

BILL ANALYSIS

C.S.H.B. 1745
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Ways & Means
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that a number of appraisal districts and appraisal review boards too often choose not to follow certain procedural requirements applicable to taxpayers' protests of their property taxes. C.S.H.B. 1745 seeks to address this issue by providing taxpayers with the option to bring suit to compel these entities to comply with the applicable requirements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1745 amends the Tax Code to authorize a property owner who has filed a notice of taxpayer protest to bring suit against an appraisal district, chief appraiser, or appraisal review board (ARB) to compel the district, chief appraiser, or ARB to comply with a procedural requirement imposed under applicable state law or under an ARB rule that is applicable to the protest. The bill authorizes the owner to bring the suit by filing a petition or application in district court. The bill prohibits the owner from bringing the suit unless the owner has delivered written notice of the procedural requirement the property owner alleges the appraisal district, chief appraiser, or ARB failed to comply with and the district, chief appraiser, or ARB, as applicable, refuses to comply with the requirement, or does not comply with or agree to comply with the requirement, on or before the 10th day after the date the notice is delivered. The bill sets out provisions relating to the delivery of that notice and establishing alternative waiting periods that must transpire before the property owner is permitted to file a petition under the bill's provisions.

C.S.H.B. 1745 establishes that the suit is for the limited purpose of determining whether the defendant failed to comply with the procedural requirement that is the subject of the suit and prohibits the suit from addressing the merits of a motion for correction of the appraisal roll or a taxpayer protest. The bill sets out provisions relating to the hearing of such a suit, prohibits a party to the suit from conducting discovery in the suit, and prohibits the appeal of an order entered under the bill's provisions.

EFFECTIVE DATE

January 1, 2020.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1745 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not provide for the designated agent of a property owner to bring suit under the bill's provisions.

The substitute includes a provision providing for notice of protest, a waiting period before bringing suit, and alternative waiting periods that must transpire before the property owner is permitted to file a petition.

The substitute replaces the requirement for a court that determines that the defendant failed to comply with the applicable procedural requirement to award court costs and reasonable attorney's fees to the complainant with an authorization for the court to do so.