

By: Gutierrez

H.B. No. 4152

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the evidence required to be presented by an appraisal  
3 district in order to prevail in certain protests before an  
4 appraisal review board.

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

6 SECTION 1. Section 41.43, Tax Code, is amended by adding  
7 Subsection (e) to read as follows:

8 (e) In the hearing on a protest brought under Section  
9 41.41(a)(1) or (2), the appraisal district shall present as  
10 evidence the appraisal method used to appraise the property in the  
11 current tax year and the previous tax year and shall identify the  
12 factors considered when applying that appraisal method to the  
13 property. For property appraised using the cost method of  
14 appraisal, the district shall present evidence of the cost data and  
15 the adjustments made to that data to account for physical,  
16 functional, or economic obsolescence used to determine the market  
17 value of the property in the current tax year and the previous tax  
18 year. For property appraised using the income method of appraisal,  
19 the district shall present evidence of the comparable rental income  
20 and operating expense data and the capitalization rate used to  
21 determine the market value of the property in the current tax year  
22 and the previous tax year. For property appraised using the market  
23 data method of appraisal, the district shall present evidence of  
24 the comparable sales data and any adjustments made to that data used

1 to determine the market value of the property in the current tax  
2 year and the previous tax year. If the appraisal district fails to  
3 provide the evidence required under this subsection, the protest  
4 shall be determined in favor of the property owner.

5 SECTION 2. The change in law made by this Act applies only  
6 to a protest filed with an appraisal review board on or after the  
7 effective date of this Act. A protest filed with an appraisal  
8 review board before the effective date of this Act is covered by the  
9 law in effect at the time the protest was filed, and the former law  
10 is continued in effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2017.