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H.B. No. 155

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of an appraisal review board to direct
3 changes in the appraisal roll and related appraisal records if a
4 residence homestead is sold for less than the appraised value.

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

6 SECTION 1. Section 25.25, Tax Code, is amended by adding
7 Subsection (c-1) and amending Subsections (e), (l), and (m) to read
8 as follows:

9 (c-1) The appraisal review board, on motion of the chief
10 appraiser or of a property owner, may direct by written order
11 changes in the appraisal roll or related records as provided by this
12 subsection. The board may order the appraised value of the owner's
13 property in the current tax year and either of the two preceding tax
14 years to be changed to the sales price of the property in the
15 current tax year if, for each tax year for which the change is to be
16 made:

17 (1) the property qualifies as that owner's residence
18 homestead;

19 (2) the sales price of the property is at least 10
20 percent less than the appraised value of the property or reflects an
21 error in the square footage of the property described in the
22 appraisal roll; and

23 (3) the board makes a finding that the sales price
24 reflects the market value of the property.

1 (e) If the chief appraiser and the property owner do not
2 agree to the correction before the 15th day after the date the
3 motion is filed, a party bringing a motion under Subsection (c),
4 (c-1), or (d) is entitled on request to a hearing on and a
5 determination of the motion by the appraisal review board. A party
6 bringing a motion under this section must describe the error or
7 errors or other matter, including an error in the square footage of
8 the property described in the appraisal roll, that the motion is
9 seeking to correct. Not later than 15 days before the date of the
10 hearing, the board shall deliver written notice of the date, time,
11 and place of the hearing to the chief appraiser, the property owner,
12 and the presiding officer of the governing body of each taxing unit
13 in which the property is located. The chief appraiser, the property
14 owner, and each taxing unit are entitled to present evidence and
15 argument at the hearing and to receive written notice of the board's
16 determination of the motion. A property owner who files the motion
17 must comply with the payment requirements of Section 25.26 or
18 forfeit the right to a final determination of the motion.

19 (l) A motion may be filed under Subsection (c) or (c-1)
20 regardless of whether, for a tax year to which the motion relates,
21 the owner of the property protested under Chapter 41 an action
22 relating to the value of the property that is the subject of the
23 motion.

24 (m) The hearing on a motion under Subsection (c), (c-1), or
25 (d) shall be conducted in the manner provided by Subchapter C,
26 Chapter 41.

27 SECTION 2. Effective January 1, 2018, Section 25.25(e), Tax

1 Code, as amended by S.B. 1767, Acts of the 85th Legislature, Regular
2 Session, 2017, is amended to read as follows:

3 (e) If the chief appraiser and the property owner do not
4 agree to the correction before the 15th day after the date the
5 motion is filed, a party bringing a motion under Subsection (c),
6 (c-1), or (d) is entitled on request to a hearing on and a
7 determination of the motion by the appraisal review board. A party
8 bringing a motion under this section must describe the error or
9 errors or other matter, including an error in the square footage of
10 the property described in the appraisal roll, that the motion is
11 seeking to correct. Not later than 15 days before the date of the
12 hearing, the board shall deliver written notice of the date, time,
13 and place of the hearing to the chief appraiser, the property owner,
14 and the presiding officer of the governing body of each taxing unit
15 in which the property is located. The chief appraiser, the property
16 owner, and each taxing unit are entitled to present evidence and
17 argument at the hearing and to receive written notice of the board's
18 determination of the motion. The property owner is entitled to
19 elect to present the owner's evidence and argument before, after,
20 or between the cases presented by the chief appraiser and each
21 taxing unit. A property owner who files the motion must comply with
22 the payment requirements of Section 25.26 or forfeit the right to a
23 final determination of the motion.

24 SECTION 3. The changes in law made by this Act apply only to
25 a motion to correct an appraisal roll filed on or after the
26 effective date of this Act. A motion to correct an appraisal roll
27 filed before the effective date of this Act is governed by the law

1 in effect on the date the motion was filed, and the former law is
2 continued in effect for that purpose.

3 SECTION 4. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect on the 91st day after the last day of the
8 legislative session.