

By: Bohac

H.B. No. 3173

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the chief appraiser to increase the
3 appraised value of certain property following an appeal in which
4 the value of the property is lowered.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 23.01, Tax Code, is amended by amending
7 Subsection (e) and adding Subsection (f) to read as follows:

8 (e) Notwithstanding any provision of this subchapter to the
9 contrary, if the appraised value of property in a tax year is
10 lowered under Subtitle F, the appraised value of the property as
11 finally determined under that subtitle is considered to be the
12 appraised value of the property for that tax year. In the
13 following tax year, the chief appraiser may not increase the
14 appraised value of the property unless the increase by the chief
15 appraiser is reasonably supported by substantial evidence when all
16 of the reliable and probative evidence in the record is considered
17 as a whole. If the appraised value is finally determined in a
18 protest under Section 41.41(a)(2) [~~or an appeal under Section~~
19 ~~42.26~~], the chief appraiser may satisfy the requirement to
20 reasonably support by substantial evidence an increase in the
21 appraised value of the property in the following tax year by
22 presenting evidence showing that the inequality in the appraisal of
23 property has been corrected with regard to the properties that were
24 considered in determining the value of the subject property. The

1 burden of proof is on the chief appraiser to support an increase in
2 the appraised value of property under the circumstances described
3 by this subsection.

4 (f) Notwithstanding Subsection (e), if the appraised value
5 of property in a tax year is lowered under Section 42.25 or 42.26,
6 the appraised value of the property as finally determined is
7 considered to be the appraised value of the property for that tax
8 year and the next three tax years.

9 SECTION 2. The change in law made by this Act applies only
10 to a final determination of property value made on or after the
11 effective date of this Act. A final determination of property value
12 made before the effective date of this Act is governed by the law in
13 effect on the date that determination was made, and that law is
14 continued in effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2013.