

By: Phelan

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; and

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

23 (e) If the chief appraiser and the property owner do not
24 agree to the correction before the 15th day after the date the

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

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

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

24 SECTION 2. Effective January 1, 2018, Section 25.25(e), Tax
25 Code, as amended by S.B. 1767, Acts of the 85th Legislature, Regular
26 Session, 2017, is amended to read as follows:

27 (e) If the chief appraiser and the property owner do not

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

20 SECTION 3. The changes in law made by this Act apply only to
21 a motion to correct an appraisal roll filed on or after the
22 effective date of this Act. A motion to correct an appraisal roll
23 filed before the effective date of this Act is governed by the law
24 in effect on the date the motion was filed, and the former law is
25 continued in effect for that purpose.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect on the 91st day after the last day of the
4 legislative session.