88R4397 MLH-D

By:  Cook H.B. No. 4263

A BILL TO BE ENTITLED

AN ACT

relating to the waiver under certain circumstances of the late-correction penalty if an appraisal roll is changed as a result of the filing of a motion with the appraisal review board to correct an error that resulted in an incorrect appraised value for an owner's property.

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

SECTION 1.  Section 25.25, Tax Code, is amended by amending Subsection (d-1) and adding Subsection (d-2) to read as follows:

(d-1)  If the appraisal roll is changed under Subsection (d), the property owner must pay to each affected taxing unit a late-correction penalty equal to 10 percent of the amount of taxes as calculated on the basis of the corrected appraised value. Payment of the late-correction penalty is secured by the lien that attaches to the property under Section 32.01 and is subject to enforced collection under Chapter 33. The penalty imposed under this subsection does not apply if the property that is the subject of the motion filed under Subsection (d) was under construction on January 1 and the error that resulted in an incorrect appraised value for the property was a result of the chief appraiser:

(1)  appraising the property as though construction was complete on that date; or

(2)  inaccurately determining the percentage by which construction of the property was complete on that date.

(d-2)  An appraisal [~~The~~] roll may not be changed under Subsection (d) if:

(1)  the property was the subject of a protest brought by the property owner under Chapter 41, a hearing on the protest was conducted in which the property owner offered evidence or argument, and the appraisal review board made a determination of the protest on the merits; or

(2)  the appraised value of the property was established as a result of a written agreement between the property owner or the owner's agent and the appraisal district.

SECTION 2.  The change in law made by this Act applies only to a late-correction penalty that relates to a motion filed under Section 25.25(d), Tax Code, on or after the effective date of this Act. A late-correction penalty that relates to a motion filed under Section 25.25(d), Tax Code, before the effective date of this Act is governed by the law in effect when the motion was filed, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.