

2015 Property Tax Legislation: By Subject and Tax Code Section

Protest & Appeal:

Section 6.41: Provides that a property owner or tax consultant may contact the taxpayer liaison officer regarding potential grounds for removal of an ARB member and the officer may then communicate that to the local administrative district judge. (SB 1468 by Watson: Effective 9/1/15)

Section 23.01: Requires an equal and uniform appraisal be conducted using generally accepted appraisal techniques. Provides that an owner of property may offer the owner's opinion of the market value or equity value of the property. (HB 2083 by Darby: Effective 1/1/16)

Sections 41A.01; 41A.03; Changes property eligible for binding arbitration from less than \$1M to \$3M. Changes the arbitration fees to \$450 for property less than \$500,000, \$500 for property \$500,000 to \$1M; \$800 for property \$1M to \$2M and \$1050 for property \$2M to \$3M. Comptroller administrative fee is set at \$50. (SB 849 by Bettencourt: Effective 9/1/15)

Section 41.45: Provides that appraisal district shall provide a property owner for purposes of a protest the same audio visual equipment that the district uses for the protest. (SB 1394 by Hancock: Effective 1/1/16)

Section 41.45: Requires the chief appraiser and the appraisal review board to review evidence and argument provided by the property owner prior to the hearing on the protest. (HB 2282 by Guillen: Effective 9/1/15)

Section 42.23: When an employee of the appraisal district testifies at trial, the court may give preference if the employee is a licensed appraiser. (SB 1760 by Creighton: Effective 1/1/20)

Section 42.27: Provides that either party may request a settlement conference or alternative dispute resolution to be held within 120 days of the request. If the appraisal district is unable to meet, the witness exchange deadline for both parties is set at 60 days before trial. If the property owner is unable to meet, the property owner waives the simultaneous exchange option. An appraisal district may not require a property owner to waive a right as a condition of a settlement conference. (SB 593 by Watson: Effective Immediately)

Section 42.43: Interest on refunds as a result of the finalization of a lawsuit will bear interest at the rate of 9.5 %.(SB 1760 by Creighton: Effective 1/1/16)

Section 42.35 etc: Provides that only in Atascosa County, a property owner may appeal a property tax matter to justice court if the amount in dispute is less than \$5000. (HB 2282 by Guillen: Effective 9/1/15; Expires 9/1/21)

Appraisal Records:

Section 1.111: Clarifies that a lessee may designate an agent to act on behalf of the owner. (SB 1760 by Creighton: Effective 1/1/16)

Section 5.07: Provides that a property tax form that requires a signature may use an electronic signature. (SB 1760 by Creighton: Effective 1/1/16)

Section 5.091: Comptroller shall keep a statewide list of property tax rates. (SB 1760 by Creighton: Effective 1/1/16)

Section 11.48: Provides that confidential information on an exemption application provided to an appraisal district may be disclosed to the district's agent or appraisal company.(HB 3532 by Herrero: Effective 9/1/15)

Section 23.175: Replaces the projected price of imported low-sulfur light crude oil with the projected spot price of West Texas Intermediate crude oil as the benchmark used by a chief appraiser when calculating the price adjustment factor for oil for the purposes. Replaces the most recently published Early Release Overview of the Annual Energy Outlook with the most recently published edition of the Annual Energy Outlook as the source for such spot price projections for the current calendar year.

(SB 1985 by Uresti: Effective 1/1/16)

Section 25.027: Appraisal district may not post information on the website that would indicate the age of a person including that a person is 65 or older. (HB 394 by McClendon: Effective 9/1/15)

Section 552.155; 552.222 Gov. Code: Photographs by the appraisal district that show the interior of a property are confidential. (SB by Zaffirini: Effective 9/1/15)

Notices:

Section 1.07: Requires a certified mail notice to cancel the homestead exemption of a person over 65. (HB 1463 by Raymond: Effective 9/1/15)

Section 1.07: Requires a notice to cancel ag-use or open space of a person over 65 to be sent by certified mail. (HB 1464 by Raymond: Effective 9/1/15)

Section 11.43: Provides that appraisal district cannot cancel the homestead exemption of a person over 65 until notice is provided by certified mail. If there is no response, the chief appraiser must make a reasonable effort to locate and notify the person.(HB 1463 by Raymond: Effective 9/1/15)

Section 23.551: Sets forth the notice requirements for change of use to a person 65 or older. (HB 1464 by Raymond: Effective 9/1/15)

Section 25.19: Provides that notice of appraised value shall provide notice of the removal of an exemption or partial exemption that the property owner received in the prior year. (SB 1420 by Hancock: Effective 1/1/16)

Refunds

Section 11.431: Provides that property owner is not required to apply for a refund due as a result of a late homestead grant. (SB 1760 by Creighton: Effective 1/1/16)

Section 26.15: Provides that property owner is not required to apply for a refund due as a result of a change to the appraisal roll. (SB 1760 by Creighton: Effective 1/1/16)

Section 42.43: Interest on refunds as a result of the finalization of a lawsuit will bear interest at the rate of 9.5 %. (SB 1760 by Creighton: Effective 1/1/16)

Exemptions:

Section 11.13: Raises the residence homestead exemption for schools from \$15,000 to \$25,000. (Effective upon passage of constitutional amendment)

Section 11.13: Provides homestead exemption for an owner's surviving spouse who has a life estate in the property. (HB 1022 by Moody: Effective 1/1/16)

Section 11.13: Person currently does not lose residence homestead if serving in military outside the United States and this adds service inside the United States. (SB 833 by Campbell: Effective Immediately)

Section 11.13: Exempts from taxation the real and personal property of the National Hispanic Institute. (HB 3623 by Gonzales: Effective 1/1/16)

Section 11.131: Retroactively allows 100% disabled veteran's exemption to a surviving spouse as if the exemption had been in place for the spouse when the veteran died. (HB 992 by Bonnen, Dennis: Effective 1/1/16 upon passage of constitutional amendment)

Section 11.16: Provides that an egg is a farm product regardless of whether packaged and entitled to an exemption. (HB 275 by Ashby: Effective 1/1/16)

Section 11.311: Makes permanent the exemption that would have expired after the 2015 tax year for property used to collect, process, and deliver land fill generated gas. (HB 994 by Anchia: Effective 1/1/16)

Chapter 3503 Special District Local Laws: Tex-Americas Center is a political subdivision formed to take title to property formerly owned by the United States Department of the Army and operated as a portion of Red River Army Depot and Lone Star Army Ammunition Plant in Bowie County. Tex-Americas Center desires to be able to transfer title to such property into a nonprofit title holding corporation and have the property exempt from property tax.(SB 1563 by Eltife :Effective Immediately)

Chapter 313, Tax Code: Changes how the Texas Economic Development Act applied to projects located in two school districts, or three school districts if each school district was adjacent to another school district where the project was located. For the purposes of determining the minimum amount of qualified investment and the minimum amount of a limitation on appraised value, a project was considered to be located in the school district that had the highest taxable value of property for the preceding tax year. (HB 2826 by Murphy: effective 9/1/15)

Exemption Procedures:

Section 11.43: Provides that an exemption once allowed for the National Hispanic Institute need not be claimed in subsequent years. (HB 3623 by Gonzales: Effective 1/1/16)

Section 11.43: Provides that an exemption for solar or wind-powered energy device once allowed need not be claimed in a subsequent year. (HB 706 by Farrar: Effective 1/1/16)

Section 11.43: Provides that appraisal district cannot cancel the homestead exemption of a person over 65 until notice is provided by certified mail. If there is no response, the chief appraiser must make a reasonable effort to locate and notify the person.(HB 1463 by Raymond: Effective 9/1/15)

Section 11.43: Provides that a veteran's exemption once allowed need not be claimed in subsequent years. (SB 918 by Nichols :Effective 1/1/16)

Section 11.48: Provides that confidential information on an exemption application provided to an appraisal district may be disclosed to the district's agent or appraisal company.(HB 3532 by Herrero: Effective 9/1/15)

Ag-use and Open Space

Section 23.46: Provides that cannot determine that ag-use has been diverted to a non-ag use of a person over 65 until notice is provided by certified mail. If there is no response, the chief appraiser must make a reasonable effort to locate and notify the person.(HB 1464 by Raymond : Effective 9/1/15)

Section 23.54: Provides that cannot determine that open space no longer applies of a person over 65 until notice is provided by certified mail. If there is no response, the chief appraiser must make a reasonable effort to locate and notify the person.(HB 1464 by Raymond: Effective 9/1/15)

Section 23.55: Provides that cannot determine that an open space rollback has occurred of a person over 65 until notice is provided by certified mail. If there is no response, the chief appraiser must make a reasonable effort to locate and notify the person. (HB 1464 by Raymond: Effective 9/1/15)

Section 23.551: Sets forth the notice requirements for change of use to a person 65 or older. (HB 1464 by Raymond: Effective 9/1/15)

Tax Rates & Collections:

Section 26.05: Approval of a tax rate that exceeds the effective tax rate requires a 60% vote of the governing body. (SB 1760 by Creighton: Effective 1/1/16)

Section 26.06: Requires the governing body that increases tax revenue to state in the notice the use to which the increase will be put. (SB 1760 by Creighton: Effective 1/1/16)

Section 31.031: For purposes of installment payments, if the delinquency date is postponed from February 1 the installment payment dates are the second, fourth and sixth month after the revised delinquency date. (HB 1933 by Darby: Effective 9/1/15)

Section 33.475: An attorney ad litem in a delinquent tax case shall report to the court efforts to locate the defendant in the delinquent tax lawsuit. (HB 2710 by Thompson, Senfronia: effective 9/1/15)

Section 34.01: Provides that a property may be sold for delinquent taxes through the use of online bidding and sale. (SB 1452 by Bettencourt: Effective Immediately)

Section 34.011; 34.015; 34.0445: Provides that commissioner's court may require bidder registration before allowing participation in a delinquent tax sale. (HB 3951 by Huberty: Effective 1/1/16)

Section 34.03: Provides that for purposes of an in rem defendant in a tax sale excess proceeds shall be sent to the attorney general. (SB 1725 by Creighton: Effective 9/1/15)

Section 140.010, Local Gov. Code: Requires cities and counties to provide notice of proposed tax rate by the later of September 1(current law) or 30 days after receipt of the tax roll. (HB 1953 by Bonnen, Dennis: Effective 1/1/16)

Section 101.064 Civ. Prac. & Rem. Code: Excludes from the application of Texas Tort Claims Act a claim against any political subdivision of this state that acquires land as a result of the foreclosure of a lien held by the political subdivision, including land that was bid off to the political subdivision if, at a sale of real property seized under a tax warrant, a sufficient bid was not received or that acquires land by means of the property owner's conveyance of that property to the political subdivision for the payment of taxes assessed against that real property. (SB 450 by Schwertner:9/1/15)

Chapter 140 Local Gov. Code: Notice required if exceed the effective tax rate must be provided by the earlier of October 1 or 30 days after receipt of appraisal roll. Previously, the date was by September 1. Notice must explain use of additional revenue. (SB 1760 by Creighton: Effective 1/1/16)

Chapter 49 Water Code: If the tax rate exceeds the rollback rate in a water district the notice must include a description of the purpose of the proposed tax increase. (SB 1760 by Creighton: Effective 1/1/16)