

TAXES APPRAISAL PROTESTS AND APPEALS

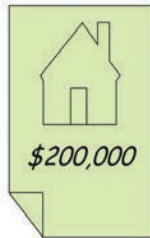


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<https://comptroller.texas.gov/taxes/property-tax/protests/index.php>

Notice of Appraised Value

- You just received a notice from the county appraisal district telling you the value of your home and estimating what your county, city and school district taxes could be.
- The estimated tax is based on the appraised value the appraisal district places on your home and the prior year's tax rates of your taxing units.
- **You have the opportunity to appeal the value if you believe it is incorrect.**



Under the following circumstances, state law requires appraisal districts to send you a notice by April 1, or as soon as practical thereafter, of the market value of your home and how much tax you would have to pay based on the same tax rate your city, county, school district and any special purpose district charged the previous year:

- if the value of your property is higher than it was in the previous year;
- if the value of your property is higher than the value you gave on a rendition;
- if your property was not on the appraisal district's records in the previous year;
- If an exemption is reduced or cancelled for the current year.

Among other things, the notice will also tell you the following:

- to which taxing entities you will have to pay property taxes;
- the appraised value of your home in the prior year;
- an explanation of when and how you can protest the value; and
- the date and place the ARB will begin hearing protests.

Placing a value on your home is the first step in the property tax process. The appraisal district in your county sets the taxable value of all property in the county. Your local governments, like the county commissioners court, city council, school districts and special purpose districts like a water or library district, will use the total value of property in their jurisdiction to set a tax rate according to the local government's budgets, which are set based on the amount of money it will take to provide public services.

So, the first step in trying to limit your tax bill is to make sure the appraisal district places a fair value on your home. **The Texas Legislature has created a legal process for property owners to appeal the appraisal district's value. The focal point of the process is the ARB.**

What do You do Now?

- First, review your *Notice of Appraised Value*. There may be information regarding the appraisal district's informal review process.
- File a written notice of protest by the protest deadline. The appraisal notice may include a protest form for your convenience.
- You may be able to resolve the matter with the appraisal district at an informal meeting.

Most appraisal districts, although not all, provide what is called an informal meeting where you can sit down one on one with an appraiser and discuss the value of your home. In most appraisal districts, the vast majority of disputes (between 70

to 90 percent) are settled during the informal process. It is very important, however, that you preserve your right to protest to the ARB by filing your notice of protest by May 15 or no later than 30 days after the appraisal district mailed a notice of appraised value to you.

ARB Hearings

- After parties present evidence, rebuttal evidence may be offered.
- Both parties make closing arguments.
- The ARB or panel chairman closes the hearing.
- The ARB or panel deliberates the issues presented and votes on each matter.
- The ARB or panel chairman thanks the parties and announces the determination.

If your appraisal district does not have such an informal process or, if after meeting with the appraisal district informally you are still not happy with the value placed on your home, you can ask for a formal hearing with the ARB. In some appraisal districts, at the end of the informal

meeting if you and the appraisal district do not come to a value, you may be brought directly before the ARB.

The appraisal district's board of directors or the local administrative district judge appoints the ARB from citizens living within the county, but the ARB is an independent body and is not subject to the authority of the appraisal district. They are typically your neighbors who most likely also own homes and have a personal interest in making sure the appraisal process is fair to everyone. The ARB, which can be composed of a number of three-member panels, is like a judge and jury in a case.

After hearing and considering the evidence, the ARB will make a decision on the value of your home. While most protest hearings are open to the public, the property owner and appraisal district representative can make a joint motion to require a closed hearing if confidential information is to be presented at the hearing.

There are a number of situations in which you can appeal the value on your home to the ARB.

First, you can appeal if you believe the value the appraisal district placed on your home is too high. You can also appeal if you believe the appraisal district has unfairly placed a value on your home in relation to the value it placed on other homes in your neighborhood. Appraisals must be equal and uniform, and if you believe this is not the case you can show the ARB sales and appraisals in your neighborhood to prove your point.

As a homeowner, you may want to appeal if the appraisal district denied your exemption application. The taxable value of your home is the appraised value, less exemptions. If the appraisal district refused an exemption, you may end up with a higher tax bill.

One final issue that you may want to appeal is if the appraisal district failed to notify you that the value on your home had changed to a degree that it would increase your tax liability.

The ARB must send you a notice of the date, time and place of your hearing at least 15 days in advance of the hearing date. It must be postmarked, not received, 15 days before the hearing. Since most ARBs do not have administrative staff, the appraisal district handles their paperwork.

At least 14 days before the hearing date, the appraisal district must send you:

- The Comptroller's publication, Property Taxpayer Remedies, which explains your protest appeal rights and the ARB's responsibilities;
- The ARB's procedures for the protest hearing; and
- A statement notifying you that you can inspect and obtain copies of data, schedules, formulas and other information the appraisal district plans to use at your hearing.

Preparing for the ARB Hearing

- You should make enough copies of all your evidence, for each member of the ARB and one for the appraisal district.
- The ARB hearing procedures will indicate how much time you will have to present your case.
- Be on time and be prepared for your hearing.

comptroller.texas.gov/taxinfo/proptax/arb/Model_Hearing_Procedures_for_ARBs.pdf

While ARBs try to conduct hearings as informally as possible, they should be treated with the respect you would have for a court proceeding. Confirm from your notice or with the ARB the date, time and place of your hearing. You should arrive on time, or earlier if possible.

Prepare Your Evidence

- Go prepared to your hearing. Take anything that will help you make your case and show how the appraisal district may have overvalued your home in your opinion.
- The date of your appraisal is Jan. 1.
- Make sure that changes made before Jan. 1 are included in the appraisal.
- Improvements or damage to your property after Jan. 1 should not be part of the appraisal.

Value Evidence

- Check the condition of your home; if you have a foundation problem such as a cracked slab, it can affect the value. Bring photos and reports.
- If you had a recent loss from a fire, give the ARB a copy of the fire report.
- Provide copies of engineering reports or written estimates to repair deficiencies.
- Compare the measurement of your home against the appraisal district's.

Value Evidence

- Make sure the appraisal district data is correct regarding your property.
- Verify that the appraisal district has the right amenities, such as a pool.
- Review the home sales the appraisal district used to calculate the value of your home. Bring a list of sales.
- On comparable sales, check for the sales date, street address, square footage, lot size, items that add value to the home, zoning and the year the home was built.

Burden of Proof

- If the appraisal district fails to prove your home's value by a preponderance of the evidence, the ARB must rule in your favor.
- You can submit an appraisal on your home prepared by an independent appraiser.
- If you submit an independent appraisal, the appraisal district must prove your home's value by clear and convincing evidence.

ARB Reaches a Decision

- The ARB will evaluate your home's value based on the evidence.
- The ARB will give you its opinion of your home's value and may indicate what evidence it considered.
- After the ARB makes its decision, the ARB will make it known to you.
- The ARB will send you a written order by certified mail.
- If the hearing was held by a panel of the ARB the decision is not final until approved by the full ARB.

What Now?

- If you do not agree with the ARB's decision, you have the following options:
 - binding arbitration;
 - district court; or
 - SOAH.
- You will have to make a partial payment of taxes *before the delinquency date*, usually the amount of taxes not in dispute.

comptroller.texas.gov/taxinfo/proptax/protests.html