

By: Vasut

H.B. No. 1789

A BILL TO BE ENTITLED

AN ACT

relating to the authority of an appraisal review board to direct changes in the appraisal roll and related appraisal records if a residence homestead is sold for less than the appraised value.

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

SECTION 1. Section 25.25, Tax Code, is amended by adding Subsection (c-1) and amending Subsections (e), (l), and (m) to read as follows:

(c-1) The appraisal review board, on motion of the chief appraiser or of a property owner, may direct by written order changes in the appraisal roll or related records as provided by this subsection. The board may order the appraised value of the owner's property in the current tax year and either of the two preceding tax years to be changed to the sales price of the property in the current tax year if, for each tax year for which the change is to be made:

(1) the property qualifies as that owner's residence homestead;

(2) the sales price of the property is at least 10 percent less than the appraised value of the property; and

(3) the board makes a finding that the sales price reflects the market value of the property.

(e) If the chief appraiser and the property owner do not agree to the correction before the 15th day after the date the

1 motion is filed, a party bringing a motion under Subsection (c),
2 (c-1), or (d) is entitled on request to a hearing on and a
3 determination of the motion by the appraisal review board. A party
4 bringing a motion under this section must describe the error or
5 errors or other matter that the motion is seeking to correct. Not
6 later than 15 days before the date of the hearing, the board shall
7 deliver written notice of the date, time, and place of the hearing
8 to the chief appraiser, the property owner, and the presiding
9 officer of the governing body of each taxing unit in which the
10 property is located. The chief appraiser, the property owner, and
11 each taxing unit are entitled to present evidence and argument at
12 the hearing and to receive written notice of the board's
13 determination of the motion. The property owner is entitled to
14 elect to present the owner's evidence and argument before, after,
15 or between the cases presented by the chief appraiser and each
16 taxing unit. A property owner who files the motion must comply
17 with the payment requirements of Section 25.26 or forfeit the right
18 to a final determination of the motion.

19 (l) A motion may be filed under Subsection (c) or (c-1)
20 regardless of whether, for a tax year to which the motion relates,
21 the owner of the property protested under Chapter 41 an action
22 relating to the value of the property that is the subject of the
23 motion.

24 (m) The hearing on a motion under Subsection (c), (c-1), or
25 (d) shall be conducted in the manner provided by Subchapter C,
26 Chapter 41.

27 SECTION 2. The changes in law made by this Act apply only to

1 a motion to correct an appraisal roll filed on or after the
2 effective date of this Act. A motion to correct an appraisal roll
3 filed before the effective date of this Act is governed by the law
4 in effect on the date the motion was filed, and the former law is
5 continued in effect for that purpose.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2021.