How to Present Your Case at an Appraisal Review Board Hearing

A Homeowners Guide

Texas Comptroller of Public Accounts
Property Tax Assistance Division
Notice of Appraised Value

• You just received a notice from the county appraisal district telling you the value of your home and estimating what your county, city and school district taxes could be.

• The estimated tax is based on the appraised value the appraisal district places on your home and the prior year’s tax rates of your taxing units.

• You have the opportunity to appeal the value if you believe it is incorrect.
What do You do Now?

• First, review your *Notice of Appraised Value*. There may be information regarding the appraisal district’s informal review process.

• File a written notice of protest by the protest deadline. The appraisal notice may include a protest form for your convenience.

• You may be able to resolve the matter with the appraisal district at an informal meeting.
The ARB

• If the appraisal district does not have an informal process or if you are unable to reach a solution with the appraisal district, you may take your case to the ARB if you have filed a protest by the deadline.

• The ARB is an impartial panel composed of your neighbors who live in the county.

• The ARB listens to you and the appraisal district’s representative and may adjust values based on the evidence presented at the hearing.
What Can You Protest?

- **Excessive value:** if you believe the appraisal district’s value on your home is too high.
- **Unequal appraisal:** if you believe the appraisal district appraised your home at a higher proportion of its value than most properties.
- **Failure to grant exemptions:** if the chief appraiser denied your exemption application.
- **Failure to provide notice:** if the appraisal district failed to provide notice that the value of your home changed.
Filing a Protest

• File your protest by the deadline shown on your notice of appraised value.
• If the notice contains no deadline, you must file a protest by May 31 or no later than 30 days after the date on the notice, whichever is later.
• You may request an evening or weekend hearing. The ARB must permit such a hearing. The law requires the ARB to offer either an evening or weekend option, but not both. Slots in these sessions are available on a first-come, first-serve basis.
What to Expect?

14 days before your ARB hearing, the appraisal district mails you the following:

- A copy of a Comptroller pamphlet explaining your remedies;
- A copy of the ARB procedures; and
- A statement that you can inspect and obtain a copy of any information the appraisal district plans to introduce at your hearing.

- A statement of right to postpone hearing.

This information is often included with your notice of hearing date and time.

http://www.window.state.tx.us/taxinfo/proptax/remedy10/index.html
What to Expect? (cont.)

- Prior to your hearing, you may inspect and obtain a copy of all the information the appraisal district plans to introduce at the hearing.
- The appraisal district has to provide, upon your request, the information they used to appraise your property.
- You may have to spend some time at the appraisal district office or on its website or pay for copies of what you need.
- The charge for copies for homeowners cannot exceed $15 per property appeal.
Preparing for the ARB Hearing

• You should make enough copies of all your evidence, one for each member of the ARB panel and one for the appraisal district.
• Check the ARB hearing procedures to see how many copies you will need.
• The appraisal district may also ask you for your evidence before the hearing starts.
• The ARB hearing procedures will indicate how much time you will have to present your case.
• Be on time and be prepared for your hearing.
The Hearing – What to Expect

Each ARB has its own process for protest hearings, but it may look like the following:

• Sign in and take a seat in the waiting room.
• When your name is called, enter hearing room.
• The ARB will explain how the process works.
• The appraisal district representative will most likely present to the ARB the following information about your property:
  – Name of owner.
  – Address and legal description.
  – Year built.
  – Size, both of improvements and land.
  – Amenities.
  – Market Value.
Protest Hearing Rules

• Both you and the appraisal district representative take an oath to tell the truth.
• Both you and the appraisal district representative have the right to rebut each other’s evidence.
• Both you and the appraisal district representative may cross examine witnesses.
• You cannot ask questions of the ARB, but you should direct questions of the appraisal district representative through the ARB.
• ARBs may adopt Roberts Rules of Order to manage hearings.
Prepare Your Evidence

• Go prepared to your hearing. Take anything that will help you make your case and show how the appraisal district may have overvalued your home in your opinion.
  • The date of your appraisal is Jan. 1.
  • Make sure that changes made before Jan. 1 are included in the appraisal.
  • Improvements or damage to your property after Jan. 1 should not be part of the appraisal.
Value Evidence

• Check the condition of your home; if you have a foundation problem such as a cracked slab, it can affect the value. Bring photos and reports.

• If you had a recent loss from a fire, give the ARB a copy of the fire report.

• Provide copies of engineering reports or written estimates to repair deficiencies.

• Compare the measurement of your home against the appraisal district’s.
Value Evidence (cont.)

• Make sure the appraisal district data is correct regarding your property.
• Verify that the appraisal district has the right amenities, such as a pool.
• Review the home sales the appraisal district used to calculate the value of your home. Bring a list of sales.
• On comparable sales, check for the sales date, street address, square footage, lot size, items that add value to the home, zoning and the year the home was built.
Presentation of Evidence

• After the protest and property are described, you exchange documentary evidence with the appraisal district representative and give evidence to the ARB.

• Even though the appraisal district has the burden of proof, the homeowner usually presents his or her evidence and argument first.

• The ARB will review your evidence and ask questions.

• You should respond with candid answers and feedback, but always remain cordial.
Presentation of Evidence (cont.)

- The appraisal district representative may ask questions.
- The appraisal district representative will present a report of its value on your home.
- The appraisal district may present comparable sales in your neighborhood and review construction costs.
- After you and the appraisal district have presented evidence, you may rebut the testimony or evidence provided by the appraisal district representative.
Be Persuasive, Not Emotional

• You want to show the ARB how your evidence supports your opinion of value of your property.

• The ARB does not know everything about your home or your neighborhood.
Be Persuasive, Not Emotional (cont.)

• Provide the ARB with facts, not with emotional arguments.

• Do not argue that your taxes are too high.

• Base your protest on hard evidence, not wishful thinking.
Burden of Proof

- If the appraisal district fails to prove your home’s value by a preponderance of the evidence, the ARB must rule in your favor.
- You can submit an appraisal on your home prepared by an independent appraiser.
- If you submit an independent appraisal, the appraisal district must prove your home’s value by “clear and convincing evidence.”
Closing or Rebuttal

- Be brief and to the point.
- Summarize your key evidence.
- Summarize your key arguments.

- Repeat your requested property value.
- Thank ARB members for their time.
- The appraisal district may be permitted to close the hearing.
ARB Reaches a Decision

• The ARB will evaluate your home’s value based on the evidence.
• The ARB will give you its opinion of your home’s value and may indicate what evidence it considered.
• After the ARB makes its decision, the ARB will make it known to you.
• The ARB will send you a written order by certified mail.
• If the hearing was held by a panel of the ARB the decision is not final until approved by the full ARB.
What Now?

- If you do not agree with the ARB’s decision, you may request binding arbitration if you qualify.
- You can also appeal the decision to the state district court in the county in which your home is located.
- In either case, you will have to make a partial payment of taxes before the delinquency date, usually the amount of taxes not in dispute.
Evidence Checklist

Use this evidence checklist to help gather evidence for your ARB hearing.

- Pictures of property.
- Receipts of repairs after Jan. 1.
- Sales price documentation, such as listings, closing statements and other information.
- Appraisal district records.
- Graphs.
- Diagrams.
- Sworn statements.
- Witness lists with copies of witness submitted testimony.
- Mathematical calculations.
- Copies of all evidence.
Conclusion

This presentation offers a general guidelines. Please check with your ARB for specific procedures.
Conclusion

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Note: The Comptroller’s office is providing technical assistance, and not offering legal advice. Interpretations of law must be made by legal counsel.
How to Protest for Homeowners

Question 1 of 2

Please enter your Texas Department of Licensing and Regulation (TDLR) registration number to receive continuing education credit. If you do not have a TDLR number, you may skip this question.