

By: Flores

S.B. No. 635

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for protests and appeals of certain ad valorem tax determinations.

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

SECTION 1. Section 41.45(b), Tax Code, is amended to read as follows:

(b) A property owner initiating a protest is entitled to appear to offer evidence or argument. A property owner may offer evidence or argument by affidavit without personally appearing and may appear by telephone conference call to offer argument. A property owner who appears by telephone conference call must offer any evidence by affidavit. A property owner must submit an affidavit described by this subsection to the board hearing the protest before the board begins the hearing on the protest. On receipt of an affidavit, the board shall notify the chief appraiser. The chief appraiser ~~[may inspect the affidavit and]~~ is entitled to a copy of the affidavit on request. The board and the chief appraiser shall review the evidence or argument provided by the property owner before the hearing on the protest.

SECTION 2. Chapter 42, Tax Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. APPEALS FROM APPRAISAL REVIEW BOARD DETERMINATIONS

IN CERTAIN COUNTIES

Sec. 42.35. APPLICABILITY OF SUBCHAPTER. This subchapter

1 applies only to the appeal of an order issued by an appraisal review
2 board that is located in a county with a population of less than
3 120,000.

4 Sec. 42.36. APPEALS TO JUSTICE COURT. (a) As an
5 alternative to bringing an appeal under Section 42.01(a)(1) to a
6 district court as provided by Subchapter B, a property owner may
7 bring the appeal to a justice court if:

8 (1) the appeal relates only to a determination of
9 appraised value or eligibility for an exemption from taxation; and

10 (2) the amount of taxes due on the portion of the
11 taxable value of the property that is in dispute, calculated using
12 the preceding year's tax rates, is \$5,000 or less.

13 (b) Venue of an action brought under Section 42.01(a)(1) in
14 justice court is in any justice precinct in which the property that
15 is the subject of the order being appealed is located.

16 (c) If the justice court determines that the justice court
17 does not have jurisdiction of the appeal, the court shall dismiss
18 the appeal. In that event, the property owner may appeal the order
19 to a district court by filing a petition for review with the
20 district court not later than the 30th day after the date of the
21 dismissal.

22 (d) Sections 42.21, 42.23, 42.24, 42.25, and 42.26 apply to
23 an appeal brought under Section 42.01(a)(1) to a justice court in
24 the same manner as those sections apply to an appeal brought under
25 Section 42.01(a)(1) to a district court.

26 Sec. 42.37. REPRESENTATION IN JUSTICE COURT. In an appeal
27 brought under Section 42.01(a)(1) to a justice court, an appraisal

1 district may be, but is not required to be, represented by legal
2 counsel.

3 Sec. 42.38. EXPIRATION OF SUBCHAPTER. This subchapter
4 expires September 1, 2025.

5 SECTION 3. On the expiration of Subchapter B-1, Chapter 42,
6 Tax Code, as added by this Act, the Office of Court Administration
7 of the Texas Judicial System, using existing resources, shall
8 conduct a study on that subchapter's effectiveness in increasing
9 court efficiency and improving property owners' ability to exercise
10 their appeal rights under Chapter 42, Tax Code. Not later than
11 December 1, 2026, the office shall issue a report on the study to
12 the appropriate standing committees of the house of representatives
13 and the senate. The report must include the office's
14 recommendation as to whether the legislature, in the next regular
15 legislative session following the issuance of the report, should
16 enact legislation similar to Subchapter B-1, Chapter 42, Tax Code,
17 as added by this Act.

18 SECTION 4. An appeal under Subchapter B-1, Chapter 42, Tax
19 Code, as added by this Act, that is pending on September 1, 2025, is
20 governed by that subchapter as it existed on August 31, 2025, and
21 that law is continued in effect for that purpose.

22 SECTION 5. The change in law made by this Act applies to the
23 appeal of an order of an appraisal review board without regard to
24 whether the order was issued before the effective date of this Act.

25 SECTION 6. This Act takes effect September 1, 2019.