

ADJUSTMENTS TO THE APPRAISAL ROLL AFTER CERTIFICATION

Late Protests (PTC 41.44 b & c)

Once the Appraisal Review Board has approved the appraisal records (generally around July 20th of each year), the Property Tax Code does not allow for a late protest, even for good cause.

The only exceptions are: property owners continuously employed in the Gulf of Mexico for a period of not less than 20 days during which the protest deadline passed or serving on full-time active duty in the United States armed forces outside the US on the day the deadline passed.

Chief Appraiser Change (PTC Section 25.25b)

The Chief Appraiser may change the appraisal roll at any time to correct a name or address, a description of property, or a clerical error or any other inaccuracy that **does not increase** the amount of tax liability. For errors that **decrease** the tax liability, the Chief Appraiser may make corrections for the current and five previous tax years only. Property taxes for each affected year cannot be delinquent. Types of errors that decrease a property owner's tax liability include:

1. Late-filed homestead exemptions that are permitted by law;
2. Corrections to the market, appraised, or taxable value of property that result in an error of 20 percent or more of the market value listed on the appraisal roll. Reductions in the market, appraised, or taxable value **cannot exceed \$10,000,000**.

Ownership change of an entire account or splitting-out a portion of ownership of an account is considered a Chief Appraiser Change. For split-outs, the total value of the accounts must not increase over the original value. The new owner is mailed notification of the change; however, this action cannot be protested to the ARB.

25.25c Motions (PTC Sec. 25.25c)

The appraisal records for the current and five preceding tax years may be corrected, providing property taxes for each affected year are not delinquent, for the following reasons:

1. Clerical errors that affect tax liability: A clerical error is defined as an error caused by a mistake in writing, copying, transcribing, computer data entry or retrieval, or a mathematical error that prevents the appraisal or tax roll from correctly showing the correct value. A clerical error is not a mistake in reasoning or judgment in making a finding or determination.
2. Multiple appraisals (double assessments): A multiple appraisal occurs when a property is listed in the appraisal records more than once for the same year resulting in a duplication of value.
3. Non-existent property: Non-existent property is property that does not exist either in the form or at the location described on the appraisal roll. For property to classify as not existing, the entire category of property cannot exist. For example: an account has a value of \$50,000 for four vehicles, but the owner actually only has three vehicles. An adjustment cannot be made unless all four vehicles did not exist. Also, this provision does not apply to inaccuracies in square footage.
4. An error in which property is shown as owned by a person who did not own the property on January 1 of that tax year.

Substantial Error (PTC Sec. 25.25d)

A property owner may file a substantial error motion for the current tax year providing the appraised value exceeds the correct value by more than one-third. An easier way to state this is the error must be at least 25 percent of the market value of the property as determined by the Appraisal District.

This motion must be filed before the taxes on the property become delinquent, which is generally before February 1, and the property taxes for the year must be current. Further, the property could not have been the subject of a protest filed prior to the normal protest deadline where a hearing was held, and the ARB issued an order of its findings. If a signed agreement on value was entered into, the property owner does not qualify to file substantial error motion. If the ARB does make a change under this type of motion, the property owner must pay a late-correction penalty equal to 10 percent of the amount of taxes as calculated on the basis of the corrected appraised value.

Supplemental Appraisal Records (PTC Sec. 25.21- 25.23)

Supplemental appraisal records are those properties that were omitted from the appraisal roll in either the current or prior tax years. We typically consider supplementals to be entire accounts that were omitted from the appraisal roll. However, a supplemental may be made to an existing account.

For example, for real property, if an existing property has two homes, and one home was omitted, the appraiser may supplement the second home. For personal property, if the existing account does not include any value for inventory, the appraiser may supplement the inventory value. Omitted property on an existing account does not include square footage inaccuracies or increases to an existing category of property.

If the appraiser is adding omitted property to an existing **land only** account, the omitted property is added to the existing land account. However, if the appraiser is adding omitted property to an existing account **with improvements**, the omitted property must be added as a separate account for the years being supplemented. The appraiser must then combine the accounts for the subsequent tax years. In the examples provided for an account with existing improvements, the home that was omitted will be supplemented as an improvement only account, and the inventory value will be supplemented as an inventory only account.

An exception to these rules is that *any* omitted property may be added to the appraisal roll if requested by the property owner or agent in writing.

Real property may be supplemented for the current and five (5) preceding tax years. Personal property may be supplemented for the current and two (2) preceding tax years.

A Notice of Appraised Value is mailed to the property owner, and the property owner is allowed 30 days to file a protest on any matter affecting value.

Protest on Notice of Change in Appraisal Records (PTC Sec 41.11)

The tax liability of an account may only be increased after approval of the appraisal records for deleted exemptions. If a homestead or other partial exemption is deleted, the property owner has 30 days to protest this action. The property owner cannot protest any other issues affecting value.

If an absolute exemption is deleted, the property owner has 30 days to protest any action affecting value.

Failure to Receive Required Notice (PTC Sec 41.411)

When property owners claim they did not receive a required notice from the Appraisal District, they may file a 41.411 protest. Examples of such required notices are: a notice of appraised value during a reappraisal year or during any other year if the value is increased, notice of the date and time scheduled for a protest hearing, and notice of the denial of an exemption or agricultural-use special appraisal.

A property owner may file a protest under Section 41.411 of the Property Tax Code at any time after the normal protest filing deadline but before the taxes for the year become delinquent, which is generally February 1. Property taxes for the year cannot be delinquent.

The ARB will schedule a hearing on the protest to determine whether or not the required notice was delivered. If the ARB determines that the notice was not delivered by the Appraisal District as required, then the ARB will hear any evidence concerning the property value or other matter at issue. However, if the ARB determines that the Appraisal District delivered the required notice, then the ARB cannot address the property value or other matter at issue.

Joint Motions (PTC Section 25.25h)

If the Appraisal District and property owner agree that an error was made on a property, the Chief Appraiser may correct the error for the current tax year only. The error must be 20 percent or more of the market value on the appraisal roll. Since the threshold for this adjustment is the same as a Chief Appraiser change, these motions are typically only filed to settle an account when the property owner has filed for arbitration.

Exemptions (PTC Section 11.43(a))

If it is discovered that an exemption **that is not required to be claimed annually** has been erroneously allowed in any one of the preceding **five** years, the exemption can be deleted. The property owner will be sent a certified letter and will be given 30 days to protest this action. This provision covers most exemptions, but excludes historic exemption, abatements, freeport property, and miscellaneous exemptions granted under PTC Sec. 11.23.