

# HOW TO PROTEST



1. I received an appraisal notice of value and do not believe my property should reflect the values as they appear on the notice. What can I do?

One of your most important rights as a property owner is your right to protest to the Appraisal Review Board. You may protest any action that adversely affects your property. Some of those actions include property value, exemptions, and special appraisals. Special appraisals are better known as the agricultural, timber and wildlife evaluations.

Property you lease may be appealed by you only if the owner of the property does not appeal.

Franklin CAD would like to have you contact an appraiser as an informal hearing before you file the formal protest to determine if the Cad has all of the property characteristics correct, such as size, construction type, age, and other factors which may affect the value.

If after that hearing you still have issues with the property, the staff will be glad to help you complete the formal protest form and you will be scheduled to appear before the Appraisal Review Board.

2. What is an ARB or Appraisal Review Board?

The Appraisal Review Board is a group of citizens from your county that is authorized by the Property Tax Code to resolve dispute between the property owner and the appraisal district. The board will determine challenges which the taxing units may bring against the appraisal district.

An Appraisal Review Board member must be a resident of the county for at least two years to serve. They are appointed by the local Administrative law judge. Each member may serve 3 consecutive terms of 2 years. After serving 3 terms the member may not serve for 2 years at which time they may be re-appointed.

The Property Tax Code requires the Appraisal Review Board members to complete the "Open Meetings Act", "Public Information Act", the beginning training course as instructed by the Comptroller (for 1<sup>st</sup> year members) and a course in the second year that will be repeated every year for each member having repetitious years of service. This training is performed by the staff of the Comptroller's office and may not be administered by the Chief Appraiser or appraisal district staff.

3. Should I protest?

Protest issues that an ARB can consider include:

- a. Is the proposed value too high?
- b. Is your property valued unequally compared with other property in the district

- c. Was an exemption denied?
- d. Was the special appraisal for agricultural or timber evaluation denied?
- e. Was a determination made that you took your land out of agricultural use?
- f. Do the appraisal records show an incorrect owner?
- g. Is the property being taxed by the wrong taxing units?
- h. Is your property incorrectly included on the appraisal records?
- i. Did the district fail to send you a required notice?
- j. Is there any other action that adversely affects your property?

Any of the above described issues indicate you may need to protest. You will need to gather evidence to present to the Appraisal Review Board to defend your position in any area you protest.

4. How do I defend my issues?

- a. If you believe your value is too high gather blueprints, deed records, photographs, a survey to make sure the description is correct on your property. Make notes of any defects and substantiate those with photos. Ask for comparisons of other property in the district to compare values. Collect recent sales data from your neighborhood. Consider an independent appraisal.
- b. If you believe your property is unequal in value to your neighbors you can ask for an equity comparison grid to compare your property with other properties similar to yours within the community.
- c. If you believe you were denied an exemption you are entitled to receive, provide evidence which would indicate why you would qualify for the exemption. Social Security disability determination letters, veteran's disability determination letter, proof of age, proof you live in the property January 1, and a deed referencing what part of the property is used for your yard.
- d. If you believed your were denied an agricultural, timber, or wildlife appraisal, gather ownership records and information from local agencies that provide services for farmers and ranchers. Provide your income and expense information which would prove usage. Provide federal income return Schedule F. Bring in management records showing the activity that has occurred on your property.
- e. If you believe the records are showing a wrong ownership. Provide deed record and deed transfer of ownership.
- f. If you believe your are being taxed in the wrong jurisdiction, provide proof of your situs address to determine the jurisdiction.
- g. If you believe the appraisal district failed to send you a notice, the appraisal district must prove it mailed the notice. You cannot protest failure to receive notice if you have delinquent taxes on your property. You must pay the partial amount or the amount that is not in dispute. However, you may file an oath of inability to pay the undisputed taxes and the ARB will hold a hearing to determine if the prepayment would constitute an unreasonable restraint on the property owner's right of access to the ARB.

5. How do I protest and when can I file?

If an informal hearing with the FCAD Staff does not address your issues, file a written protest. A form is

available but a note or letter is sufficient if it identifies the owner, the property and indicates you are dissatisfied with a decision made by the appraisal district.

File your protest for single family residences by May 15 or no later than 30 days after the appraisal district mailed a notice of appraised value to you, whichever date is later; however an owner may file a late protest with cause before June 1<sup>st</sup> if the ARB has not approved the appraisal records. Please take note this is 30 days after the stamped mailed date not your receipt date. If you are off-shore worker or on full-time military duty, you may be entitled to file a late protest.

If you receive a notice that your land no longer qualifies for the agricultural use, you must file your protest within 30 days of the post mark date. This notice comes by certified mail.

If you file a notice of protest before the ARB approves the appraisal records, you are entitled to a hearing only if the board decides that you had good reason for failing to meet the deadline.

If you don't file a notice of protest before the ARB approves the appraisal records you may lose your right to protest. You, also, lose the right to file a lawsuit or request binding arbitration about the taxable value of your property.

If your protest is late because the chief appraiser or ARB failed to mail a required notice of appraised value or a denial of exemption or agricultural appraisal, you may file your protest any time before the taxes become delinquent or no later than 125 days after the date you claim you received the tax bill. You must pay the amount of taxes due on the undisputed amount to have this hearing.

6. How will I know when to appear at my hearing?

At least 14 days before your protest hearing, the appraisal district will send you a copy of the "Property Taxpayer Remedies", a copy of the "ARB procedures", a statement affirming that you may inspect and obtain a copy of the data, schedules, formulas and any other information the appraiser plans to introduce at your hearing, and notice of your right to postpone the hearing.

You may request a hearing to be held at night or on a Saturday or Sunday.

The appraisal district may charge for copies of the information to be used in your hearing, but this charge may not exceed \$15.00 on residential properties and no more than \$25.00 on non-residential properties.

7. Do I have to appear in person?

You may appear in person; send someone whom you authorize in writing to appear in your behalf; or send a sworn affidavit with evidence to support your protest. The affidavit must be notarized.

8. Are there any restrictions I need to know?

You may not contact any of the ARB members about your case outside of the hearing. An ARB member that discusses your case outside of the hearing must remove themselves from the hearing. An ARB member who communicates on specific evidence, argument, facts or merits of a protest with the chief appraiser, appraisal district staff, or a member of the appraisal district board of directors outside the hearing commits a criminal offense (a Class A misdemeanor).

9. What can I expect at the hearing?

Be on time and be prepared to introduce the evidence in your hearing stating the facts in a simple and well-organized presentation. Recognize that the ARB acts as an independent judge and makes a decision based on the evidence presented by both parties.

Be prepared to take an oath to tell the truth. Appraisal district staff takes an oath to tell the truth on the first meeting of the ARB for the protest season. This helps expedite the protest process.

10. Should I appeal to district court or request binding arbitration, if I disagree with the ARB decision?

Once the ARB rules on your protest, it will send you a written order of determination by certified mail. If you are dissatisfied with the ARB findings you have the right to appeal its decision to the state district court in the county in which your property is located.

You should consult with an attorney to determine if you have a case. Within 60 days of receiving the written order (when you sign for the certified mail, you must file a petition for review with the district court.

As an alternative to appealing the market value to district court, you may appeal through binding arbitration. Binding arbitration is only available for market or appraised value determinations. Unequal determinations may not be subject to binding arbitration. Properties that can be handled through binding arbitration are a residential homestead, regardless of value; or a property with an appraised value of \$1 million or less.

To request binding arbitration you must file with the appraisal district within 45 days after receiving the notice of determination from the ARB a request and submit a \$500 deposit or \$250.00 if you request expedited arbitration. You must make your deposit in a money order or cashier's check, payable to the Texas Comptroller of Public Accounts and return the application and the deposit to the appraisal district. The appraisal district will complete the information on the application required of them and forward the packet to the Comptroller's office.

After receiving your request from the appraisal district, the Comptroller's office will send you a website address featuring a registry of available arbitrators. You and the Appraisal district may select a mutually agreeable arbitrator. If you cannot agree on an arbitrator, the Comptroller will select one for the case.

The arbitrator will arrange for a hearing, where she or he will issue a decision concerning your property's value. If the arbitrator is closer to your value the appraisal district will pay the arbitrator's fee and the Comptroller's office will refund your deposit, less 10 percent that the law requires their office to retain.

If the arbitrator is closer to your value or equal to half of the difference between your value and the ARB value the arbitrator will be paid by the cad.

Further questions about procedure, remedies, or other related materials may be addressed to the appraisal district staff or chief appraiser.