

SUBJECT: Entitling property taxpayers to appeal certain matters to a district court

COMMITTEE: Ways and Means — favorable, without amendment

VOTE: 11 ayes — D. Bonnen, Y. Davis, Bohac, Darby, E. Johnson, Murphy, Murr, Raymond, Shine, Springer, Stephenson

0 nays

WITNESSES: For — Lorri Michel, Texas Association of Property Professionals; Gavin McBryde; (*Registered, but did not testify:* James LeBas, Association of Electric Companies of Texas; Matt Grabner, Ryan, LLC; Daniel Gonzalez and Julia Parenteau, Texas Association of Realtors; Tricia Davis, Texas Royalty Council; Daniel Womack, The Dow Chemical Company; David Kaplan)

Against — None

On — Marya Crigler, Texas Association of Appraisal Districts

BACKGROUND: Tax Code, sec. 42.01 entitles a property owner to appeal certain appraisal review board (ARB) decisions to a district court, including those decisions relating to the appraised value of a property.

Some observers note that a property owner has no recourse under sec. 42.01 if the ARB determines that it lacks jurisdiction on a matter.

DIGEST: HB 2653 would entitle a property owner to appeal to a district court a determination by an appraisal review board (ARB) that the board lacked jurisdiction to finally determine a protest or a motion. If a property owner established in court that the ARB had jurisdiction, the property owner would be entitled to a final determination by the court on any ground of protest, regardless of whether it was included in the initial notice of protest.

If a property owner had not exhausted available administrative remedies,

the court could, in lieu of dismissing the appeal for lack of jurisdiction, remand the action to the ARB. If a matter was remanded, it would be considered a timely filed protest, and the ARB would be required to schedule a hearing and issue a written decision on the matter. That decision could be appealed to the court that originally remanded the matter to the ARB.

Both parties could, with approval of the court, agree to waive remand of the action and allow the court to determine the appeal on the merits.

The bill would take effect September 1, 2017, and would apply only to an appeal filed on or after that date.