

By: Springer

H.B. No. 27

Substitute the following for H.B. No. 27:

By: Murphy

C.S.H.B. No. 27

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of the use of property or a comparable property in certain appeals of an appraisal review board order.

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

SECTION 1. Subchapter A, Chapter 23, Tax Code, is amended by adding Section 23.04 to read as follows:

Sec. 23.04. CONSIDERATION OF USE OF RETAIL PROPERTY ON APPEAL. (a) This section applies only to an appeal of an appraisal review board order regarding real property used for retail purposes brought under Chapter 41A or 42 of this code or Subchapter Z, Chapter 2003, Government Code.

(b) A property must have the same highest and best use as the subject property to be considered a comparable property.

(c) Notwithstanding Section 23.013, a use restriction on the subject property that prohibits the continuation of the current use of the property, or prohibits a competitive use of the property, by a subsequent owner or tenant may not be considered in the determination of the property's highest and best use. This subsection does not apply to a use restriction imposed or enforceable by a governmental entity.

SECTION 2. The changes in law made by this Act apply only to an appeal under Chapter 41A or 42, Tax Code, or Subchapter Z, Chapter 2003, Government Code, that is filed on or after the effective date of this Act. An appeal under Chapter 41A or 42, Tax

1 Code, or Subchapter Z, Chapter 2003, Government Code, that is filed
2 before the effective date of this Act is governed by the law in
3 effect on the date the appeal is filed, and the former law is
4 continued in effect for that purpose.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2017.