

## **BILL ANALYSIS**

C.S.H.B. 538  
By: Callegari  
Local Government Ways & Means  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Chapter 41, Tax Code defines the procedure through which property owners may protest their property's appraised value before an appraisal review board. Although the code allows for a protesting landowner to seek postponement of a hearing, landowners are given little flexibility to change the hearing date to a time of their convenience. C.S.H.B. 538 amends the Tax Code to require that property owners protesting their appraisals before an appraisal review board be given a fair opportunity to schedule a protest hearing to a time of greater convenience to them.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends §41.12, Tax Code, to authorize the directors of an appraisal district for a county with a population of at least one million to adopt a resolution to either postpone the 20 June deadline for hearing challenges and approving its appraisal records to a date not later than 30 August, or provide that the appraisal review board may approve the appraisal records if the sum of the contested appraisal cases does not exceed ten percent of the appraised value of all other taxable properties.

SECTION 2. Amends §41.45(e), Tax Code to require that a property owner who has not designated a representative to represent them at a hearing be allowed to postpone their property tax protest before an appraisal review board at least once without showing cause. Authorizes landowners to make additional postponements to their tax protest hearing at any time upon the demonstration of reasonable cause. Increases the amount of time for the postponement of a protest hearing from 15 to 30 days. Specifies that a property owner may submit a postponement request in writing, or in person to certain persons representing the board. Authorizes a board's chairman, or their representative, to grant a postponement without action by the board.

SECTION 3. Amends §41.46(a), Tax Code to require that notice provided to property owners regarding protest procedures include notice regarding the owner's entitlement to a postponement of the hearing.

SECTION 4. Transition language specifying that provisions of the Act apply to appraisal protests filed with an appraisal review board on or after 1 January 2008.

SECTION 5. 1 January 2008 effective date.

### **EFFECTIVE DATE**

1 September 2008

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

In comparison to the original version, the committee substitute adds a new SECTION 1, authorizing appraisal board directors in counties with a population of one million to adopt resolutions to either postpone their deadline for hearing challenges and approving its appraisal

records, or provide that the board may approve the appraisal records if the sum of the contested appraisals does not exceed ten percent of the total appraised value of all taxable property.

The substitute includes new language in SECTION 2 to provide that a landowner not represented by an agent is entitled to solicit a postponement. The substitute adds language that a postponement request may be made in writing or in person before certain board representatives. The substitute also provides that the board's chairman, or their representative, may grant a postponement without action by the board.

SECTION 5 of the committee substitute changes the effective date to 1 January 2008. The effective date of the original version was 1 September 2007.