

BILL ANALYSIS

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S.B. 258
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the first step in contesting the appraised value of a residential homestead is to file a protest. The appraisal district makes forms available for this purpose, but an individual can also fax or mail a letter contesting the appraised value. The letter only needs to identify the individual as the owner, identify the subject property, and state that the owner disagrees with the appraised value and wishes to protest. Next, the appraisal district will schedule an "informal hearing." This can take months from the time that the protest is first filed. The purpose of the hearing is to give the owner the opportunity to present the evidence that the appraised value is too high.

This process is burdensome and time-consuming. Mail gets lost and data entry errors can occur. Property owners have to drive to the appraisal district headquarters, wasting time in traffic and squandering gas. Employing technology could increase productivity, reduce errors, and save tax dollars, all while providing improved service and convenience to the taxpayer. High volumes of protests could be handled by the appraisal district in virtual space as opposed to the costly process of opening mail, preparing documents and keying data. Property owners could avoid the time and expense of coming in for a protest hearing and the number of days needed to hold hearings could be reduced.

As proposed, S.B. 258 amends Chapter 41 of the Tax Code to require appraisal districts in counties with a population of 500,000 or more to implement a system that allows the owner of a property to electronically file a protest of the appraised value of the property, and the option to request that their protest be considered for online settlement.

RULEMAKING AUTHORITY

This bill does not expressly grant additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 41, Tax Code, by adding Section 41.415, as follows:

Sec. 41.415. ELECTRONIC FILING OF NOTICE OF PROTEST. (a) Provides that this section applies only to an appraisal district established for a county having a population of 500,000 or more.

(b) Requires the appraisal district to implement a system that allows the owner of a property that for the current tax year has been granted a residence homestead exemption under Section 11.13 (Residence Homestead), in connection with the property, to electronically file a notice of protest under Section 41.41(a)(1) (regarding the determination of the appraised value of the owner's property or, in the case of land appraised under certain chapters, determination of its appraised or market value) or Section 41.41 (a)(2) (regarding unequal appraisal of the owner's property) with the appraisal review board (board); receive and review comparable sales data and other evidence that the chief appraiser intends to use at the protest hearing before the board; receive, as applicable, a settlement offer from the district to correct the appraisal records by changing the appraised value of the property to the value as predetermined by the district; or a notice from the district

that a settlement offer will not be made; and accept or reject a certain settlement offer received from the appraisal district.

(c) Requires the chief appraiser, with each notice sent under Section 25.19 (Notice of Appraised Value) to an eligible property owner, to include information about the system required by this section, including instructions for accessing and using the system.

(d) Requires that a notice of protest filed electronically under this section include, at a minimum, a statement as to whether the protest is brought under Section 41.41(a)(1) or under Section 41.41(a)(2); a statement of the property owner's good faith estimate of the value of the property; and an electronic mail address that the district may use to communicate electronically with the property owner in connection with the protest.

(e) Requires the chief appraiser, if the property owner accepts a settlement offer made by the appraisal district, to notify the board. Requires the board to determine the protest accordingly and otherwise comply with Section 41.47 (Determination of Protest).

(f) Requires the board, if the property owner rejects a settlement offer, to hear and determine the property owner's protest in the manner otherwise provided by this subchapter and Subchapter D (Administrative Provisions).

(g) Provides that an appraisal district is not required to make the system required by this section available to an owner of a residence homestead located in an area in which the chief appraiser determines that the factors affecting the market value of real property are unusually complex.

(h) Provides that an electronic mail address provided by a property owner to an appraisal district under Subsection (d)(3) is confidential and is prohibited from being disclosed by the district.

SECTION 2. Provides that Section 41.415, Tax Code, as added by this Act applies only to a tax year that begins on or after the effective date of this Act.

SECTION 3. Effective date: January 1, 2010.