

**JEFFERSON COUNTY APPRAISAL DISTRICT
LOCAL APPRAISAL REVIEW BOARD HEARINGS PROCEDURES**

On the following pages, we have provided the Model Hearing Procedures for Appraisal Review Boards (ARBs) as prescribed by the State Comptroller's Office. In addition to these procedures, the ARB of the Jefferson County Appraisal District has adopted the below procedures to assist you in preparing for your protest hearing. Please read these procedures in their entirety as both the State and Local Hearings Procedures provide you with valuable information for presenting an effective protest to the ARB.

EVIDENCE

The ARB must make their decision on your protest based on the evidence presented at the hearing. Stress facts and circumstances that support your protest. The property owner who simply says "my value is too high" is not likely to prevail. Confine your evidence and testimony only to the reason(s) stated in your protest (market value, exemption, etc.). The ARB cannot make a ruling on any matter unless it was protested. Organize your documents and testimony prior to your hearing. The protest hearing is a paperless process. You will only need one copy of any evidence you would like to submit at your hearing as it will be scanned by the District, returned to you, and submitted electronically to the ARB. To facilitate the scanning process, please do not staple your evidence, take all documents out of binders or folders, and do not place pictures on poster boards. The scanners can only accept pictures and documents on paper no larger than 8 ½" X 14. The ARB cannot accept evidence on digital cameras, cell phones, memory cards, PCs, or any other medium that cannot be retained for permanent record.

Suggestions for evidence include:

Market value protests

Sale of your property: Signed and dated closing statement and/or fee appraisal.

Sale of comparable properties: Collect evidence on recent sales of properties similar to yours from neighbors or real estate professionals. Ask the Appraisal District for the sales that it used to determine your value. Get documents or sworn statements from the person providing the sales information. Use sales that are similar to yours in size, age, location, and type of construction. Use recent sales – sales that occurred closest to January 1 are best.

Physical characteristics of your property: Are the measurements for your home or business correct? If not, gather blueprints, deed records, photographs, a survey, or your own measurements. Are repairs needed or are there any hidden defects, such as a cracked foundation or inadequate plumbing? If so, provide estimates of repairs or insurance records indicating the property's condition as of January 1 of the tax year. Get photographs and/or statements from builders or independent appraisals.

Commercial property: Income and expense statements, profit and loss statements, rent rolls, CPA statements, audits, balance sheets, IRS returns, inventory records, leases, and/or rendition forms provide good evidence.

Unequal protests

Determine whether your property value is closer to market value than other, similar properties. A ratio study or a comparison of a representative sample of properties, appropriately adjusted, for determining the median level of appraisal must be prepared to prove unequal appraisal.

Other

Provide any evidence not listed that you feel supports your protest. Please do not address your property taxes at your hearing as the ARB only has jurisdiction over your property's value. Also, be careful comparing your property taxes to your neighbors as many factors affect the amount of taxes a person pays, including whether the property is a homestead and if the taxes are frozen based on a prior year.

Request Appraisal District Evidence

Before the date of your hearing, you may request the evidence that the Appraisal District intends to use at your protest. The charge is \$0.10 per page and may not exceed \$15 for each residential property or \$25 for any other type of property. This evidence likely includes sales of properties similar to yours that the District used in appraising your property, your appraisal card, and a copy of the District's appraisal schedule.

HEARING SCHEDULE

The ARB holds four, two-hour sessions for protest hearings each day: 8:00 a.m., 10:00 a.m., 1:00 p.m., and 3:00 p.m. Protest hearing registration will be open for the first hour of each session. On certain, limited dates, the ARB will hold an additional one-hour session at 4:00 p.m. for the convenience of people who need a hearing later in the day for work-related or other reasons. In addition, the ARB will schedule protest hearings on at least one evening beginning at 6:00 p.m. The dates for evening hearings are at the discretion of the ARB. Good cause for evening hearings must be provided by the property owner and approved by the ARB. To facilitate the hearings process, reasonable time, usually fifteen (15) minutes, shall be allotted for each protest. Each party should restrict their presentation to approximately five (5) minutes. Complex properties are allotted more time.

The ARB will hear protests on a first-come, first-served basis.

STATE COMPTROLLER'S APPRAISAL REVIEW BOARD HEARINGS PROCEDURES

ARB MEMBERSHIP (PTC Sec 5.103(b)(16),(15), and (12))

Administration of ARB Appointments

Appraisal Review Board (ARB) Members are not provided any statutory role in the process for the administration of applications or requests for appointment for membership on the ARB. If an ARB member is contacted by an individual regarding requesting an appointment to the ARB, the member shall direct the individual to the person designated to receive applications or requests for appointment to the ARB.

Conflicts of Interest

Each ARB member is responsible for ensuring that he or she does not have any conflict of interest that results in ineligibility to serve on the ARB or restricts or prohibits the ARB member's participation in ARB activities, such as participation in the determination of a taxpayer protest. An ARB member must promptly report any conflict of interest to the ARB chairperson in addition to any other individual or entity as may be provided by law. The chairperson shall ensure prompt notification of reported conflicts of interest to the appropriate individuals.

If an ARB member discovers before or during a protest hearing that a conflict of interest exists, the member may not participate in a protest hearing. If the conflict exists due to the provisions of the Local Government Code Chapter 171, an affidavit must be filed with the secretary of the ARB. The affidavit must be filed as soon as the conflict is identified, even if it requires a delay in the conduct of the hearing. If the conflict arises from PTC Sec 41.69, no affidavit must be filed; however, the ARB member must recuse himself or herself immediately from the hearing and report the conflict to the chairperson or secretary of the ARB.

ARB members must remember that while Local Government Code Chapter 171 addresses matters of "substantial interest," Property Tax Code (PTC) Sec 41.69 applies to any protest in which an ARB member is interested (i.e. there is no requirement under PTC 41.69 that the interest be substantial). Therefore, while a conflict of Interest under Local Government Code Chapter 171 may not prohibit an ARB member from participation in a protest, PTC 41.69 may still prohibit participation. If an ARB member has a questions as to whether or not he or she has a conflict of interest that might prohibit his or her involvement, the member shall immediately contact the ARB chairperson to address the matter.

In the recusal process, the ARB member not only may not vote on the matter that is the subject of the protest, but also may not hear or deliberate on the protest.

Ex Parte and Other Prohibited Communications

ARB members shall not engage in prohibited ex parte or other communications. If an ARB member is approached by one or more individuals that appear to be engaging or attempting to engage in a prohibited communication, the ARB member shall immediately remove himself or herself from the conversation.

ARB DUTIES (PTC Sec 5.103(b)(1), (5), and (6))

Statutory Duties of an ARB

Each ARB member is responsible for ensuring that he or she understands the statutory duties of the ARB and shall comply with all statutory requirements in performing statutory duties as a member of the ARB.

Notices Required Under the Property Tax Code

Each ARB member is responsible for obtaining and maintaining familiarity with notices required under the Property Tax Code. If an ARB member has reason to believe that any notice that is required by law to be provided by the ARB is not being provided or does not meet the requirements of applicable law, the ARB member shall promptly notify the ARB chairperson. The ARB chairperson shall investigate each such report and take appropriate action to correct all verified problems.

Determination of Good Cause Under Property Tax Code Sec. 41.44(b)

"Good cause" for filing late protests is not defined in PTC Sec. 41.44(b). Claims of good cause for late-filed protests should be carefully considered and standards in making determinations of good cause under PTC Sec. 41.44(b) should be uniformly applied. The ARB should give due consideration to good cause claims in such a manner that properly respects the rights of property owners while not undermining or contravening laws related to filing deadlines or the orderly and expeditious fulfillment of ARB duties.

ARB HEARINGS (Formal Hearings, Not Informal Meetings Between Property Owners and Appraisal District Staff – PTC Sec. 5.103(b)(3),(4), (7), and (14))

Scheduling Hearings Generally

The ARB shall schedule a hearing when a timely notice of protest is filed and, in doing so, may be provided with clerical assistance by the Appraisal District.

Scheduling Hearings for Property Owners Not Represented by Agents

Pursuant to PTC Sec 41.66(i), hearings filed by property owners not represented by agents designated under PTC Sec 1.111 shall be scheduled for a specific time and date. More than one protest may be scheduled for hearings at the same time and date; however, if a hearing for a property owner is not started by an ARB panel or the full ARB within two hours of the scheduled hearing time, the ARB is required to postpone the hearing, if a postponement is requested by the property owner. The request for postponement must contain the mailing address and email address of the person requesting the postponement. The ARB shall respond in writing or by email to the request for postponement not later than the seventh day after the date of receipt of the request.

Scheduling Hearing for Multiple Accounts

If requested by a property owner or a designated agent, hearings on protests concerning up to 20 designated properties shall be scheduled on the same day by the ARB. The request must meet all requirements of PTC Sec 41.66(j), including the required statement in boldfaced type: “request for same-day protest hearings.” No more than one such request may be filed in the same tax year by a property owner or a designated agent. Also pursuant to PTC Sec 41.66(j), the ARB may schedule hearings on protests concerning more than 20 properties filed by the same property owner or designated agent and may use different panels to conduct the hearings based on the ARB’s customary scheduling. The ARB may follow the practices customarily used in the scheduling of hearing under PTC Sec 41.66(j).

ARB Panel Assignments

If an ARB sits in panels as authorized by PTC Sec 41.45(d), protests shall be assigned randomly, except that the ARB, with or without clerical assistance from the staff of the Appraisal District, may consider the type of property or the protest grounds in order to assign the protest to a panel with members who have particular expertise.

Once a protest is schedule to be heard by a specific panel, it shall not be reassigned to another panel without the consent of the property owner or a designated agent. If the ARB has cause to reassign a protest to another panel, the owner or designated agent may agree to reassignment or request a postponement of the hearing. The ARB is required to postpone the hearing if requested in this situation. Pursuant to PTC Sec. 41.66(k), “[a] change of members of a panel because of a conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute reassignment of a protest to another panel.”

Postponements Under PTC Sec 41.45(e)

A property owner who is not represented by an agent under PTC Sec 1.111 is entitled to one postponement of a hearing without showing cause, if the request is made before the date of the hearing. The request may be made in writing, including by facsimile transmission or electronic mail, by telephone, or in person to the ARB, an ARB panel, or the ARB chairperson. If the hearing for which the postponement is requested is scheduled to occur before the next regular meeting of the ARB, the chairperson or the chairperson’s representative may take action on the request for postponement without the necessity of action by the full ARB. Unless the date and time of the hearing as postponed are agreed to by the ARB chairperson or the chairperson’s representative, the property owner, and the Chief Appraiser, the hearing may not be postponed to a date less than five or more than 30 days after the date scheduled for the hearing when the postponement is sought.

In addition and without limit as to the number of postponements, the ARB shall postpone a hearing if the property owner or his/her designated agent at any time shows good cause, as defined in PTC Sec 41.45(e-2). The request may be made in writing, including by facsimile transmission or electronic mail, by telephone, or in person to the ARB, an ARB panel, or the ARB chairperson. If the hearing of which the postponement is requested is scheduled to occur before the next regular meeting of the ARB, the chairperson or the chairperson’s representative may take action on the request for postponement without the necessity of action by the full ARB.

In addition and without limit, the ARB shall postpone a hearing if the Chief Appraiser consents to the postponement. The request may be made in writing, including by facsimile transmission or electronic mail, by telephone, or in person to the ARB, and ARB panel, or the ARB chairperson. If the hearing for which the postponement is requested is scheduled to occur before the next regular meeting of the ARB, the chairperson or the chairperson’s representative may take action on the request for postponement without the necessity of action by the full ARB. Unless the date and time of the hearing as postponed are agreed to by the ARB chairperson or the chairperson’s representative, the property owner, and the Chief Appraiser, the hearing may not be postponed to a date less than five or more than 30 days after the date scheduled for the hearing when the postponement is sought.

Postponements Under PTC Sec 41.45(e-1)

A property owner or a person designated by the property owner as the owner's agent to represent the owner at the hearing who fails to appear at the hearing is entitled to a new hearing if the property owner or the owner's agent files, not later than the fourth day after the date the hearing occurred, a written statement with the ARB showing good cause, as defined in PTC Sec 41.45(e-2), for failure to appear and requesting a new hearing.

Postponements Under PTC Sec 41.45(g)

The ARB must postpone a hearing to a later date if:

1. the owner of the property or the owner's agent is also scheduled to appear at a hearing on a protest filed with the ARB of another appraisal district;
2. the hearing before the other ARB is scheduled to occur on the same date as the hearing set by this ARB;
3. the notice of hearing delivered to the property owner or the owner's agent by the other ARB bears an earlier postmark than the notice of hearing delivered by this ARB or, if the date of the postmark is identical, the property owner or agent has not requested a postponement of the other hearing; and,
4. the property owner or the owner's agent included with the request for a postponement a copy of the notice of hearing delivered to the property owner or the owner's agent by the other ARB.

Postponements Under PTC Sec 41.66(h)

The ARB must postpone a hearing (one time only) if the property owner requests additional time to prepare for the hearing and establishes that the Chief Appraiser failed to comply with PTC Sec 41.461. Only the property owner may request a postponement for this reason. The request for postponement must contain the mailing address and email address of the person requesting the postponement. The ARB shall respond in writing or by email to the request for postponement not later than the seventh day after the date of receipt of the request.

Postponements Under PTC Sec 41.66(i)

Hearings on protests filed by property owners not represented by agents designated under PTC Sec 1.111 shall be scheduled for a specific time and date. More than one protest may be scheduled for hearings at the same time and date; however, if a hearing for a property owner is not started by an ARB panel or the full ARB within two hours of the scheduled hearing time, the ARB is required to postpone the hearing, if a postponement is requested by the property owner. The request for postponement must contain the mailing address and email address of the person requesting the postponement. The ARB shall respond in writing or by email to the request for postponement not later than the seventh day after the date of receipt of the request.

Postponements Under PTC Sec 41.66(k)

If a protest is scheduled to be heard by a particular panel, the protest may not be reassigned to another panel without the consent of the property owner or designated agent. If the ARB has cause to reassign a protest to another panel, a property owner or designated agent may agree to reassignment of the protest or may request that the hearing on the protest be postponed. The ARB shall postpone the hearing on that request. A change of members of a panel because of a conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute reassignment of a protest to another panel. The request for postponement must contain the mailing address and email address of the person requesting the postponement. The ARB shall respond in writing or by email to the request for postponement not later than the seventh day after the date of receipt of the request.

CONDUCT OF ARB HEARINGS (FORMAL HEARINGS, NOT INFORMAL MEETINGS BETWEEN PROPERTY OWNERS AND APPRAISAL DISTRICT STAFF – PTC SEC 5.103(b)(2), (9), and (10))

Conducting Hearings Open to the Public

For most protest hearings, the hearing should be conducted in the following order:

1. Commence the hearing and announce the assigned protest number, property location and owner, and other identifying information.
2. Announce that, in accordance with PTC Sec 41.45(h), all written material that has not been provided must be provided.
3. State that the ARB members who are considering the protest have not communicated with anyone about the protest and have signed affidavits to that effect.
4. Welcome the parties and remind them of the content of the hearings procedures, time limits for the hearing, and other relevant matters.
5. Ask if any testifying witness holds a license or certificate from the Texas Appraiser Licensing and Certification Board and if the witness is appearing in that capacity.

6. Inform witnesses that all testimony must be given under oath and swear-in all witnesses who plan to testify.
7. Unless both parties otherwise agree, the property owner (or agent, as applicable) shall present his/her case first.
8. If the property owner or agent presents his/her case first, he/she shall present evidence (documents and/or testimony). If witnesses are present, the property owner or agent may examine the witnesses as part of the presentation of evidence. At the end of the presentation, an opinion of value (if the protest involves appraised value or equity) for the property must be stated.
9. Next, the Appraisal District representative may cross-examine the property owner, the agent, or the representative and/or witnesses.
10. If the property owner or agent presented his/her case first, the Appraisal District representative shall present evidence (documents and/or testimony) next. If witnesses are present, the Appraisal District representative may examine the witnesses as part of the presentation of evidence. At the end of the presentation, an opinion of value (if the protest involves appraised value or equity) for the property must be stated.
11. Then, the property owner or agent may cross-examine the Appraisal District representative and/or witnesses.
12. Members of the ARB shall not be examined or cross-examined by parties.
13. The party presenting its case first may offer rebuttal evidence (additional evidence to refute evidence presented by the other party).
14. The other party may then offer rebuttal evidence.
15. The party presenting its case first shall make its closing argument and state the ARB determination being sought.
16. The party presenting its case second shall make its closing argument and state the ARB determination being sought.
17. The ARB or panel chairperson shall state that the hearing is closed.
18. The ARB or panel shall deliberate orally. No notes, text messages, or other forms of communication are permitted.
19. The ARB or panel chairperson shall ask for a separate motion for each matter that was the subject of the protest hearing. The motion should include the exact value or issue to be determined. A vote shall be taken and recorded by a designated Appraisal District staff person or member of the ARB assigned for this purpose. Separate motions and determinations must be made for each protested issue (i.e., excessive appraisal and unequal appraisal must have separate ARB motions and determinations).
20. Thank the parties for their participation and announce the determination(s) of the ARB and that an order determining protest will be sent by certified mail.

If computer screens are used by ARB members during ARB hearings for reviewing evidence and other information, computer screens also must be available to property owners and agents at the hearings to view the same information that is presented to the ARB members by the Appraisal District staff. This requirement is met if the property owner or agent can see all information displayed on at least one computer screen in the hearing location (there is no requirement that the property owner or agent be provided a separate screen).

The property owner or agent and the Appraisal District representative are prohibited from debating each other. All communications must be directed to the ARB members, except for examination or cross-examination during testimony of witnesses or parties testifying at the hearing.

For taxing unit challenges, motions to correct appraisal records, protests regarding exemptions, or other matters that may be the subject of ARB hearings, the ARB should follow the order of conducting hearings above, but may take exceptions for the type of hearing.

Records for each ARB proceeding must be kept according to PTC Sec 41.68 and Comptroller Rule 9.803. The secretary of the ARB is responsible for ensuring proper record keeping, maintenance, and retention.

Conducting Hearings Closed to the Public

A joint motion by the Chief Appraiser and the property owner is required to request that the hearing be closed due to intent to disclose proprietary or confidential information that will assist the ARB in determining the protest.

The ARB or panel chairperson shall convene the hearing as an open meeting and then announce that the meeting will be closed to the public as permitted by PTC Sec 41.66(d) and (d-1). Only the parties to the protest, their witnesses, and the ARB members are permitted to stay in the hearing room. The same order of proceedings as for hearings open to the public should be followed.

The secretary of the ARB is responsible for ensuring that a separate tape recording or written summary of testimony is kept for the closed meeting in accordance with the provisions of Comptroller Rule 9.803 generally. The proprietary or confidential evidence presented at the hearing giving rise to the closed hearing is confidential according to PTC Sec 22.27 and shall be marked as "confidential" and maintained as confidential in the ARB records for proper handling. At the conclusion of the hearing, the ARB panel shall confirm with the parties that all proprietary and confidential information has been appropriately identified by the ARB. The confidentiality of the information must be maintained by the ARB members and disclosed only as provided by law.

After deliberation, the ARB shall reconvene in open meeting and vote or take final action on the protest deliberated in the closed meeting. There must be no mention of the proprietary or confidential information during the open meeting.

Right to Examine and Cross-Examine Witnesses or Other Parties

PTC Sec 41.66(b) states that “each party to a hearing is entitled to offer evidence, examine or cross-examine witnesses or other parties, and present argument on the matters subject to the hearing.” The ARB may not prohibit this entitlement in any way; however, it may enforce time limits and dictate the order of ARB hearings for witness examination and cross-examination. To the extent possible, the parties should be advised in advance of any time limitations the ARB has determined to impose regarding the presentation of evidence.

Party’s Right to Appear by an Agent

The ARB shall accept and consider a motion or protest filed by an agent if an agency authorization is filed at or before the hearing on the motion or protest. The ARB may not require that an agency authorization be filed at an earlier time. The ARB may not require a person to designate an agent to represent the person in a property tax matter other than as provided by PTC Sec 1.111.

EVIDENCE CONSIDERATIONS (PTC Sec 5.103(8), (11), and (13))

A Party’s Right to Offer Evidence and Argument

The ARB may not prohibit a party’s right to offer evidence and argument. However, the ARB may enforce time limits and dictate the order of ARB hearings. To the extent possible, the parties should be advised in advance of any time limitations the ARB has determined to impose regarding the presentation of evidence and argument. The ARB should, schedule permitting, provide as much time as possible to each party to a hearing to fully present evidence and offer argument.

Prohibition of Consideration of Information Not Provided at the ARB Hearing

In a protest hearing, the ARB shall not consider any Appraisal District information on a protest that was not presented to the ARB during the protest hearing. In order for any Appraisal District record (i.e., appraisal roll history, appraisal cards) to be considered by the ARB, it must be presented as evidence by or on behalf of a party (e.g. Chief Appraiser, Appraisal District representative, property owner, agent, or witness) at the protest hearing.

Exclusion of Evidence Required by PTC Sec 41.67(d)

If it is established during a protest hearing that information was previously required under PTC Sec 41.461 by the protesting party and that the information was not made available to the protesting party at least 14 days before the scheduled or postponed hearing, the requested information not made available may not be used as evidence in the hearing. The ARB shall make a determination to exclude evidence under PTC Sec 41.67(d) only if evidence presented at the hearing establishes that: (1) the information sought to be excluded as evidence was not made available at least 14 days before the hearing; and (2) the information sought to be excluded as evidence was previously requested by the protesting party.

OTHER ISSUES (PTC Sec 5.103(17))

Compliance with the Law, Integrity, and Impartiality

Members of the ARB shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the ARB.

Patience and Courtesy

ARB members must be patient, dignified, and courteous to parties appearing before the ARB.

Bias or Prejudice

Members of the ARB shall perform their ARB duties without bias or prejudice.

Confidential Information

Members of the ARB shall not disclose or use for any purpose unrelated to ARB duties confidential information acquired in the performance of ARB duties.