

BILL ANALYSIS

Senate Research Center
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S.B. 449
By: Hancock
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. S.B. 449 seeks to address this issue by providing taxpayers with the option to bring suit to compel these entities to comply with the applicable requirements. S.B. 449 also includes a 10-day notice window to allow the district, chief appraiser, or appraisal review board an opportunity to comply before the suit could be filed.

As proposed, S.B. 449 amends current law relating to the authority of a property owner to bring suit to compel an appraisal district, chief appraiser, or appraisal review board to comply with a procedural requirement applicable to an ad valorem tax protest.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 41, Tax Code, by adding Subchapter E, as follows:

SUBCHAPTER E. LIMITED SUIT TO COMPEL COMPLIANCE WITH PROCEDURAL REQUIREMENT

Sec. 41.81. LIMITED SUIT. (a) Authorizes a property owner who has filed a notice of protest under Chapter 41 (Local Review) to bring suit against an appraisal district, chief appraiser, or appraisal review board to compel the appraisal district, chief appraiser, or appraisal review board to comply with a procedural requirement imposed under Title 1 (Property Tax Code), under a rule established by the appraisal review board under this chapter, or under a rule adopted by the Comptroller of Public Accounts of the State of Texas under this title, that is applicable to the protest.

(b) Authorizes a property owner to bring suit under this section by filing a petition or application in district court.

(c) Prohibits a property owner from bringing suit under this section unless the property owner has delivered written notice of the procedural requirement the property owner alleges the appraisal district, chief appraiser, or appraisal review board failed to comply with and the appraisal district, chief appraiser, or appraisal review board, 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. Requires that the notice be delivered by certified mail, return receipt requested, to the chief appraiser if the property owner alleges that the appraisal district or chief appraiser failed to comply with the procedural requirement, or to the chairman of the appraisal review board if the property owner alleges that the appraisal review board failed to comply with the requirement. Prohibits the property owner from filing a petition under this section:

(1) earlier than the earlier of the date the appraisal district, chief appraiser, or appraisal review board, as applicable, refuses to comply with the procedural requirement, if applicable; or the 11th day after the date the notice is delivered; or

(2) later than the 30th day after the first date the property owner is authorized to file the petition under Subdivision (1).

(d) Provides that a suit brought under this section is for the limited purpose of determining whether the defendant failed to comply with the procedural requirement that is the subject of the suit.

(e) Prohibits a suit brought under this section from addressing the merits of a motion filed under Section 25.25 (Correction of Appraisal Roll) or a protest filed under this chapter.

Sec. 41.82. NO DISCOVERY. Prohibits either party from conducting discovery in a suit brought under Section 41.81.

Sec. 41.83. HEARING. (a) Requires the court in which a suit under Section 41.81 is filed to set the matter described in the petition or application for hearing at the earliest possible date.

(b) Requires the court to determine the merits of the suit at the end of the hearing.

(c) Provides that if the court determines that the defendant failed to comply with a procedural requirement described by Section 41.81(a) imposed on the defendant, the court:

(1) is required to order the defendant to comply with the procedural requirement;

(2) is required to enter any order necessary to preserve rights protected by, and impose duties required by, the law; and

(3) is authorized to award court costs and reasonable attorney's fees to the property owner.

(d) Provides that an order entered under this section is final and prohibits it from being appealed.

SECTION 2. Makes application of Subchapter E, Chapter 41, Tax Code, as added by this Act, prospective.

SECTION 3. Effective date: January 1, 2022.