All orders, notices and other communications from the appraisal review board.</p> <p><input type="checkbox"/> All tax bills and notices from all taxing units served by the appraisal district.</p> <p><i>NOTE: These notices can affect your legal rights. The affected offices are not required by law to send you duplicate copies.</i></p>				
<p>Step 7: Describe the property for which property tax notices will be delivered</p>	<p><input type="checkbox"/> Give account number or legal description of the single-family residential property:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: center;"><i>(continue on attached pages if needed)</i></p> <p><input type="checkbox"/> My agent will provide a list.</p> <p><i>NOTE: The designation of an agent to receive communications only applies to single-family residential properties you expressly identify and only affects notices generated after the date you file the list identifying the property with the appraisal district.</i></p>				
<p>Step 8: Name the person who will get the notices</p>	<p>Name of person or firm</p> <hr/> <p>Present mailing address (<i>number and street</i>)</p> <hr/> <p>City, town or post office, state, ZIP code</p> <hr/> <p>Phone (<i>area code and number</i>)</p> <hr/>				
<p>Step 9: Date the change of delivery ends</p>	<p>Date</p> <hr/> <p>If you do not fill in a date, tax notices will continue to be mailed to you agent indefinitely. You must file a statement revoking this form or designate a new agent to end the agent's authority.</p>				
<p>Step 10: Sign the form</p>	<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">sign here <small>Signature</small></td> <td style="width: 40%;">Date the designation took effect</td> </tr> <tr> <td colspan="2"><small>Title and firm name if not the property owner</small></td> </tr> </table> <p>This form must be signed by the property owner; a person the owner has specifically authorized to name tax agent's; or by a corporate officer (if the owner is a corporation). A property manager or other agent should attach a copy of the document authorizing the person to designate agents.</p>	sign here <small>Signature</small>	Date the designation took effect	<small>Title and firm name if not the property owner</small>	
sign here <small>Signature</small>	Date the designation took effect				
<small>Title and firm name if not the property owner</small>					


Appendix C - (Continued)


 Comptroller of Public Accounts
 Form 50-163 (Rev. 9-93)
 1.111-S

ACCOUNT UPDATE FOR AGENT-REPRESENTED PROPERTY

INSTRUCTIONS

If you previously filed a valid agent appointment form for a specific property owner, you must use this form to update the appraisal district's agent records for that property owner. Please provide all requested information and attach a copy of the previously filed agent appointment form. Your authority to represent accounts to be added will be as defined in the agent appointment form. If your authority level has been changed by the property owner, you must file a new agent appointment form using State Comptroller's Form 1.111. File this form with *(appraisal district name and address for filing form)*.

Step 1: Owner's name and address	Owner's name	
	Present mailing address <i>(number and street)</i>	
	City, town or post office, state, ZIP code	Phone <i>(area code and number)</i>
Step 2: Agent's name and address	Agent's name	CAD agent code
	Current mailing address <i>(number and street)</i>	
	City, town or post office, state, ZIP code	Phone <i>(area code and number)</i>
Step 3: To add or delete accounts check box <i>(attach additional pages if needed)</i>	Account number	<input type="checkbox"/> Add account <input type="checkbox"/> Delete account
	Description	
	Account number	<input type="checkbox"/> Add account <input type="checkbox"/> Delete account
	Description	
	Account number	<input type="checkbox"/> Add account <input type="checkbox"/> Delete account
	Description	
	Account number	<input type="checkbox"/> Add account <input type="checkbox"/> Delete account
	Description	
	Account number	<input type="checkbox"/> Add account <input type="checkbox"/> Delete account
	Description	
	Account number	<input type="checkbox"/> Add account <input type="checkbox"/> Delete account
	Description	
Step 4: Sign and date the form and attach a copy of the agent appointment form	I am the authorized agent of the property owner named herein and request the appraisal district to update its records as specified.	
	sign here  Signature	Date
	Typed or printed name	Agent code

Appendix D

NOTICE OF PROTEST HEARING

NOTICE OF PROTEST HEARING

For Tax Year _____

Appraisal Review Board for the

_____ Appraisal District

Case no. _____

Account number: _____

Name and mailing address:

Property description: _____

Dear Property Owner:

You filed a notice of protest on the above referenced account and we have scheduled you for a hearing. The date, time, and place of your hearing are as follows:

DATE:

TIME:

PLACE:

This particular hearing will consider the issues you raised concerning: _____

If you have requested that this property be divided (split-out) into one or more new accounts or combined with an existing account, please bring copies of relevant deeds, contracts, or plats to the hearing.

It is important that you be on time for your hearing. Hearings are scheduled at specific times and your protest may be dismissed if you fail to appear.* Most hearings are completed in about _____ minutes.

If you do not want to attend the hearing, the law allows you to submit your evidence in the form of a sworn affidavit. The affidavit must state that you swear or affirm that the information it contains is true and correct, and you must execute it before a Notary Public or other public official who is authorized to administer oaths. If you decide to submit an affidavit, please make sure it identifies you as the property owner and your address, that it reflects the account number and property description shown above, and that it shows the date and time of the hearing. For an affidavit to be considered, **WE MUST RECEIVE IT AT THE HEARING LOCATION SHOWN ABOVE PRIOR TO THE TIME OF YOUR HEARING.** An affidavit form is enclosed for your use.

You may also have a representative or agent appear for you. This person must have written authorization to represent you. The authorization form must be approved by the appraisal district and be signed by you.

For your hearing, you should bring written evidence and/or documentation of value to support your protest. You may request that the appraisal district furnish you with schedules and data used to appraise your property as well as any evidence the chief appraiser will present at your protest. The appraisal district may charge for any copies. If you have further questions, you may call _____.

*PLEASE NOTE: Failure to appear at your hearing either in person, by sending a sworn affidavit containing evidence to support your protest, or by authorized representative may jeopardize your right to appeal the appraisal review board's decision to district court.

Appendix E

 50-217
Accounts Receivable
(Rev. 2-93/3)

WAIVER OF 15-DAY NOTICE OF PROTEST HEARING

Case no. _____

Appraisal Review Board


_____ County, Texas

WAIVER OF 15-DAY NOTICE OF PROTESTING HEARING

DATE: _____

I understand that under Section 41.46 and Section 25.25 (d), Property Tax Code, I have right to 15 days' notice before the Appraisal Review Board hears my protest. However, I wish to waive that right and meet with the Appraisal Review Board in less than 15 days. I hereby waive the right to a notice of hearing and agree to the following time and date of hearing:

_____, at _____

sign
here 

**The ARB may wish to modify notice to provide waiver of 14-day information and material requirement. The waiver should be modified if the owner is waving a Sec. 41.46 protest and has not received the required information and materials.*

Appendix F



SETTLEMENT AND WAIVER OF PROTEST

To the Appraisal Review Board Property owner: _____

For _____ County _____

Description of property: _____

Case no. _____


Date filed: _____


SETTLEMENT AND WAIVER OF PROTEST

I acknowledge that the subject matter of the protest filed on the above date concerning the property described above has been settled. I hereby withdraw my protest and waive my right to any further proceeding in this matter.

Describe actions to be taken:

sign here  Property owner

sign here  Appraisal District Representative

sign here  Agent's signature if on behalf of property owner

sign here  Date

Order

On the _____ day of _____, the Appraisal Review Board with a quorum present ordered that the appraisal records shall be changed according to the settlement.

Chairman

Date

sign here 

Appendix G

Comptroller of Public Accounts
FORM 50-219 (Rev. 2-94/3)

FORM OF SUBPOENA

This subpoena must be issued upon order of the Appraisal Review Board and both the order and subpoena signed by the chairman.

THE STATE OF TEXAS

To any Sheriff or Constable of the State of Texas

Greetings:

YOU ARE COMMANDED, at the instance of _____ (name of party summoning witness) to serve a copy of this subpoena on _____ (name of witness), who may be found at _____ (address for service) and summon (him or her) to appear before the Appraisal Review Board of _____ County, Texas on _____ (date), _____, at _____ (time or instant) in the _____ (name of building) at _____ (complete street and city address) County, Texas, at that time and place to testify as a witness on behalf of _____ (name of party), _____ (appellant or appellee), in the proceeding of the Appraisal Review Board in Case No. _____.

(When production of documents is sought, add:)

and to bring with _____ (him or her) for use as evidence in said proceeding, the _____ (books or papers or documents or other things) under (his or her) control _____ (as follows or as described in the memorandum attached as Exhibit A and incorporated herein by reference the same as if fully copied and set forth at length), and there to continue _____ (his or her) attendance from day to day until discharged by the Board, or by the party summoning _____ (him or her).

After serving a copy of this subpoena on the witness, deliver the original subpoena to the clerk of this Board, with your return showing how you executed the writ.

Given under my hand, at office in the City of _____, Texas, and issued this the _____ day of _____ (date), _____, by order of the Appraisal Review Board of _____ County, Texas.

Chairman, Appraisal Review Board

of _____ County, Texas

RETURN

Came to hand on the _____ day of _____ (date), _____, at _____ o'clock _____ m., and executed by delivering this _____ (subpoena or subpoena duces tecum)* to _____ (name of witness) at _____ (address) in _____ County,

Texas, on the _____ day of _____ (date), _____. In executing this subpoena, I actually traveled _____ miles. My fee for the execution of this subpoena is \$8.00 _____ (or My fee for the execution of this subpoena was paid in advance).

(typed name)

(Sheriff or Constable)

County, Texas

By: _____

Deputy

* If only the presence of a witness is sought, the return identifies the subpoena as a "subpoena" and no production of documents is requested in the main body of the subpoena form. If both a witness and documents are sought, the return uses the description "subpoena duces tecum" and the documents or other records sought are identified in the main body of the subpoena form.

Appendix H



ORDER DETERMINING CHALLENGE

Appraisal Review Board

_____ County, Texas

Case No. _____

ORDER DETERMINING CHALLENGE

On _____, _____, the Appraisal Review Board of _____ County, Texas, heard the challenge of _____ concerning the appraisal records for tax year _____.

The taxing unit and chief appraiser appeared. A summary of the chief appraiser's testimony, a list of witnesses and a list of evidence submitted appear as part of the records of this case.

The unit's challenge petition was filed in time. The Appraisal Review board found that it had jurisdiction over the case. The Appraisal Review Board delivered written notice of the hearing in the manner required by law.

Having heard the evidence and arguments from both sides, the Appraisal Review Board with a quorum present determined that:

[OPTION 1] The appraisal records are incorrect and should be changed.

— OR —

[OPTION 2] The appraisal records are correct and should not be changed.

The Appraisal Review Board therefore ORDERS that:

[OPTION 1] The chief appraiser shall change the appraisal records as follows:

(specify changes to be made)

— OR —

[OPTION 2] The chief appraiser shall make no change to the appraisal records concerning this property.

Chairman, Appraisal Review Board

sign
here

Signed on _____, _____

Appendix I



ORDER DETERMINING PROTEST

Appraisal Review Board
_____ County, Texas
Case No. _____

ORDER DETERMINING PROTEST

On _____, _____, the Appraisal Review Board of _____ County, Texas, heard the protest of _____ concerning the appraisal records for tax year _____.

The taxpayer and chief appraiser appeared. A summary of the chief appraiser's testimony, a list of witnesses and a list of evidence submitted appear as part of the records of this case.

The taxpayer's notice of protest was filed in time. The Appraisal Review Board found that it had jurisdiction over the case. The Appraisal Review Board delivered written notice of the hearing in the manner required by law.

Having heard the evidence and arguments from both sides, the Appraisal Review Board with a quorum present determined that:

[OPTION 1] The appraisal records are incorrect and should be changed.

— OR —

[OPTION 2] The appraisal records are correct and should not be changed.

The Appraisal Review Board therefore ORDERS that:

[OPTION 1] The chief appraiser shall change the appraisal records as follows:

(specify changes to be made)

— OR —

[OPTION 2] The chief appraiser shall make no change to the appraisal records concerning this property.

Chairman, Appraisal Review Board

sign
here

Signed on _____, _____

Appendix J

 Comptroller
of Public
Accounts
FORM 50-222
(Rev. 1-01/4)

NOTICE OF FINAL ORDER WITH FORM FOR NOTICE OF APPEAL

Appraisal Review Board
for _____ County

To: _____

Case No. _____
Date: _____

Description of property _____

NOTICE OF FINAL ORDER

THE APPRAISAL REVIEW BOARD HAS MADE A FINAL DECISION ON YOUR PROTEST. A COPY OF THE ORDER DETERMINING THE PROTEST IS ENCLOSED WITH THIS NOTICE.

YOU HAVE A RIGHT TO APPEAL THIS ORDER TO THE DISTRICT COURT. IF YOU WANT TO APPEAL, YOU SHOULD CONSULT AN ATTORNEY IMMEDIATELY. YOU MUST FILE A PETITION WITH THE DISTRICT COURT WITHIN 45 DAYS OF THE DATE YOU RECEIVE THIS NOTICE. IF YOU DO APPEAL AND YOUR CASE IS PENDING, YOU MUST PAY THE AMOUNT OF TAXES NOT IN DISPUTE OR THE AMOUNT OF TAXES DUE ON THE PROPERTY UNDER THE ARB ORDER, WHICHEVER IS LOWER, TO EACH TAXING UNIT BEFORE TAXES FOR THE YEAR BECOME DELINQUENT.

You may use this form if you wish to notify the appraisal review board that you will appeal the above order.

Mail Chief Appraiser
To: For _____ County

From: _____

NOTICE OF APPEAL OF APPRAISAL REVIEW BOARD ORDER

This is formal notice that I intend to appeal the order of the Appraisal Review Board in


Case No. _____ regarding my property.

Return address if different from above:

sign
here _____

Date _____

Appendix K

 Comptroller
of Public
Accounts
Form 50-223
(Rev. 6-92/2)

NOTICE OF ISSUANCE OF ARB ORDER TO TAXING UNIT

**APPRAISAL REVIEW BOARD
FOR THE
_____ COUNTY APPRAISAL DISTRICT**

Notice of Issuance of Order

TO: (name of presiding officer of taxing unit)
(address of taxing unit)

(date

RE: (legal description of property)
Case No. _____

Dear _____ :


The _____ County Appraisal Review Board has issued an order in your challenge on the aboved-described property.

A copy of this order is enclosed for your inspection. Please contact _____ at the _____ County Appraisal District office, _____ if you have questions concerning this matter.

Sincerely,

Secretary
Appraisal Review Board

Appendix L

 50-224
Comptroller
of Public
Accounts
(Rev. 2-94/3)

ORDER TO CORRECT APPRAISAL RECORDS

Appraisal Review Board
_____ County, Texas
Case No. _____

ORDER TO CORRECT APPRAISAL RECORDS

On _____, _____, the Appraisal Review Board of _____ County, Texas, with a quorum present, determined that the following appraisal record be changed, based on a taxing unit challenge or chief appraiser motion:

(describe problem to be corrected)

It is therefore ORDERED that the matter be referred to the chief appraiser for correction. The chief appraiser shall correct the appraisal record by:

(list action to be taken)


It is further ORDERED that a copy of this order and notice of the change in the record be delivered to *[name of affected property owner(s)]* at least 15 days before the board approves the appraisal records.

Chairman, Appraisal Review Board

Signed on _____, _____ **sign here** _____

(If the appraisal records are changed and the above order results in an increase of the tax liability of the property owner, the secretary of the board must deliver written notice of the change to the property owner not later than the 15th day before the date the appraisal review board approves the appraisal records provided by Sec. 41.12, Property Tax Code. The notice, a sample copy of which appears as Appendix N, must provide the property owner the right to protest within 30 days after the date the notice of then change is delivered. See also Sec. 41.44, Property Tax Code.)

Appendix M

 Comptroller of Public Accounts FORM 50-225 (Rev. Rev. 6-92/2)

ORDER APPROVING APPRAISAL RECORDS

Appraisal Review Board
_____ County, Texas

ORDER APPROVING APPRAISAL RECORDS FOR _____

On _____, _____, the Appraisal Review Board of _____ County, Texas, met to approve the appraisal records for tax year _____.

The board finds that the appraisal records, as corrected by the chief appraiser according to the orders of the board, should be approved.

The board finds that the sum of appraised values, as determined by the chief appraiser, of all properties on which protests have been filed but not determined by this board is five percent or less of the total appraised value of all other taxable properties.

The board therefore APPROVES the appraisal records as corrected.

Chairman, Appraisal Review Board

Signed on _____, _____

sign
here 

Appendix N

 Comptroller of Public Accounts Form 50-226 (Rev. 6-92/2)

NOTICE TO TAXPAYER (PROPERTY TAX CODE SECTION 41.11)

**APPRAISAL REVIEW BOARD
FOR THE
_____ COUNTY APPRAISAL DISTRICT**

Notice of Change in Appraisal Records

TO: _____

Date _____
Re: _____ (Property)

Dear _____

In Case No. _____, the Appraisal Review board for _____ County Appraisal District ordered a change in the appraisal records that will increase your tax liability. The change was as follows:

You have the right to protest this action and have a hearing before the Appraisal Review Board. You must notify the board of your protest in writing. You can get a protest form from the _____ County Appraisal District office, or you can write a letter to the Appraisal Review Board. The letter must include your name, a description of your property and the reason you are protesting or disagreeing with the change. You may wish to include the case number listed above.

DEADLINE: The deadline for mailing your protest or delivering it in person is 30 days from the date of this letter. If you miss the deadline for good cause, call the appraisal district office and ask whether the Appraisal Review Board has approved the appraisal records. The board will decide whether or not to hear your protest based on the reason you missed the deadline. Good cause is not defined, but it is usually something not within your control (for example, a medical emergency).

You may send your written protest to the Appraisal Review Board, _____ County Appraisal District, _____. If you have any questions, please free to call the appraisal office at _____. All inquiries should refer to Case No. _____, which is the file number assigned to your case.

Sincerely

Secretary
Appraisal Review Board

Appendix O



ORDER APPROVING SUPPLEMENTAL APPRAISAL RECORDS

Appraisal Review Board
_____ County, Texas

ORDER APPROVING SUPPLEMENTAL APPRAISAL RECORDS FOR _____

On _____, _____, the Appraisal Review Board of _____ County, Texas, met to approve supplemental appraisal records for tax year _____.

The board finds that the supplemental records, as corrected by the chief appraiser according to the orders of the board, should be approved and added to the appraisal roll for the district.

The board therefore APPROVES the supplemental appraisal records as corrected.

Chairman, Appraisal Review Board

Signed on _____, _____ **sign here** _____

Appendix P



ORDER TO CORRECT APPRAISAL ROLL *(After Certification)*

ORDER TO CORRECT APPRAISAL ROLL AFTER CERTIFICATION

TO: _____

I, _____, chief appraiser for _____ County Appraisal District, certify the following correction(s) of your appraisal roll for tax year _____.

[describe correction(s)]

This correction is made:

- Under my authority to correct names, addresses, property descriptions and clerical errors that do not affect tax liability.
- Following the Appraisal Review Board's written order of _____, _____, under its authority to correct multiple appraisals and clerical errors that affect tax liability.
- Following the Appraisal Review Board's written order of _____, _____, under its authority to correct the inclusion of property that does not exist in the form or at the location described on the appraisal roll.
- Following the Appraisal Review Board's written order of _____, _____, under its authority to correct appraisal errors.
- Following the Appraisal Review Board's written order of _____, _____, under its authority to correct an incorrect appraised value based on a joint motion from the property owner and chief appraiser.
- Following the Appraisal Review Board's written order of _____, _____, under its authority to determine protests based on failure to deliver notice.
- Following the Appraisal Review Board's written order of _____, _____, under its authority to approve a late-filed homestead exemption application.
- Following the Appraisal Review Board's written order of _____, _____, under its authority to decide protests of the chief appraiser's determination that a change of use of agricultural land has occurred.

A copy of the Appraisal Review Board's order is attached.

Chairman, Appraisal Review Board

sign
here

Date _____

Section 25.25 allows the chief appraiser to correct the appraisal records after certification. He or she must certify each change, within five days after it is entered, to the assessor for each taxing unit affected by the change.

Appendix Q

 50-229
Comptroller
of Public
Accounts
FCRA (Rev. 6-92/2)

CONFLICT OF INTEREST AFFIDAVIT

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____
_____, who, being by me duly sworn, on oath deposed and said:

“My name is _____. I am a member of the Appraisal Review Board for
_____ County Appraisal District. I own substantial interest in _____ The

nature and extent of this substantial interest is as follows: _____ [choose one: A.) 10% or more of the voting stock or shares
in (name of business entity); B.) ownership of 10 percent or more or \$15,000 or more of the fair market value of (name of business entity); C.) 10% of
my gross income from the previous year was from (name of business entity); D.) ownership of \$2,500 or more of the fair market value of (identify real estate).]

sign
here

Date _____


SUBSCRIBED AND SWORN TO before me this the _____ day of _____, _____.

Notary Public, State of Texas

Commission expires _____

sign
here

Appendix R

 Computer
of Public
Accounts
Form
50-249
(Revised 1-97/2)

JOINT MOTION TO CORRECT INCORRECT APPRAISED VALUE

In the County of _____ County
State of Texas _____ Appraisal Review Board

MOTION TO CORRECT INCORRECT APPRAISED VALUE

Movants _____, Chief Appraiser for the _____ County Appraisal District, and _____, owner of property described as _____, parcel number _____, bring this joint motion to correct the value on the described property on the appraisal roll approved by this Appraisal Review Board on _____, and certified to the taxing units on _____.

Movants state that the property taxes due for the _____ tax year have not become delinquent, and the movant property owner has complied with the provisions of Sec. 42.08 of the Texas Property Tax Code and has not forfeited the right to appeal for non-payment of taxes.

Movants state that the property described above is located within the _____ County Appraisal District. Further, movants state that the property described above is located within the taxing units listed below:

Movants state the incorrect value is as follows:

Movants makes this motion pursuant to Sec. 25.25(h) – (j), Texas Property Tax Code, and request that the Appraisal Review Board correct the value.

Respectfully submitted,

sign here Movant Property Owner

Date

sign here

Appraisal District Representative

Date

sign here Agent's signature if on behalf of property owner

Appendix S

Comptroller of Public Accounts FORM 50-230 (Rev. 2-94/2)

MOTION FOR HEARING TO CORRECT ONE-THIRD OVER-APPRAISAL ERROR

In the County of _____ County
State of Texas _____ Appraisal Review Board

MOTION TO CORRECT ONE-THIRD OVER-APPRAISAL ERROR

Movant _____, Chief Appraiser for the _____ County Appraisal District, or _____, owner of property described as _____, parcel number _____, brings this motion for a hearing to correct a one-third over-appraisal error regarding the described property on the appraisal roll certified by this Appraisal Review Board on _____.

Movant states that the property taxes due for the _____ tax year have not become delinquent, and the movant property owner has complied with the provisions of Sec. 42.08 of the Texas Property Tax Code and has not forfeited the right to appeal for non-payment of taxes.

Movant states that the property described above is located within the _____ County Appraisal District. Further, movant states that the property described above is located within the taxing units listed below.

Movant states the one-third over-appraisal error is as follows:

Movant makes this motion pursuant to Sec. 25.25(d) and (e), Texas Property Tax Code, and request that the Appraisal Review Board schedule a hearing to determine whether to correct the error. Movant requests that the Appraisal Review Board send notice of the time, date and place fixed for the hearing, not later than 15 days before the scheduled hearing, to the presiding officer of the governing body of each taxing unit where the property is located.

Respectfully submitted,

sign here Movant Date

The property owner or chief appraiser may use this motion to correct an appraisal error that results in a value one-third over the appraised value.

Appendix T



NOTICE OF HEARING


In the County of _____ County
State of Texas Appraisal Review Board

NOTICE OF HEARING

The _____ County Appraisal Review Board has scheduled a hearing to determine whether to correct an appraisal error on the appraisal roll for _____, _____, at _____ m. The hearing will be held at _____ (Place) . This hearing concerns property described as follows: _____, parcel number _____ .

The appraisal error alleged by movant is as follows:


Taxing units have a right to offer evidence and argument at the time of the hearing concerning why correction of the appraisal roll should not be made.

sign here  Chairman

_____ County Appraisal Review Board

Appendix U

Please print using 10 or 12 point type (or larger):


 Comptroller of Public Accounts
 50-271 (11-99/2)
 [6.025]

NOTICE TO PROPERTY OWNERS IN OVERLAPPING APPRAISAL DISTRICTS

Date

Appraisal District Name	Phone (area code and number)
-------------------------	------------------------------

Address

ATTENTION: PROPERTY OWNER

Property owner's name: _____

Present mailing address: _____

Property description:

More than one county appraisal district appraises your above-described property. This situation occurs because your property is located in a taxing unit with boundaries extending into a neighboring county or counties. When filing any papers with the appraisal districts, you must file the information with each district. The names and addresses of the appraisal districts are listed below:

Name	Mailing Address	Phone
Name	Mailing Address	Phone

The law requires chief appraisers to have a written understanding that each appraiser has use of information, including an exemption application, rendition, or other property owner report. The chief appraisers will eliminate differences in their appraisal records data, including the property's ownership, description, and physical characteristics. To the extent coordination is feasible, they will work together to appraise property at the same value.

Below are some types of information that, when filing, you must file with each appraisal district office:

1. **Current mailing address** and any changes in property ownership,
2. **Homestead exemption application** to qualify for lower taxes,
3. **Agricultural or timber appraisal application** for special land appraisal based on productivity use,
4. **Property rendition**, if required, to list your property and to give your opinion of its value,
5. **Property protest** to the appraisal review board (ARB) if you disagree with any appraisal district action on your property, and
6. **Any other information or reports** that may help the appraisal district office list and appraise your property.

Texas Property Taxes: Taxpayers' Rights, Remedies & Responsibilities, published by the State Comptroller of Public Accounts, has more information about filing reports and their deadlines. For a copy, please call or visit any of the appraisal districts listed above or call the State Comptroller's property tax assistance at 1-800-252-9121. You also will find the booklet and other property tax information on the State Comptroller's webpage at: www.window.state.tx.us.

Appendix V

Required Notices

Notice	Code Section
Notice to property owners in overlapping appraisal districts	Sec. 6.025
Notice of new application for exemption	Sec. 11.43(c)
Notice cancelling exemption	Sec. 11.43(h)
Notice of annual exemption application	Sec. 11.44(a)
Notice of modification or denial of exemption.....	Sec. 11.45(d)
Notice of decision on report of decreased value	Sec. 22.03(c)
Notice of annual application for agricultural appraisal	Sec. 23.43(e)
Notice of denial of agricultural appraisal	Sec. 23.44(d)
Notice of new application for open-space land appraisal	Sec. 23.54(e)
Notice of penalty for failure of property owner to notify chief appraiser that open-space land no longer qualifies for special appraisal	Sec. 23.54(i)
Notice of denial of open-space land appraisal	Sec. 23.57
Notice of change of use determination	Secs. 23.46, 23.55,23.76
Notice of new application for timber land appraisal	Sec. 23.75(e)
Notice of new application for public access airport property appraisal.....	Sec. 23.94(c)
Notice of penalty for failure of property owner to notify chief appraiser that timber land no longer qualifies for special appraisal	Sec. 23.75(j)
Notice of denial for timber land appraisal	Sec. 23.79(d)
Notice of new application for recreational, park and scenic land appraisal	Sec. 28.84(c)
Notice of denial for recreational, park and scenic land appraisal.....	Sec. 23.85(d)
Notice of penalty for violating deed restriction for recreational, park and scenic land appraisal.....	Sec. 23.87(b)
Notice of denial of application for public access airport property appraisal	Sec. 23.95(d)
Notice of penalty for violating deed restriction for public access airport property appraisal	Sec. 23.97(b)
Notice of appraised value.....	Sec. 25.19
Notice to property owner of a change in appraisal records	Sec. 41.11(a)
Notice of protest hearing	Sec. 41.46
Notice of certain matters before the protest hearing	Sec. 41.461

Appendix W

 50-232
Comptroller
of Public
Accounts
(Rev. 2-94/4)

NOTICE OF PUBLIC HEARING OF THE APPRAISAL REVIEW BOARD

APPRAISAL REVIEW BOARD FOR THE _____ COUNTY APPRAISAL DISTRICT, TEXAS

Notice of Public Meeting of the Appraisal Review Board:

Notice is hereby given that a public meeting of the Appraisal Review Board of the _____ County Appraisal District will convene at _____ a.m. on _____, _____, at the meeting room in the county courthouse, and will continue in session at that time and place on _____.

The board will hear and determine taxpayer and taxing unit appeals on all matters permitted by TEX. PROPERTY TAX CODE.

The Appraisal Review Board will be in session on other days, notice for which will be duly posted, until all timely filed appeals are heard and resolved.

This notice is given pursuant to the Open Meeting Act, Chapter 551, Government Code.

Chairman, Appraisal Review Board

sign
here ▶

Appendix X

 Comptroller of Public Accounts [41.66 (12/89)]

AFFIDAVIT FOR PROTEST HEARING

Appraisal district name	Phone (area code and number)
Address	
Description of property	

STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____,

who, being by me duly sworn, on oath deposed and said:

"I have not communicated with another person about the evidence, argument, facts, merits or any other matters related to the property owner's protest, nor have I communicated with another person about the property that is the subject of this protest, excluding cases where the property was used as part of a sample or compared with other properties in another proceeding before the board, and excluding instances in which I was expressly permitted under the Tax Code, Chapter 41, to communicate with the board or another person about the property owner's protest or the property under protest."

Witness my hand, this the _____ day of _____, _____.

Member, Appraisal Review Board

SUBSCRIBED AND SWORN TO before me this the _____ day of

_____, _____.

Officer

Title

Appendix Y

Chart of Kinship for Appraisal Personnel Degrees of Consanguinity and Affinity Prohibitions

1st DEGREE

By Consanguinity

- Parents
- Children

By Affinity

- Spouses of relatives listed under consanguinity
- Spouse
- Spouse's parents
- Spouse's children
- Stepparents
- Stepchildren

1st Degree Prohibitions for:

Chief Appraiser

- May not work for the appraisal district.
- The appraisal district may not contract with these relatives.
- If one of these relatives does business in the appraisal district as a paid property tax agent or as a fee appraiser whose work involves property taxes, the chief appraiser must resign.

2nd DEGREE

By Consanguinity

- Grandparents
- Grandchildren
- Brothers & sisters

By Affinity

- Spouse's of relatives listed by consanguinity
- Spouse's grandparents
- Spouse's grandchildren
- Spouse's brothers & sisters

2nd Degree Prohibitions for:

Chief Appraiser

- May not be hired by the appraisal district. If one of these relatives began working for the appraisal district more than 30 days before the chief appraiser's appointment, he or she may keep the job, but the chief appraiser may not promote, demote, change the salary or take any other action which affects the relative individually. If the relative was hired less than 30 days before the chief appraiser's appointment, either the relative or the chief appraiser must resign immediately.
- If one of these relatives does business in the appraisal district as a paid property tax agent or as a fee appraiser whose work involves property taxes, the chief appraiser must resign.

3rd DEGREE

By Consanguinity

- Great grandparents
- Great grandchildren
- Nieces & nephews
- Aunts & uncles

By Affinity

NO PROHIBITIONS

3rd Degree Prohibitions for:

Chief Appraiser

- May not be hired by the appraisal district. If one of these relatives began working for the appraisal district more than 30 days before the chief appraiser's appointment, he or she may keep the job, but the chief appraiser may not promote, demote, change the salary or take any other action which affects the relative individually. If the relative was hired less than 30 days before the chief appraiser's appointment, either the relative or the chief appraiser must resign immediately.

Appraisal District Director

- May not work for the appraisal district.

Appraisal Review Board Member

- May not participate in the determination of a taxpayer protest in which the ARB member is related to a party to the protest.

1st and 2nd Degree Prohibitions for:

Appraisal District Director

- May not work for the appraisal district.
- If one of these relatives does business in the appraisal district as a paid property tax agent or as a fee appraiser whose work involves property taxes, the director is ineligible to serve.

Appraisal Review Board Member

- If a person with substantial interest in matter before the ARB is a 1st degree relative, the ARB member must file an affidavit and abstain.
- If any of the listed relatives does business in the appraisal district as a paid property tax agent or as a fee appraiser whose work involves property taxes, the ARB member is ineligible to serve.
- May not participate in the determination of a taxpayer protest in which the ARB member is related to a party to the protest.

Appendix Z



50-195 (7-97/3)
[41.41, 41.70]

Property Tax Protest and Appeal Procedures

The law gives property owners the right to protest actions concerning their property tax appraisals. You may follow these appeal procedures if you have a concern about:

- the market or special appraised value placed on your property
- the unequal appraisal of your property
- the inclusion of your property on the appraisal roll
- any exemptions that may apply to you
- the qualification for an agricultural or timber appraisal
- the taxable status of your property
- the local governments which should be taxing your property
- the ownership of property
- the change of use of land receiving special appraisal
- any action taken by the chief appraiser, appraisal district or appraisal review board that applies to and adversely affected you.

Informal Review

(Insert description of appraisal district's informal review process, if any, then give name and telephone number of person taxpayer should contact.)

Review by the Appraisal Review Board

If you can't resolve your problem informally with the county appraisal district (CAD) staff, you may have your case heard by the appraisal review board (ARB).

The ARB is an independent board of citizens that reviews problems with appraisals or other concerns listed above. It has the power to order the CAD to make the necessary changes to solve problems. If you file a written request for an ARB hearing (called a notice of protest) before the deadline, the ARB will set your case for a hearing. You'll receive written notice of the time, date and place of the hearing. If necessary, you may request a hearing in the evening, Saturday or Sunday. Prior to your hearing, you may ask to review the evidence the CAD will use to uphold their determination. The

CAD may ask you for a copy of the evidence you plan to present. The hearing will be informal. You or a designated agent may appear in person to present evidence or you may send notarized evidence for the ARB to review at your hearing. The CAD representative will present evidence about your case. You may cross-examine the CAD representative. The ARB will make its decision based on the evidence presented. The CAD has the burden of establishing the property's value by a preponderance of the evidence presented. You can get a copy of a protest form from the appraisal district office at
(Insert address.)

Note: You shouldn't try to contact ARB members outside of the hearing. The law requires ARB members to sign an affidavit saying that they haven't talked about your case before the ARB hears it.

Review by the District Court

After it decides your case, the ARB must send you a copy of its order by certified mail. If you're not satisfied with the decision, you have the right to appeal to district court. If you choose to go to court, you must start the process by filing a petition within 45 days of the date you receive the ARB's order.

Tax Payment

If you appeal and your case is pending, you must pay the lesser of the amount of taxes due on the portion of the taxable value not in dispute or the amount of taxes due on the property under the order from which the appeal is taken.

More Information

You can get more information by contacting your appraisal district at *(Insert appraisal district name, address, telephone number.)* You can also get a pamphlet describing how to prepare a protest from the appraisal district or from the State Comptroller's Property Tax Division at P.O. Box 13528, Austin, Texas 78711-3528.

Deadline for Filing Protests with the ARB*

Usual Deadline

On or before May 31 (or 30 days after a notice of appraised value was mailed to you, whichever is later).

Late protests are allowed if you miss the usual deadline for good cause. Good cause is some reason beyond your control, like a medical emergency. The ARB decides whether you have good cause.

Late protests are due the day before the appraisal review board approves records for the year. Contact your appraisal district for more information.

Special Deadlines

For change of use (the appraisal district informed you that you are losing agricultural appraisal because you changed the use of your land), the deadline is before the 30th day after the notice of the determination was mailed to you.


For ARB changes (the ARB has informed you of a change that increases your tax liability and the change didn't result from a protest you filed), the deadline is before the 30th day after the notice of the determination was mailed to you.

(You may insert deadline for protests concerning omitted property if doing so would avoid taxpayer confusion.)

If you believe the appraisal district or ARB should have sent you a notice and did not, you may file a protest until the day before taxes become delinquent (usually February 1). The ARB decides whether it will hear your case based on evidence about whether a required notice was mailed to you.

* The deadline is postponed to the next business day if it falls on a weekend or holiday.

Appendix AA


 50-283 (1-2000)
 [Sec. 41.45, Tax Code]

PROPERTY OWNER'S AFFIDAVIT OF EVIDENCE TO THE APPRAISAL REVIEW BOARD		Tax Year _____
Appraisal district name _____		Phone (area code and number) _____
Address _____		
<p>Instructions: If you are unable to appear in person at your scheduled protest hearing before the appraisal review board, you may offer evidence or argument by affidavit. You must deliver the evidence or argument and this affidavit to the review board before your scheduled protest hearing. You must attest to this affidavit and evidence before an officer authorized to administer oaths (such as a notary public). The deadline for filing your affidavit (have it postmarked if you mail it) is the date before your scheduled hearing.</p> <p>You are not required to use this Comptroller form. You may submit a sworn affidavit by letter or other form, but it must contain the protesting property owner's name, description of the property under protest, and the evidence or argument.</p>		
Description of Owner and Property		
Property owner's name _____		
Property owner's mailing address _____		
City, town or post office, state, ZIP code _____		
Property's legal description _____		

Appraisal district account number (optional) _____		
Type of property subject to protest _____		
Mobile home (give make, model, or identification number) _____		
Action or Decision Being Protested		
<input type="checkbox"/> Value is over market value.	<input type="checkbox"/> Property should not be taxed in _____	
<input type="checkbox"/> Value is unequal compared with other properties.	(name of taxing unit)	
<input type="checkbox"/> Exemption denied, modified, or cancelled.	<input type="checkbox"/> Property should not be taxed in this appraisal district or in one or more taxing units.	
<input type="checkbox"/> Ag-use, open-space, or other special appraisal was denied, modified, or cancelled.	<input type="checkbox"/> Failure to send required notice.	
<input type="checkbox"/> Change in use of land appraised as ag-use, open space, or timber land.	<input type="checkbox"/> Property description is incorrect.	
<input type="checkbox"/> Owner's name is incorrect.	<input type="checkbox"/> Other: _____	
Evidence		
(Please list all evidence attached and describe briefly its contents.)		
# _____	Description _____	Pages _____
# _____	Description _____	Pages _____
# _____	Description _____	Pages _____
# _____	Description _____	Pages _____
# _____	Description _____	Pages _____
# _____	Description _____	Pages _____
# _____	Description _____	Pages _____

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