

By: White

H.B. No. 390

A BILL TO BE ENTITLED

AN ACT

relating to a limitation on increases in the appraised value of real property for ad valorem tax purposes.

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

SECTION 1. Section 1.12(d), Tax Code, is amended to read as follows:

(d) For purposes of this section, the appraisal ratio of real property ~~[a homestead]~~ to which Section 23.23 applies is the ratio of the property's market value as determined by the appraisal district or appraisal review board, as applicable, to the market value of the property according to law. The appraisal ratio is not calculated according to the appraised value of the property as limited by Section 23.23.

SECTION 2. The heading to Section 23.23, Tax Code, is amended to read as follows:

Sec. 23.23. LIMITATION ON APPRAISED VALUE OF REAL PROPERTY ~~[RESIDENCE HOMESTEAD]~~.

SECTION 3. Section 23.23, Tax Code, is amended by amending Subsections (a), (b), (c), and (e) and adding Subsections (a-1), (c-1), (c-2), and (c-3) to read as follows:

(a) Notwithstanding the requirements of Section 25.18 and regardless of whether the appraisal office has appraised the property and determined the market value of the property for the tax year, an appraisal office may increase the appraised value of real

property [~~a residence homestead~~] for a tax year to an amount not to exceed the lesser of:

(1) the market value of the property for the most recent tax year that the market value was determined by the appraisal office; or

(2) the amount equal to the greater of the following amounts:

(A) the sum of:

(i) the highest appraised value of the property for any year beginning with the 2018 tax year; and

(ii) the sum of the market value of all new improvements to the property made after January 1 of the tax year used for purposes of Subparagraph (i), based on the market value of each new improvement in the tax year in which the value of the improvement was included in the appraised value of the property; or

(B) the sum of:

(i) five [~~(A) — 10~~] percent of the appraised value of the property for the preceding tax year;

(ii) [~~(B)~~] the appraised value of the property for the preceding tax year; and

(iii) [~~(C)~~] the market value of all new improvements to the property.

(a-1) The appraisal office shall compute the limitation provided by Subsection (a) using two percent in place of the percentage specified by Subsection (a)(2)(B)(i) if the owner of the property discloses to the office the price the owner paid to purchase the property. To be eligible to have the limitation

computed in the manner provided by this subsection, the owner must
file an application with the appraisal office not later than May 1.
The comptroller by rule shall prescribe the form for the
application to ensure that the applicant furnishes the information
necessary to determine the applicant's eligibility for computation
of the limitation in that manner, including the price for which the
applicant purchased the property. Computation of the limitation
provided by Subsection (a) in the manner provided by this
subsection, once allowed, need not be claimed in subsequent years
and applies to the property until the limitation expires.

(b) When appraising real property [~~a residence homestead~~],
the chief appraiser shall:

- (1) appraise the property at its market value; and
- (2) include in the appraisal records both the market
value of the property and the amount computed under Subsection
(a)(2).

(c) The limitation provided by Subsection (a) takes effect
on January 1 of the tax year following the first tax year in which
the owner owns the property on January 1, or, if the property
qualifies as the [to a] residence homestead of the owner under
Section 11.13 in the tax year in which the owner acquires the
property, the limitation takes effect on January 1 of the tax year
following that [the first] tax year [the owner qualifies the
property for an exemption under Section 11.13]. Except as provided
by Subsection (c-1) or (c-2), the [The] limitation expires on
January 1 of the first tax year following the year in which [that
neither] the owner of the property ceases to own the property.

1 (c-1) If property subject to a limitation under this section
2 qualifies for an exemption under Section 11.13 when the ownership
3 of the property is transferred to the owner's spouse or surviving
4 spouse, the limitation expires on January 1 of the first tax year
5 following the year in which ~~[when the limitation took effect nor]~~
6 the owner's spouse or surviving spouse ceases to own the property,
7 unless the limitation is further continued under this subsection on
8 the subsequent transfer to a spouse or surviving spouse ~~[qualifies~~
9 ~~for an exemption under Section 11.13]~~.

10 (c-2) If property subject to a limitation under Subsection
11 (a), other than a residence homestead, is owned by two or more
12 persons, the limitation expires on January 1 of the first tax year
13 following the year in which the ownership of at least a 50 percent
14 interest in the property is sold or otherwise transferred.

15 (c-3) For purposes of applying the limitation provided by
16 this section in the first tax year after the 2018 tax year in which
17 the property is appraised for taxation:

18 (1) the property is considered to have been appraised
19 for taxation in the 2018 tax year at a market value equal to the
20 appraised value of the property for that tax year;

21 (2) a person who acquired real property in a tax year
22 before the 2018 tax year is considered to have acquired the property
23 on January 1, 2018; and

24 (3) a person who qualified the property for an
25 exemption under Section 11.13 as the person's residence homestead
26 for any portion of the 2018 tax year is considered to have acquired
27 the property in the 2018 tax year.

1 (e) In this section, "new improvement" means an improvement
2 to real property [~~a residence homestead~~] made after the most recent
3 appraisal of the property that increases the market value of the
4 property and the value of which is not included in the appraised
5 value of the property for the preceding tax year. The term does not
6 include repairs to or ordinary maintenance of an existing structure
7 or the grounds or another feature of the property.

8 SECTION 4. Section 42.26(d), Tax Code, is amended to read as
9 follows:

10 (d) For purposes of this section, the value of the property
11 subject to the suit and the value of a comparable property or sample
12 property that is used for comparison must be the market value
13 determined by the appraisal district when the property is [~~a~~
14 ~~residence homestead~~] subject to the limitation on appraised value
15 imposed by Section 23.23.

16 SECTION 5. Sections 403.302(d) and (i), Government Code,
17 are amended to read as follows:

18 (d) For the purposes of this section, "taxable value" means
19 the market value of all taxable property less:

20 (1) the total dollar amount of any residence homestead
21 exemptions lawfully granted under Section 11.13(b) or (c), Tax
22 Code, in the year that is the subject of the study for each school
23 district;

24 (2) one-half of the total dollar amount of any
25 residence homestead exemptions granted under Section 11.13(n), Tax
26 Code, in the year that is the subject of the study for each school
27 district;

1 (3) the total dollar amount of any exemptions granted
2 before May 31, 1993, within a reinvestment zone under agreements
3 authorized by Chapter 312, Tax Code;

4 (4) subject to Subsection (e), the total dollar amount
5 of any captured appraised value of property that:

6 (A) is within a reinvestment zone created on or
7 before May 31, 1999, or is proposed to be included within the
8 boundaries of a reinvestment zone as the boundaries of the zone and
9 the proposed portion of tax increment paid into the tax increment
10 fund by a school district are described in a written notification
11 provided by the municipality or the board of directors of the zone
12 to the governing bodies of the other taxing units in the manner
13 provided by former Section 311.003(e), Tax Code, before May 31,
14 1999, and within the boundaries of the zone as those boundaries
15 existed on September 1, 1999, including subsequent improvements to
16 the property regardless of when made;

17 (B) generates taxes paid into a tax increment
18 fund created under Chapter 311, Tax Code, under a reinvestment zone
19 financing plan approved under Section 311.011(d), Tax Code, on or
20 before September 1, 1999; and

21 (C) is eligible for tax increment financing under
22 Chapter 311, Tax Code;

23 (5) the total dollar amount of any captured appraised
24 value of property that:

25 (A) is within a reinvestment zone:

26 (i) created on or before December 31, 2008,
27 by a municipality with a population of less than 18,000; and

1 (ii) the project plan for which includes
2 the alteration, remodeling, repair, or reconstruction of a
3 structure that is included on the National Register of Historic
4 Places and requires that a portion of the tax increment of the zone
5 be used for the improvement or construction of related facilities
6 or for affordable housing;

7 (B) generates school district taxes that are paid
8 into a tax increment fund created under Chapter 311, Tax Code; and

9 (C) is eligible for tax increment financing under
10 Chapter 311, Tax Code;

11 (6) the total dollar amount of any exemptions granted
12 under Section 11.251 or 11.253, Tax Code;

13 (7) the difference between the comptroller's estimate
14 of the market value and the productivity value of land that
15 qualifies for appraisal on the basis of its productive capacity,
16 except that the productivity value estimated by the comptroller may
17 not exceed the fair market value of the land;

18 (8) the portion of the appraised value of residence
19 homesteads of individuals who receive a tax limitation under
20 Section 11.26, Tax Code, on which school district taxes are not
21 imposed in the year that is the subject of the study, calculated as
22 if the residence homesteads were appraised at the full value
23 required by law;

24 (9) a portion of the market value of property not
25 otherwise fully taxable by the district at market value because of:

26 (A) action required by statute or the
27 constitution of this state, other than Section 11.311, Tax Code,

1 that, if the tax rate adopted by the district is applied to it,
2 produces an amount equal to the difference between the tax that the
3 district would have imposed on the property if the property were
4 fully taxable at market value and the tax that the district is
5 actually authorized to impose on the property, if this subsection
6 does not otherwise require that portion to be deducted; or

7 (B) action taken by the district under Subchapter
8 B or C, Chapter 313, Tax Code, before the expiration of the
9 subchapter;

10 (10) the market value of all tangible personal
11 property, other than manufactured homes, owned by a family or
12 individual and not held or used for the production of income;

13 (11) the appraised value of property the collection of
14 delinquent taxes on which is deferred under Section 33.06, Tax
15 Code;

16 (12) the portion of the appraised value of property
17 the collection of delinquent taxes on which is deferred under
18 Section 33.065, Tax Code; and

19 (13) the amount by which the market value of real
20 property [~~a residence homestead~~] to which Section 23.23, Tax Code,
21 applies exceeds the appraised value of that property as calculated
22 under that section.

23 (i) If the comptroller determines in the study that the
24 market value of property in a school district as determined by the
25 appraisal district that appraises property for the school district,
26 less the total of the amounts and values listed in Subsection (d) as
27 determined by that appraisal district, is valid, the comptroller,

1 in determining the taxable value of property in the school district
2 under Subsection (d), shall for purposes of Subsection (d)(13)
3 subtract from the market value as determined by the appraisal
4 district of properties [~~residence homesteads~~] to which Section
5 23.23, Tax Code, applies the amount by which that amount exceeds the
6 appraised value of those properties as calculated by the appraisal
7 district under Section 23.23, Tax Code. If the comptroller
8 determines in the study that the market value of property in a
9 school district as determined by the appraisal district that
10 appraises property for the school district, less the total of the
11 amounts and values listed in Subsection (d) as determined by that
12 appraisal district, is not valid, the comptroller, in determining
13 the taxable value of property in the school district under
14 Subsection (d), shall for purposes of Subsection (d)(13) subtract
15 from the market value as estimated by the comptroller of properties
16 [~~residence homesteads~~] to which Section 23.23, Tax Code, applies
17 the amount by which that amount exceeds the appraised value of those
18 properties as calculated by the appraisal district under Section
19 23.23, Tax Code.

20 SECTION 6. This Act applies only to the appraisal for ad
21 valorem tax purposes of real property for a tax year that begins on
22 or after the effective date of this Act.

23 SECTION 7. This Act takes effect January 1, 2019, but only
24 if the constitutional amendment proposed by the 85th Legislature,
25 1st Called Session, 2017, to authorize the legislature to limit the
26 maximum appraised value of real property for ad valorem tax
27 purposes is approved by the voters. If that amendment is not

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1 approved by the voters, this Act has no effect.