

By: Dutton

H.B. No. 2635

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a property owner to pay certain deferred ad valorem taxes and interest in installments.

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

SECTION 1. Section 6.035(a), Tax Code, is amended to read as follows:

(a) An individual is ineligible to serve on an appraisal district board of directors and is disqualified from employment as chief appraiser if the individual:

(1) is related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to an individual who is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district; or

(2) owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless:

(A) the delinquent taxes and any penalties and interest are being paid under an installment payment agreement under Section 33.02 or 33.025; or

(B) a suit to collect the delinquent taxes is deferred or abated under Section 33.06 or 33.065.

SECTION 2. Section 6.412(a), Tax Code, is amended to read as

1 follows:

2 (a) An individual is ineligible to serve on an appraisal  
3 review board if the individual:

4 (1) is related within the second degree by  
5 consanguinity or affinity, as determined under Chapter 573,  
6 Government Code, to an individual who is engaged in the business of  
7 appraising property for compensation for use in proceedings under  
8 this title or of representing property owners for compensation in  
9 proceedings under this title in the appraisal district for which  
10 the appraisal review board is established;

11 (2) owns property on which delinquent taxes have been  
12 owed to a taxing unit for more than 60 days after the date the  
13 individual knew or should have known of the delinquency unless:

14 (A) the delinquent taxes and any penalties and  
15 interest are being paid under an installment payment agreement  
16 under Section 33.02 or 33.025; or

17 (B) a suit to collect the delinquent taxes is  
18 deferred or abated under Section 33.06 or 33.065; or

19 (3) is related within the third degree by  
20 consanguinity or within the second degree by affinity, as  
21 determined under Chapter 573, Government Code, to a member of the  
22 appraisal district's board of directors.

23 SECTION 3. Subchapter A, Chapter 33, Tax Code, is amended by  
24 adding Section 33.025 to read as follows:

25 Sec. 33.025. INSTALLMENT PAYMENT OF DEFERRED TAXES. (a) An  
26 owner of property who inherited the property from a person who was  
27 at the time of the person's death receiving a deferral from the

1 collection of taxes under Section 33.06 for the property is  
2 entitled to pay the deferred taxes and the interest that accrued on  
3 those taxes during the deferral period in installments as provided  
4 by this section.

5 (b) On written request of the property owner, the collector  
6 for a taxing unit shall enter into an installment agreement with the  
7 property owner for payment of the deferred taxes and interest in  
8 installments. The property owner must make the request not later  
9 than the day the deferral period expires as provided by Section  
10 33.06.

11 (c) An installment agreement under this section must:

12 (1) be in writing;

13 (2) provide that payments of the deferred taxes and  
14 interest be made in monthly or annual installments, as established  
15 by the property owner requesting the agreement;

16 (3) extend for the same period of time that the  
17 deferral was in effect or for a shorter period if agreed to by the  
18 property owner; and

19 (4) provide that the agreement expires on the earlier  
20 of:

21 (A) the date the property owner no longer owns  
22 the property; or

23 (B) the 30th day after the date the property  
24 owner fails to make a payment required by the agreement.

25 (d) A taxing unit or collector for the unit may not seize or  
26 sell property or file suit to collect a delinquent tax subject to an  
27 installment agreement until the date the installment agreement

1 expires.

2 (e) Interest accrues on the unpaid balance of the taxes  
3 included in the installment agreement as provided by Section  
4 33.01(c) during the period of the agreement. A penalty is not  
5 incurred as provided by Section 33.01(a) on the unpaid balance  
6 during the period of the agreement.

7 (f) Section 33.02(e) applies to an installment agreement  
8 executed under this section in the same manner as that subsection  
9 applies to an installment agreement executed under Section 33.02.

10 (g) The collector for a taxing unit must deliver a notice of  
11 default to a property owner who is in breach of an installment  
12 agreement under this section before the collector may seize and  
13 sell the property or file suit to collect a delinquent tax subject  
14 to the agreement.

15 SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2017.