

Changes in “Heir Property”

Definitions

S.B. 1943: Section 1. 1.04 Amended

Added the definition of “heir property” as being:

Owned by one or more individuals, at least one of whom claims the property as the individual’s residence homestead; and

Acquired by the owner or owners by will, transfer on death deed, or intestacy, regardless of whether the interests of the owners are recorded in the real property records of the county in which the property is located.

Added the definition of an “heir property owner” as: an owner of heir property who claims the property as the individual’s residence homestead.

Residence Homesteads:

S.B. 1943: Section 3: Section 11.13(h)

Added “An heir property owner who qualifies heir property as the owner’s residence homestead under this chapter is considered the sole recipient of any exemption granted to the owner for the residence homestead by or pursuant to this section.”

School Tax on Homesteads of Elderly or Disabled:

S.B. 1943: Section 4. Section 11.26(p)

“An heir property owner who qualifies heir property as the owner’s residence homestead under this chapter is considered the sole owner of the property for the purposes of this section.”

County, Municipal, or junior College District Tax on Homesteads of Disabled and Elderly:

S.B. 1943: Section 5. Section 11.261(n)

“An heir property owner who qualifies heir property as the owner’s residence homestead under this chapter is considered the sole owner of the property for the purposes of this section.”

Partial Ownership of Exempt Property

S.B. 1943: Section: 6. Section 11.41(c)

“An heir property owner who qualifies heir property as the owner’s residence homestead under this chapter is considered the sole owner of the property for the purposes of this section.”

Application For Exemptions

S.B. 1943: Section 7. Section 11.43 (o), (o-1), & (o-2)

(o) The application form for a residence homestead exemption must require an applicant who is not specifically identified on a deed or other appropriate instrument recorded in the real property records of the county in which the property is located as an owner of the residence homestead, including an heir property owner, to provide:

1. an affidavit establishing the applicant’s ownership of an interest in the property;
2. a copy of the death certificate of the prior owner of the property, if the applicant is an heir property owner;
3. a copy of the most recent utility bill for the property, if the applicant is an heir property owner; and

4. a citation of any court record relating to the applicant's ownership of the property if available.

(o-1) The application form for a residence homestead exemption may not require an heir property owner to provide a copy of an instrument recorded in the real property records of the county in which the property is located.

(o-2) The application form for a residence homestead exemption must require:

an applicant who is an heir property owner to state that the property for which the application is submitted is heir property; and
each owner of an interest in heir property who occupies the property as the owner's principal residence, other than the applicant, to provide an affidavit that authorizes the submission of the application.

Legal Title Not Affected

S.B. 1943: Section 8. Subchapter C, Chapter 11

(a) The grant or denial of an application by an heir property owner for a residence homestead exemption under this chapter does not affect the legal title of the property subject to the application and does not operate to transfer title to that property.

(b) An appraisal district, chief appraiser, appraisal review board, or county assessor-collector may not be made a party to a proceeding to adjudicate ownership of property described by Subsection (a) except as prescribed by this title.

Effective September 1, 2019

Residential Properties

Exemptions on Different Entities

H.B. 2441. Amended Section 1. Section 11.13(h)

(h) Joint, community, or successive owners may not each receive the same exemption provided by or pursuant to this section for the same residence homestead in the same year. An eligible disabled person who is 65 or older may not receive both a disabled and an elderly residence homestead exemption but may choose either if a taxing unit has adopted both. A person may not receive an exemption under this section for more than one residence homestead in the same year. An heir property owner who qualifies heir property as the owner's residence homestead under this chapter is considered the sole recipient of any exemption granted to the owner for the residence homestead by or pursuant to this section.

Effective January 1, 2020

Business Personal Property

Late Freeport Applications

S.B.2: Section 26. Section 11.4391(a) Amended

(a) The chief appraiser shall accept and approve or deny an application for an exemption for freeport goods under Section 11.251 after the deadline for filing it has passed if it is filed on or before the later of:

(1) June 15; or

(2) if applicable, the 60th day after the date on which the chief appraiser delivers notice to the property owner under Section 22.22.

Effective January 1, 2020

Allocation Application Deadline

H.B. 1815 Section 1. Section 21.09(b) Amended

A person claiming an allocation must apply for the allocation each year the person claims the allocation. A person claiming an allocation must file a completed allocation application form before May 1 and must provide the information required by the form. If the property was not on the appraisal roll in the preceding year, the deadline for filing the allocation application form is extended to the 30th day after the date of receipt of the notice of appraised value required by Section 25.19(a)(3). For good cause shown, the chief appraiser shall extend the deadline for filing an allocation application form by written order for a period not to exceed 30 days.

Effective January 1, 2020

Rendition Due Date Changed Back to April 15 for Districts with Freeport Exemption

S.B. 2. Section 91. Repealed (4) 22.23(c) & Amended 22.23(d)

(c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 944 (S.B. 2), Sec. 91(4)

Effective January 1, 2020

Ag/Timber

Home Equity Loans on Ag Use Properties

H.B. 1254. Section 23.42 (a-1) Repealed. Section 23.42(a) Amended

(a-1) an individual is not entitled to have land designated for agricultural use if the land secures a home equity loan described by Section 50(1)(6), Article XVI, Texas Constitution. (REPEALED)

(Note: Only applies to D-1 land)

Effective January 1, 2020

Ag Rollback Changed Years and Interest Rate Changed on Ag Property

H.B. 1743 Section 1. Section 23.55(a)

(a) If the use of land that has been appraised as provided by this subchapter changes, an additional tax is imposed on the land equal to the difference between the taxes imposed on the land for each of the **three** years preceding the year in which the change of use occurs that the land was appraised as provided by this subchapter and the tax that would have been imposed had the land been taxed on the basis of market value in each of those years, plus interest at an annual rate of **five** percent calculated from the dates on which the differences would have become due. For purposes of this subsection, the chief appraiser may not consider any period during which land is owned by the state in determining whether a change in the use of the land has occurred

Effective September 1, 2019

Timber Rollback Changed Years and Interest Rate Changed on Timber Property

H.B. 1743 Section 1 Section 23.76(a)

(a) If the use of land that has been appraised as provided by this subchapter changes, an additional tax is imposed on the land equal to the difference between the taxes imposed on the

land for each of the **three** years preceding the year in which the change of use occurs that the land was appraised as provided by this subchapter and the tax that would have been imposed had the land been taxed on the basis of market value in each of those years, plus interest at an annual rate of **five** percent calculated from the dates on which the differences would have become due.

Effective September 1, 2019

Appraisal Notices

Electronic Delivery of Notices

S.B. 2. Section 5 Chapter 1 added Section 1.086

(a) On the written request of the owner of a residential property that is occupied by the owner as the owner's principal residence, the chief appraiser of the appraisal district in which the property is located shall send each notice required by this title related to the following to the e-mail address of the owner:

1. a change in value of the property;
2. the eligibility of the property for an exemption; or
3. the grant, denial, cancellation, or other change in the status of an exemption or exemption application applicable to the property.

(b) A property owner must provide the e-mail address to which the chief appraiser must send the notices described by Subsection (a) in a request made under that subsection.

(c) A chief appraiser who delivers a notice electronically under this section is not required to mail the same notice to the property owner.

(d) A request made under this section remains in effect until revoked by the property owner in a written revocation filed with the chief appraiser.

(e) After a property owner makes a request under this section and before a chief appraiser may deliver a notice electronically under this section, the chief appraiser must send an e-mail to the address provided by the property owner confirming the owner's request to receive notices electronically.

(f) The chief appraiser of an appraisal district that maintains an Internet website shall provide a form on the website that a property owner may use to electronically make a request under this section.

Effective January 1, 2020

Estimate of Taxes Due and Homestead Qualification No Longer With Notice of Appraised Value

S.B. 2 Section 91 Repealed 4) 25.19(b-2) & Amended Subsection (b) and (i) and added Subsections (b-3) and (b-4).

This legislation changed 2 things regarding the appraisal notices:

- The estimate of taxes due will no longer be provided on the notice of appraised value
- If a residential property has the same situs address as the owner's address (mailing), the Appraisal District is no longer required to send a notice that the property may qualify for a homestead exemption with the notice of appraised value.

Effective January 2021 for Comanche Central Appraisal District

Regarding Estimate of Taxes Due on Appraisal Notice and Homestead Notices

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This legislation changed 2 things regarding the appraisal notices:

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Effective January 2021 for Comanche Central Appraisal District

Additional Information Required on the Notice of Appraised Value

S.B. 2060 Section 1. Section 25.19 Ammended Adding Subsection (I).

(I) In addition to the information required by Subsection (b), the chief appraiser shall include with a notice required by Subsection (a) a brief explanation of each total or partial exemption of property from taxation required or authorized by this title that is available to:

1. a disabled veteran or the veteran's surviving spouse or child;
2. an individual who is 65 years of age or older or the individual's surviving spouse;
3. an individual who is disabled or the individual's surviving spouse;
4. the surviving spouse of a member of the armed services of the United States who is killed in action; or
5. the surviving spouse of a first responder who is killed or fatally injured in the line of duty.

Effective January 1, 2020

New Required Notice for Residence Homestead Exemption Eligibility

S.B. 2 Section 30 Chapter 25 Added Sections 25.192 and 25.193

Sec. 25.192. NOTICE OF RESIDENCE HOMESTEAD EXEMPTION ELIGIBILITY.

(a) This section applies only to residential property that has not qualified for a residence homestead exemption in the current tax year.

(b) If the records of the appraisal district indicate that the address of the property is also the address of the owner of the property, the chief appraiser must send to the property owner a notice that contains:

1. the following statement in boldfaced 18-point type at the top of the first page of the notice: "NOTICE: A residence homestead exemption from ad valorem taxation is NOT currently being allowed on the property listed below. However, our records show that this property may qualify for a residence homestead exemption, which will reduce your taxes.";
2. following the statement described by Subdivision (1), the following statement in 12-point type: "According to the records of the appraisal district, the property described in this notice may be your primary residence and may qualify for a residence homestead exemption from ad valorem taxation. If the property is your home and you occupy it as your primary residence, the property likely qualifies for one or more residence homestead exemptions, which will reduce the amount of taxes imposed on the property. The form needed to apply for a residence homestead exemption is enclosed. Although the form may state that the deadline for filing an application for a residence homestead exemption is April 30, a late application for a residence homestead exemption will be accepted if filed before February 1, (insert year application must be filed). There is no fee or charge for filing an application or a late application for a residence homestead exemption."; and

3. following the statement described by Subdivision (2), the address to which the notice is sent.

(c) The notice required by this section must be accompanied by an application form for a residence homestead exemption.

(d) If a property owner has elected to receive notices by e-mail as provided by Section 1.086, the notice required by this section must be sent in that manner separately from any other notice sent to the property owner by the chief appraiser.

Sec. 25.193. NOTICE OF CERTAIN CANCELED OR REDUCED EXEMPTIONS.

(a) By April 1 or as soon thereafter as practicable if the property is a single-family residence that qualifies for an exemption under Section 11.13, or by May 1 or as soon thereafter as practicable in connection with residential property that does not qualify for an exemption under Section 11.13, the chief appraiser shall deliver a clear and understandable written notice to a property owner if an exemption or partial exemption that was approved for the preceding year was canceled or reduced for the current year.

(b) If a property owner has elected to receive notices by e-mail as provided by Section 1.086, for property described by that section, the notice required by this section must be sent in that manner regardless of whether the information was also included in a notice under Section 25.19 and must be sent separately from any other notice sent to the property owner by the chief appraiser.

Effective January 1, 2020

Changes To 25.25 Corrections (Corrections to Prior Years)

H.B. 2159 Section 1. Section 25.25 Amended Subsection (d)

(1) one-fourth the correct appraised value, in the case of property that qualifies as the owner's residence homestead under Section 11.13; or

(2) one-third the correct appraised value, in the case of property that does not qualify as the owner's residence homestead under Section 11.13.

Effective Immediately

Notice With Estimated Tax Information

S.B. 2 Section 36. Section 26.04 Amended

This legislation change (in regards to the Appraisal District) added the requirement to send property owners a notice containing:

- a statement directing the property owner to an internet website from which the owner may access information related to the actions taken or proposed to be taken by each taxing unit in which the property is located that may affect the taxes imposed on the owner's property.
- a statement that the property owner may request from the county assessor-collector for the county in which the property is located or, if the county assessor-collector does not assess taxes for the county, the person who assesses taxes for the county under Section 6.24(b), contact information for the assessor for each taxing unit in which the property is located, who must provide the information described by this subsection to the owner on request; and
- the name, address, and telephone number of the county assessor-collector for the county in which the property is located or, if the county assessor-collector does not assess taxes for the county, the person who assesses taxes for the county under Section 6.24(b).

Effective 2021 for Comanche County

Property Tax Database

S.B. 2 Section 26.17

(a) The chief appraiser of each appraisal district shall create and maintain a property tax database that:

1. is identified by the name of the county in which the appraisal district is established instead of the name of the appraisal district;
2. contains information that is provided by designated officers or employees of the taxing units that are located in the appraisal district in the manner required by the comptroller;
3. is continuously updated as preliminary and revised data become available to and are provided by the designated officers or employees of taxing units;
4. is accessible to the public;
5. is searchable by property address and owner, except to the extent that access to the information in the database is restricted by Section 25.025 or 25.026; and

includes the following statement: "The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state."

(b) The database must include, with respect to each property listed on the appraisal roll for the appraisal district:

- 1) the property's identification number;
- 2) the property's market value;
- 3) the property's taxable value;
- 4) the name of each taxing unit in which the property is located;
- 5) for each taxing unit other than a school district in which the property is located:

(A) the no-new-revenue tax rate; and

(B) the voter-approval tax rate;

- 6) for each school district in which the property is located:

(A) the tax rate that would maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and

(B) the voter-approval tax rate;

- 7) the tax rate proposed by the governing body of each taxing unit in which the property is located;
- 8) for each taxing unit other than a school district in which the property is located, the taxes that would be imposed on the property if the taxing unit adopted a tax rate equal to:

(A) the no-new-revenue tax rate; and

(B) the proposed tax rate;

- 9) for each school district in which the property is located, the taxes that would be imposed on the property if the district adopted a tax rate equal to:

(A) the tax rate that would maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and

(B) the proposed tax rate;

- 10) for each taxing unit other than a school district in which the property is located, the difference between the amount calculated under Subdivision (8)(A) and the amount calculated under Subdivision (8)(B);
- 11) for each school district in which the property is located, the difference between the amount calculated under Subdivision (9)(A) and the amount calculated under Subdivision (9)(B);
- 12) the date, time, and location of the public hearing, if applicable, on the proposed tax rate to be held by the governing body of each taxing unit in which the property is located;
- 13) the date, time, and location of the public meeting, if applicable, at which the tax rate will be adopted to be held by the governing body of each taxing unit in which the property is located; and
- 14) for each taxing unit in which the property is located, an e-mail address at which the taxing unit is capable of receiving written comments regarding the proposed tax rate of the taxing unit.

(c) The database must provide a link to the Internet website used by each taxing unit in which the property is located to post the information described by Section 26.18.

(d) The database must allow the property owner to electronically complete and submit to a taxing unit in which the owner's property is located a form on which the owner may provide the owner's opinion as to whether the tax rate proposed by the governing body of the taxing unit should be adopted. The form must require the owner to provide the owner's name and contact information and the physical address of the owner's property located in the taxing unit. The database must allow a property owner to complete and submit the form at any time during the period beginning on the date the governing body of the taxing unit proposes the tax rate for that tax year and ending on the date the governing body adopts a tax rate for that tax year.

(e) The officer or employee designated by the governing body of each taxing unit in which the property is located to calculate the no-new-revenue tax rate and the voter-approval tax rate for the taxing unit must electronically incorporate into the database:

- 1) the information described by Subsections (b)(5), (6), (7), (12), and (13), as applicable, as the information becomes available; and
- 2) the tax rate calculation forms prepared under Section 26.04(d-1) at the same time the designated officer or employee submits the tax rates to the governing body of the taxing unit under Section 26.04(e).

(f) The chief appraiser shall make the information described by Subsection (e)(1) and the tax rate calculation forms described by Subsection (e)(2) available to the public not later than the third business day after the date the information and forms are incorporated into the database.

Effective 2021 for Comanche County

Appraisal Review Board & Arbitration

Appraisal Review Board Cannot Increase Property Values in Certain Situations

S.B. 2 Section 65. Section 41.47

(c-2) The board may not determine the appraised value of the property that is the subject of a protest to be an amount greater than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser under Section 25.22 or 25.23, except as requested and agreed to by the property owner. **This subsection does not apply if the action being protested is the cancellation, modification, or denial of an exemption or the determination that the property does not qualify for appraisal as provided by Subchapter C, D, E, or H, Chapter 23.**

Effective January 1, 2020

Filing Deadline For Arbitration Changed

H.B. 1802 Section 1. Section 41A.03 (a) Amended.

(a) To appeal an appraisal review board order under this chapter a property owner must file with the appraisal district not later than the **60th** day after the date the property owner receives notice of the order:

Effective Immediately