

By: Otto

H.B. No. 3442

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the obligation of an appraisal review board to respond  
3 to a property owner's request to postpone a hearing of the board.

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

5 SECTION 1. Section 41.45(e), Tax Code, is amended to read as  
6 follows:

7 (e) On request made to the appraisal review board before the  
8 date of the hearing, a property owner who has not designated an  
9 agent under Section 1.111 to represent the owner at the hearing is  
10 entitled to one postponement of the hearing to a later date without  
11 showing cause. In addition and without limitation as to the number  
12 of postponements, the board shall postpone the hearing to a later  
13 date if the property owner or the owner's agent at any time shows  
14 good cause for the postponement or if the chief appraiser consents  
15 to the postponement. The hearing may not be postponed to a date  
16 less than five or more than 30 days after the date scheduled for the  
17 hearing when the postponement is sought unless the date and time of  
18 the hearing as postponed are agreed to by the chairman of the  
19 [~~appraisal review~~] board or the chairman's representative, the  
20 property owner, and the chief appraiser. A request by a property  
21 owner for a postponement under this subsection may be made in  
22 writing, including by facsimile transmission or electronic mail, by  
23 telephone, or in person to the [~~appraisal review~~] board, a panel of  
24 the board, or the chairman of the board. The request must include

1 the mailing address and electronic mail address of the property  
2 owner or agent making the request. The chairman or the chairman's  
3 representative may take action on a postponement under this  
4 subsection without the necessity of action by the full board if the  
5 hearing for which the postponement is requested is scheduled to  
6 occur before the next regular meeting of the board. Not later than  
7 the seventh day after the date a request for a postponement is  
8 received, the [~~The granting by the appraisal review~~] board, the  
9 chairman of the board, or the chairman's representative must  
10 respond in writing or by electronic mail to the property owner or  
11 agent making the request and, if the request is granted, provide  
12 notice of the date, time, and place fixed for the hearing [~~of a~~  
13 ~~postponement under this subsection does not require the delivery of~~  
14 ~~additional written notice to the property owner~~].

15 SECTION 2. The change in law made by this Act applies only  
16 to a request for a postponement of an appraisal review board hearing  
17 received by an appraisal review board on or after the effective date  
18 of this Act. A request for a postponement of an appraisal review  
19 board hearing received before the effective date of this Act is  
20 governed by the law in effect when the request was received, and the  
21 former law is continued in effect for that purpose.

22 SECTION 3. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2013.