

By: Hefner

H.B. No. 2398

A BILL TO BE ENTITLED

AN ACT

relating to late applications for the appraisal of land for ad valorem tax purposes as qualified open-space land following the death of the owner of the land.

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

SECTION 1. Section 23.541, Tax Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) Notwithstanding Subsection (a), the chief appraiser shall accept and approve or deny an application for appraisal under this subchapter after the deadline for filing the application has passed if:

(1) the land that is the subject of the application was appraised under this subchapter in the preceding tax year;

(2) the former owner of the land described by Subdivision (1) died during the preceding tax year; and

(3) the application is filed not later than the delinquency date for the taxes on the land for the year for which the application is filed by:

(A) the surviving spouse or a surviving child of the former owner;

(B) the executor or administrator of the estate of the former owner; or

(C) the trustee of a trust created by the former owner or the surviving spouse or a surviving child of the trustor of

1 such a trust who is acting as a beneficiary under the trust.

2 (b) If appraisal under this subchapter is approved when the
3 application is filed late, the owner is liable for a penalty of 10
4 percent of the difference between the amount of tax imposed on the
5 property and the amount that would be imposed if the property were
6 taxed at market value. The penalty prescribed by this subsection
7 does not apply to a late application filed under Subsection (a-1).

8 SECTION 2. The change in law made by this Act applies
9 beginning with the 2023 tax year.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2023.