

Harris County Appraisal Review Board



2014 MEMBER MANUAL

April 2014

NAME:

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Section 1

General Information

ARB CALENDAR

This outline describes the appraisal review process at different stages throughout the year.

Jan 1 - May 15 During this time the appraisal review board has no authority over the current year appraisal records being compiled and prepared by the chief appraiser. The chief appraiser is solely responsible for valuing property and determining whether a property is eligible for an exemption.

April 15 Property owners are to deliver rendition statements and property reports to the chief appraiser. The deadline shall be extended to May 15 if requested in writing by the property owner and can be extended an additional 15 days for good cause shown.

May 15 - July 20 By May 15 or shortly thereafter, the chief appraiser turns the majority of the appraisal records over to the appraisal review board by executing an affidavit. From this point forward, the appraisal review board is to review and determine appropriate changes to the appraisal records.

The appraisal review board must meet within 10 days to begin examination of the appraisal records under protest.

REVIEW OF THE APPRAISAL RECORDS

State law provides that the appraisal review board is to review the appraisal records and determine all protests timely filed. Briefly, the board is to:

- determine protests initiated by property owners;
- determine challenges initiated by taxing units;
- correct errors in the appraisal records and the appraisal roll;
- determine whether an exemption or a partial exemption is properly granted;
- decide whether land should receive special valuation under state law; and
- take any other action or make any other determination that the Texas Tax Code specifically authorizes or requires.

Before the board approves the appraisal records, the chief appraiser may submit corrections concerning the appraisal records for ARB consideration.

July 20 By this date or as soon thereafter as is practicable, the ARB is to:

- hear and determine all or substantially all timely filed protests;
- determine all timely filed challenges;
- submit a list of its approved changes in the records to the chief appraiser; and
- approve the remaining records not under protest, which can be done once the total property value within the appraisal district still pending is less than 10%.

ARB MEETINGS: Items Commonly Considered During a Meeting

Here is a brief description and explanation of items routinely appearing on the agenda. These items cover various issues that require board approval.

The accounts associated with each agenda item are normally accounts that have been recently considered by a panel of the ARB, and unless members disapprove the panel recommendation or an affirmative request is made to withhold approval of the recommendation by the chairperson, the proposed action should be approved. Accounts previously considered and acted upon in a prior meeting are not at issue.

Sometimes a person may want to view the issues that are being ratified. If so, supporting documentation can be obtained at each board meeting if requested beforehand.

The agenda items regularly appearing include:

- Roll Call - relates to verifying that a quorum exists.
- Approval of Minutes - relates to approving the minutes of the previous meeting.
- Approval to Disapprove Panel Determination – relates to disapproving specific panel recommendations found to be to be deficient or made in error.
- Approval of Recommendations Involving Corrections under Texas Tax Code 25.25 - relates to approval of panel recommendations regarding corrections to the appraisal roll involving clerical errors, multiple appraisals, form or location errors, and substantial errors (over-appraisal of an account by more than one- third).
- Approval of Corrections Made Pursuant to Chapter 41, Subchapter A - relates to corrections to the appraisal records that have never been certified.
- Approval of Protest Hearings Determinations - relates to approval of panel recommendations involving timely protests.
- Approval of (Supplemental) Appraisal Records – relates to approving additions to the roll for property mistakenly exempt or discovered after the roll became certified.
- Approval to Dismiss Protests and Motions in Accord with the ARB Rules and Procedures - relates to ratification of actions required by the ARB rules and procedures without action by an ARB panel.
- Approval of Recommendations for Protests Filed After the Statutory Deadline - relates to protests in which notice protests filed after the normal filing deadline has expired but before the records have become certified.
- Approval of Recommendations to Dismiss Protests and Motions where Jurisdiction is Found Lacking - relates to those motions and protests that are prohibited from consideration by operation of law. ARB jurisdiction does not exist.

Roll Call

The ARB conducts its meetings under the premise that it is subject to the Open Meetings Act. This Act generally stipulates that a governmental body must conduct all deliberations in an open forum and thereby allow full disclosure regarding public business and matters of public policy.

The Act further provides formal action by a governing body can only be taken where a quorum has approved such action. To verify a majority of members is in attendance (that being a quorum), members are required to sign in immediately before the start of the meeting confirming their presence. The secretary will then announce whether a quorum exists.

Approval of Minutes

In each meeting, the secretary is responsible to make sure the meeting is recorded. In conjunction with this duty, written minutes are maintained that summarize what occurred during the meeting.

The minutes state the subject of each deliberation and indicate the vote, order, decision, or action taken. If a member finds the minutes are inaccurate or defective in some way, like incorrectly stating a member's vote, the error should be brought to the attention of the board and corrected.

Approval to Disapprove Panel Determinations

Occasionally a panel recommendation is found to have been made in error and therefore should not be approved by the ARB. If this occurs, the Texas Tax Code provides a mechanism to allow the original panel decision to be disapproved and a new hearing scheduled. This agenda item effectively allows a panel recommendation associated with a specific account to be disapproved by the full board. Once this is done the related protest or correction motion can then be reconsidered by a different panel.

Approval of Panel Decisions from Formal Hearings Pursuant to Sec. 25.25

Under Section 25.25(c), the ARB may correct prior year's appraisal rolls to correct clerical errors, multiple appraisals, or the inclusion of nonexistent property. Upon motion by the chief appraiser or the property owner, the ARB generally may correct such errors for the five preceding years. Corrections approved by the ARB are released to the taxing jurisdictions on supplemental appraisal rolls.

Corrections under Section 25.25(d) typically involve errors that resulted in an "over-appraisal." Motions filed under 25.25(d) are limited in scope and must be filed prior to the tax delinquency date. Like protests, panel recommendations are submitted to the full ARB for approval. Any changes approved by the ARB are then released on supplemental appraisal rolls as well.

Approval of Corrections Made Pursuant to Chapter 41, Subchapter A

These corrections apply only to accounts submitted for review but before they become certified. Texas Tax Code, section 41.10 allows the ARB to correct clerical errors that do not affect tax liability during this review period. This section allows the ARB to approve corrections recommended by the chief appraiser that may reduce tax liability.

Approval of Protest Hearing Determinations

This item involves approval of panel determinations on formal hearings held pursuant to Chapter 41, Subchapter C, of the Tax Code. When approved, these hearing determinations are to be included on the certified appraisal roll. The majority of all panel determinations made and submitted for approval before the appraisal roll becomes certified falls under this agenda item.

Approval of (Supplemental) Appraisal Records

This agenda item is to approve supplements to the appraisal roll that were not on the original roll for a specific year. These items include property mistakenly exempted, property discovered after the original records were submitted or certified, and property protests resolved after the date the original records for a year were approved.

Approval to Dismiss Protests and Motions in Accord with the ARB Rules and Procedures

Due to the volume of protests and motions to be resolved, the ARB enacted specific rules that allow for the resolution of hearings without requiring a panel to convene. These rules are designed to promote administrative efficiencies while at the same time not compromising an individual's right to due process.

Approval of Recommendations for Protests Filed after the Statutory Deadline

A property owner who files a protest after the statutory deadline is entitled to a hearing if the appraisal roll has not been certified and good cause is shown as to why the protest was not timely filed. Determination of whether good cause exists has been established is normally a function the executive officers to consider and, if disapproved, submitted to the full board for consideration.

Approval of Recommendations to Dismiss Protests and Motions when Jurisdiction is Found Lacking

Quite often motions and protests are filed with the ARB even though it no longer retains the necessary jurisdiction to issue a related order. For instance, this can occur where a statute of limitations has run its course or where the matter has been ruled on or settled by agreement as allowed by Texas Tax Code, Section 1.111(e).

Because no jurisdiction exists to consider the relief requested, to conduct a formal hearing would waste time and resources and might cause an erroneous order to be issued.

Polices Applicable to the Appraisal Review Board

The appraisal review board (ARB) has the statutory authority to:

- hear and determine property owner protests;
- hear and determine taxing unit challenges;
- correct clerical errors in the appraisal records and appraisal roll;
- rule on motions for correction to appraisal rolls;
- review grants of exemption or special appraisal for legal correctness;
- order changes as needed to implement its determinations;
- subpoena witnesses, books, records, or other documents that relate to a protest;
- approve the appraisal records; and perform other activities specifically required of it by the Property Tax Code.

A. Selection

The Civil Administrative District Judge for Harris County appoints appraisal review board members.

B. Eligibility

To serve on the appraisal review board an individual must be a resident of the appraisal district and must have resided in the district for at least two (2) years. A member of the board of directors or an officer or employee of the State Comptroller's Office, the appraisal office, or a taxing unit is ineligible to serve. An individual who has served for all or part of three consecutive previous terms as a board member or auxiliary board member on the appraisal review board on the term that begins on the next January 1 following the third consecutive term, is a former member of the governing body or an officer or employee of a taxing unit, or is a former director, officer, or employee of the appraisal district is ineligible to serve on the appraisal review board.

A person may not serve as an ARB member if a relative within the second degree by blood or marriage¹ does business in the Harris County Appraisal District as a paid tax agent. The person is also barred if a relative within the same degree appraises property for compensation for use in proceedings before the appraisal district or review board. [Sec. 6.412(a)]

The Tax Code also bars a person from service or appointment if the person or a business entity in which the person has a substantial interest is a party to a contract with the appraisal district or with a taxing unit that participates in the appraisal district².

¹As determined under Chapter 573, Government Code; includes spouse, parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, spouse's parent, spouse's child, spouse's grandparent, spouse's grandchild, spouse's brother, spouse's sister.

² "Substantial interest" means that the person and the person's spouse together own at least 10 percent of the voting stock or shares in the business, or that either of them is a partner, limited partner, or officer of the business. These same restrictions apply to appraisal review board members.

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or other entity recognized by law.

C. Terms

Members typically serve two-year, staggered terms. Members are appointed so that approximately one-half of the members' terms expire each year. In making the initial or subsequent appointments, the local administrative judge or the judge's designee shall designate those members who serve terms of one year as necessary. An individual who has served for all or part of three (3) consecutive terms on the appraisal review board is ineligible to serve on the appraisal review board during a term that begins on the next January 1 following the third of those consecutive terms.

D. Conflict of Interest

A member of the appraisal review board may not participate in the determination of a taxpayer protest in which the member is interested or in which the member is related to a party by marriage within the second degree or by blood within the third degree, as determined under Chapter 573, Government Code. [Sec. 41.69]

E. Clerical Support

The chief appraiser assigns appraisal office staff to provide clerical assistance to the appraisal review board.

The law requires the appraisal review board to adopt rules of procedure. The ARB must post its hearing procedures wherever it conducts protest hearings.

ARB Member Compliance with Sections 6.035(a) (2) and 6.412(a) (2), Tax Code and for Removal of Non-Complying Members

A person is ineligible to hold office as an ARB member if the person owns property on which delinquent taxes have been owed for more than 60 days after the date the person knew or should have known of the delinquency. Taxes normally become delinquent February 1; in order for a member to remain eligible, the member must do one of three things prior to April 1: (1) pay the taxes; (2) enter into an installment payment agreement; or (3) if eligible, file an over-65 or disabled person's tax deferral affidavit.

The objective of this procedure is to ensure that ARB members have ample notice of delinquency problems and frequent reminders of the need to pay taxes.

December

In December of each year, either human resources staff or an attorney shall remind the ARB at regular meetings of the responsibility to pay taxes timely. Human Resources Division shall send a reminder letter to each ARB member.

January

Not later than January 15, each returning ARB member shall file a disclosure statement disclosing all taxable property owned by the ARB member and indicating whether taxes for the preceding year have been paid as of the date of the statement and whether any delinquent taxes from prior years are owed. New members shall provide the same disclosure statement before taking the oath of office. Form

D1 is adopted by reference for this purpose. At the time they take the oath of office, new members shall receive a letter reminding them of the responsibility to pay taxes timely and the consequences for failure to do so. The Appraisal Review Board should include reminder notices in its meeting agenda for January.

February

In the first week of February, Human Resources and Special Audit staff shall check with the taxing entities for tax payment information on all disclosed property. By the third week of February, ARB members shall be informed of any property for which it appears that taxes have not been paid and reminded in writing that taxes cannot remain delinquent more than sixty days. HR staff will meet with each ARB member who appears to owe delinquent taxes to identify any problems in payment, such as misallocated payments, that district staff can assist in resolving. HR and Jurisdiction Support staff will then coordinate with the ARB members on working out the problems. Attorneys will be asked to review problem situations regarding whether the removal statute applies to the situation and to provide opinions in writing. ARB members shall provide copies of receipts, payment agreements, deferral affidavits, or evidence that they no longer own the property, as applicable, to Human Resources as the members take care of the matters.

March

In the first week of March, HR staff will review all tax payment information and compile a list of any payments still outstanding. HR will notify the chief appraiser, the respective board chairs, and the ARB members involved in writing no later than March 10. The ARB chairman will be asked not to schedule the member after the 60th day following delinquency. HR staff will make a final warning call to each person who has not provided proof of resolution of the problem on or about March 25.

April

Human Resources will provide the board secretary with a list of those ARB members for whom it appears delinquent taxes were still owed as of April 1. An item for hearing on the removal of ARB members will be placed on the April agenda, with action on removal contemplated for the May agenda.

May

An item for final removal of an ARB member will be placed on the May agenda with a final recommendation for action.

Unusual circumstances

There are many circumstances in which the delinquency date for a tax payment is not February 1. When an ARB member identifies property to district staff as belonging to that member, a special flag will be placed on the property to indicate that it is subject to the delinquency rule. If that property is involved in a back assessment or exemption cancellation (the two circumstances that would most likely trigger a tax with a delinquency date), staff will notify Human Resources of the transaction and they will follow a procedure similar to that above to ensure that the taxes are timely paid.

Appraisal Review Board Attire

Because certain clothing may not be suitable to wear while serving on the ARB, especially in hearings, the ARB established these guidelines to clarify what is considered appropriate dress. This policy certainly does not cover all contingencies so members are required to exert a certain amount of judgment in their choice of attire. If a member is uncertain about what is considered acceptable attire, he or she should consult with the Executive Office.

What follows is a general overview of acceptable business and business-casual attire. Items that are inappropriate for the office environment are also listed. Neither list is all-inclusive and both are open to change.

Standard business attire: Appropriate business attire must be worn at all times unless otherwise provided by these guidelines. Similarly, proper grooming and hygiene is always required.

For female members, professional business attire includes:

- A business suit or tailored two or three piece ensemble;
- pants suit;
- A dress and jacket;
- dress shoes or boots – (e.g. pumps or flats either completely closed or with a sling-back or modest open toe);

For male members, standard business attire includes:

- a long sleeve dress shirt with dress slacks, suit pants, or Dockers-style pants;
- Suit jacket, sport coat or blazer
- a business tie; and
- dress shoes or boots with socks.

The following types of clothing are inappropriate:

- Pants - jean pants, including denim, dungarees, and other pants styled to look like jeans or work pants. In addition, leather and suede pants are inappropriate.
- Shirts - T-shirts, sport shirts, and loud patterned shirts. Faded, stained, torn, or “worn-thin” shirts are never acceptable.
- Skirts/Dresses - sundresses, denim or jean dresses and skirts. Dresses, skirts, shorts or city shorts, or suits with hems that are well above the knee. Likewise, front slits and back slits in dresses and skirts must be reasonably conservative.
- Blouses/Tops - halter, tube, crop, or strapless tops are never appropriate. Sleeveless dresses, blouses or tops may not be worn unless worn with a jacket at all times. Sheer blouses without camisoles are inappropriate.
- Shoes - sandals, and flip-flops and tennis shoes.
- Headgear – hats, sweatbands, rollers or any other type of headdress.

- Sportswear - sportswear of any kind is not considered business attire and is never appropriate at work. This includes polo or golf-type shirts, spandex clothing, leggings and stirrup style leggings, leg warmers, T-shirt type pants and tops, sweatshirt type pants and tops, or similar outfits.
- After five wear - formal evening apparel, floor length gowns, tuxedos, party attire.
- Male members may not wear earrings, or display any type of body piercing.
- Female members may wear earrings, but may not display any other type of body piercing.
- Body art should not be visible.
- Clothing that reveals too much cleavage, your back, your chest; your feet, your stomach or your underwear is never appropriate.
- Any clothing that has words, terms, or pictures that may be offensive to others is unacceptable.
- Torn, dirty, or frayed clothing is never appropriate. Even in a business casual work environment, clothing should be pressed and never wrinkled. All seams must be finished.
- Cologne or perfume

Business-casual attire: In place of standard business attire, members can wear “business-casual” clothing in settings where members are not expected to interact with the public or support staff. On these days, a more casual approach to dressing, although never potentially offensive to others, is allowed. For instance, business-casual dress would apply where members are convening for an ARB meeting and are expected to leave immediately thereafter.

Business casual attire consists of:

- a polo, golf-style, or button down shirt
- dressy casual slacks, provided they are not wrinkled
- dress or skirts in an appropriate color, fabric, and length.
- dress shoes, dress-casual shoes and boots, and appropriate socks.

Exceptions: The ARB Chairman may make exceptions to the dress code for special circumstances, like to wear maternity wear, and occasions such as the “Go Texan” day.

GUIDELINES FOR APPRAISAL REVIEW BOARD CONDUCT, APPRAISAL REVIEW BOARD OPERATIONS, COMPENSATION, AND EXPENSES

1. Integrity and Impartiality of the Appraisal Review Board

1.1 In these guidelines, ARB or appraisal review board means the Appraisal Review Board of Harris County. Board or board of directors means the Board of Directors of the Harris County Appraisal District. Chief appraiser means the Chief Appraiser of the Harris County Appraisal District.

1.2 An ARB member must observe high standards of conduct and must maintain and reinforce in other members to that same standard. The integrity and impartiality of the Appraisal Review Board must be preserved.

2. Avoiding Impropriety and the Appearance of Impropriety in all Activities

2.1. An ARB member should respect and comply with the law and should conduct him or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the Appraisal Review Board. An ARB member should take care to ensure that the member's words and conduct maintain the ARB's image of fairness and impartiality.

2.2. An ARB member should not allow family, social, or other relationships to influence his or her official conduct or judgment. An ARB member should not use his or her office to advance the member's private interest or that of others; nor should a member convey or permit others to convey the impression that they are in a special position to influence the member.

2.3. An ARB member may not represent any person other than himself or herself or a member of his or her own family in proceedings before the appraisal review board or the appraisal district staff. A member who represents himself or herself or a family member in a matter may not participate in any decision involving the matter. Violation of this guideline should be presumed to constitute resignation of the member's office.

2.4. Under Sec. 6.41, Tax Code, an ARB member may not accept employment, election, or appointment as an employee, officer, or official of a taxing unit, whether or not located in Harris County Appraisal District, an appraisal district, or the state comptroller of public accounts unless the member resigns his or her office. Acceptance of such a position, whether paid or unpaid, constitutes resignation of the member's office. Volunteerism is applauded, but must be cleared by the executive office.

3. Impartiality and Diligence

3.1. An ARB member should be faithful to the law and maintain professional competence in it. An ARB member should not be influenced by partisan interests, public outcry, media attention, or fear of criticism.

3.2. When acting as chair of a panel of the ARB, an ARB member should maintain order and decorum in proceedings.

3.3. An ARB member should be patient, dignified, and courteous to property owners, their representatives, appraisal district staff, and others with whom the member deals in an official capacity.

3.4. An ARB member should accord to every person who is legally interested in a proceeding, or his or her representative, full right to be heard according to law.

3.5. An ARB member, except as authorized by law, should not directly or indirectly communicate with a member of the appraisal district staff, a property owner, or a property owner's representative regarding the merits of a pending protest. In this section, "merits" means the facts, argument, or evidence to be presented. An ARB member may, however,

- a. communicate with the property owner, a representative, or the appraisal district staff regarding the scheduling of the account;
- b. seek the advice of counsel.

3.6. A chairperson or officer of the ARB may have occasion to discuss the subject matter of a pending protest with the property owner or with the appraisal district staff in the course of explaining the ARB's actions or functions or arranging the scheduling of a hearing or other administrative matter. In that event, the chairperson should be careful to take no action with regard to that property other than to schedule it for hearing, if applicable. However, the chairperson need not recuse himself or herself from presiding at a full ARB meeting at which the matter is considered.

3.7. An ARB member must be available at the call of the chairperson for service on any weekday during the year. Additionally, ARB rules may provide for hearings on protests in the evening or on a Saturday or Sunday. A member who is unable or unwilling for any reason to serve when called upon should consult with the chairperson. The chairperson of the ARB shall maintain a written record of all contacts with members regarding service and shall provide a monthly report detailing members' attendance to the board of directors. The board of directors, or local administrative judge, as applicable, may remove a member who has failed on at least three occasions during a calendar year to serve on a panel at the chairman's request or to attend a regular meeting of the appraisal review board, provided there is a finding that the member is unwilling or unable to discharge his duties and that replacement of the member is in the best interest of the appraisal district.

3.8. An ARB member should not make public comments about matters pending before the ARB member's panel or the ARB as a whole. Such comments may be viewed as insubordinate conduct which could necessitate disciplinary action.

3.9. An ARB member should perform his or her duties without bias or prejudice. An ARB member should not, in the performance of his or her duties, manifest bias or prejudice by words or conduct and should not knowingly permit those appearing before him or her from doing so.

3.10 All ARB hearings are to be digitally recorded, and panel chairs should ensure that all evidence considered is properly received and made of record. Panel members must conduct their deliberations so that all conversations are audible.

4. Administrative Responsibilities of Officers

4.1. The chairperson should call meetings of the ARB and of panels in consultation with the assistant chief appraiser or any other representative the chief appraiser may designate. The chairperson should not schedule unnecessary panel hearings, and should diligently encourage panels to conduct hearings expeditiously.

4.2. The chairperson should determine the composition of each panel. In staffing panels, the chairperson, while attempting to ensure that all ARB members have a substantially equal opportunity to serve, should give precedence to each individual's experience with properties of different types and cases of varying complexity. However, if a member is unavailable for service as scheduled, the chairperson should not permit the member to "make up" that day at another time. The chairperson should designate panel chairs.

4.3. The chairperson may also appoint experienced ARB members to serve on a leadership committee. The number of members on this committee shall be determined by the chairperson so that there is at least one leadership committee position for up to twelve ARB positions of the full board. This committee would meet periodically, at the call of the chairperson, to advise on issues related to appraisal review board management and operations.

5. Insubordinate Conduct

5.1 ARB members report directly to the ARB Executive Office. In that regard, members shall comply with any directive of the Executive Staff, unless compliance with the directive would endanger the health or safety of the member or another person. Failure to comply will be considered insubordinate conduct, which will subject the member to disciplinary action up to and including suspension from panel service.

5.2 Examples of insubordinate conduct that warrant disciplinary action include, but are not limited to:

- a. Disregard of ARB or HCAD rules, procedures or protocols;
- b. Refusal to perform, or delay in carrying out, an assigned task;
- c. Refusal to render assistance;
- d. Insolent response to a management directive;
- e. Unauthorized absence from an assigned work area;
- f. Sleeping while on duty;
- g. Failure to report an on-the-job accident or injury;
- h. Misuse, theft, or destruction of property;
- i. Failure to report damage to, or an accident involving, district equipment;
- j. Interference with ARB or HCAD operations or management, and
- k. Any attempt to circumvent the authority of the Executive Office.

6. Outside Activities

6.1. An ARB member, subject to the proper performance of duties, may engage in any outside or community service activities, if in doing so the ARB member does not cast doubt on his or her capacity to decide impartially any issue that may come before the ARB.

6.2. An ARB member may appear at a public hearing before an executive or legislative body or official on matters concerning the property tax system, and an ARB member may otherwise consult with an executive or legislative body or official on such matters. However, the member should not hold himself or herself out as a representative, official or otherwise, of the Appraisal Review Board of Harris County without the prior approval of the board of directors.

6.3. An ARB member should not authorize the public use of his or her name as an ARB member endorsing any candidate for any public office, except that the member may indicate support for a political party. An ARB member or candidate may attend political events and express his or her views on political matters in accord with these rules.

6.4. An ARB member may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization. However, an ARB member must not participate in any proceedings before the ARB that involve the organization.

6.5. ARB members should be careful in soliciting funds for any educational, religious, charitable, fraternal or civic organization to ensure that the solicitation is not perceived as an implied or direct promise of favorable treatment before the ARB. ARB members should avoid listing their names with identification of their capacity as an ARB member in any fund solicitation publication.

6.6. An ARB member should refrain from financial and business dealings that tend to reflect adversely on the ARB member's impartiality, interfere with the proper performance of the member's duties, exploit his or her position, or involve the ARB member in frequent transactions with property tax representatives likely to come before the appraisal review board.

6.7. An ARB member may not accept any gift or favor from any person that might reasonably tend to influence him or her in the discharge of official duties. A member should refuse any gift or favor that raises or may raise the appearance of improper transactions.

6.8. Information acquired by an ARB member in his or her official capacity should not be used or disclosed by the ARB member in financial dealings or for any other purpose not related to his or her duties.

7. Compensation

7.1 ARB members are compensated as provided by the appraisal district budget.

7.2 Total compensation paid to the appraisal review board in a fiscal year may not exceed the amount provided in the budget for that purpose.

7.3 An ARB member serving a full day on a panel is expected to be present and available for the full period of service, recognizing that panel start times are staggered to ensure coverage throughout the day and into the early evening. ARB members serving on panels are expected to remain as needed to complete hearings commenced before their normal day's ending time. However, even if the number of hours served exceeds eight, a member will not be compensated at more than the maximum daily rate specified by the board.

7.4 An electronic time keeping system may be implemented to keep records of all time worked as a member. If not available, each member shall prepare and submit a weekly time sheet provided by the appraisal district financial office for that purpose. The member must personally prepare and sign the time sheet once completed.

8. Travel and expense reimbursement

A member will be reimbursed for travel or necessary expenses only where the travel or expenditure has previously been approved by the board of directors. In no instance will the amount of reimbursement for travel or expenses exceed the amount permitted in the budget for reimbursement of expenses incurred by appraisal district staff.

9. ARB Budget

The chief appraiser prepares the ARB budget as part of the appraisal district's budget and should solicit input from the ARB chairperson and members in preparing the budget. The ARB chairperson should make every effort to schedule ARB panel hearings and meetings in a manner calculated not to exceed the district budget.

10. ARB Attorney

The appraisal district has contracted with the office of the county attorney to provide legal counsel for the appraisal review board. The chief appraiser may also provide for outside counsel for the ARB if appropriate.

11. Education

Appraisal Review Board members should strive to keep their knowledge of applicable law and appraisal district policies and procedures up to date. Appraisal Review Board members must attend the training required by law for their service.

12. Construction of the Guidelines

12.1. The word "shall" when used in these guidelines means compulsion. The word "should" means conduct that is morally or ethically appropriate.

Helpful Reminders Regarding ARB Conduct

1. Hearings begin at 8:00 a.m. or as scheduled by the chairperson. It is imperative to be on time.
2. Conduct a hearing only on the account number protested. Do not consider accounts not protested.
3. Do not take and keep information from the hearing file for personal reasons.
4. Do not decide legal issues. Should you need a legal opinion, legal counsel for the ARB or an ARB officer is available.
5. Make property owners feel comfortable and be polite and courteous to all parties present. Your demeanor must show professionalism and respectfulness throughout the hearing.
6. Be open-minded, attentive, and receptive to the property owner's remarks and documentation.
7. Express your opinions in a firm manner, but do not be antagonistic or condescending to any party or fellow member.
8. Avoid adversarial relationships – treat others as you would want to be treated.
9. A formal relationship between the ARB panel, the appraiser, and property owner or representative must be evident at all times. This applies even when a hearing is not taking place.
10. The ARB's objective is to decide valuation and appraisal issues based on the evidence submitted at the hearing. The panel should not interject its own opinions or beliefs at the hearing.
11. Hearings should always be directed at listening to the facts from each party. ARB members should not attempt to appraise property on their own.
12. Agents are representatives of the property owner. As such, they are to be shown the same courtesies and held to at least the same standards as the property owner.
13. All discussions regarding the subject property during a hearing must be held inside the hearing room with the appraiser and property owner or agent present.
14. Morning and afternoon breaks are at the discretion of the panel chair. They cannot exceed 15 minutes. Respect others and don't take excessive breaks. The panel chair should always inform the appraiser before going on break.
15. Make sure there are no scheduled hearings left in the hearing queue before requesting to leave at the end of the shift.
16. The panel chair should state for the record the value as determined by the panel and briefly summarize the reason for arriving at its decision.
17. A hearing should not be recessed allowing either party to copy or secure additional evidence.
18. Do not smoke, chew gum or tobacco, or eat snacks in the hearing room during hearings.
19. Members cannot act as an agent (even without compensation) or appear on behalf of another property owner in a pending matter before the Board.
20. The use of cellular phones, PDA's and pagers is disruptive and is inappropriate once a property owner has entered the hearing room. Pagers and cellular phones should be placed on vibrate or turned off.

2014 Morning Time Lines for ARB Panel Hearings

This is a brief reminder of important mandatory time lines that apply to all ARB Panels on all Formal Hearing Days.

Given the workload of the upcoming hearing season, it is essential that Formal Hearings conducted by the ARB begin as scheduled. Therefore, all parties, that is 1) the ARB Panel, 2) the Appraiser, and 3) the PO or agent, need to be present in the panel room at the pre-assigned times and set up to commence the hearing as scheduled. This will be confirmed by both ARB and ARB support staff using existing check-in processes to make timely operational adjustments if and when necessary, in case of emergencies, last minute delays, or technical problems. Those should be called in by affected panel members as early as possible using the ARB Hotline 713.957.5275.

As previously stated, the following time lines apply for all panels and all case types:

- 1) **15 min Prior to Scheduled Panel Time** (e.g. 7:45am for “A” panels) :(e.g. 8:15am for “B” panels):
 - a. All ARB panel members are present at their assigned seats in the assigned Hearing Room;
 - b. Appraisal staff is present and prepares System and Hearing Room;
 - c. ARB staff checks and records ARB member presence;

- 2) **5 min Prior to Scheduled Panel Time** (e.g. 7:55am for A panels) :(e.g. 8:25am for B panels):
 - a. ARB panel chair has confirmed that Panel is complete, and instructs Appraiser to call in to task room to indicate Panel and Hearing Room are ready;
 - b. ARB and ARB Support staff confirm / record Panel readiness and / or made necessary adjustments for incomplete panel staffing or technical problems;

- 3) **< 5 min Prior to Scheduled Panel Time:**
 - a. ARB Panel is seated and ready to receive PO's / Agents to commence hearings timely;
 - b. ARB panel chair requests from Appraiser to call for first PO or Agent (STI: 'get next' function). This ensures that ARB support staff has sufficient time to call upon and to escort all simultaneously scheduled PO's and Agents to each hearing room, so Panel Hearings can commence at the scheduled time.

Please note that 2014 ARB hearing rules require agents to register their presence for formal hearings at least 30 min prior to scheduled hearing times (15 min for PO's) to avoid delays.

It is the responsibility of Panel Chairs that formal hearings commence timely. ARB and ARB Support staff will provide all necessary assistance to you to reach this important goal and appreciates your cooperation.

Section 2

Bylaws and Hearing Rules



Bylaws of the Appraisal Review Board of Harris County

Current as of April 11, 2014

PURPOSE

The following bylaws are established to give the Appraisal Review Board of Harris County guidance in carrying out its statutory duties as set forth in the Texas Tax Code. These bylaws do not confer or deny any rights not otherwise expressly granted in the Tax Code. Any conflict between these bylaws and the Tax Code is to be resolved in favor of the Tax Code. Court cases interpreting the Tax Code override these bylaws. The term "Board" shall mean the Appraisal Review Board of Harris County. The term "Board of Directors" shall mean the Board of Directors of the Harris County Appraisal District.

1.0 Officers

- (a) The officers of the Board are the (1) chairperson, (2) the secretary, and (3) the parliamentarian.
- (b) The chairperson and secretary shall be appointed by the Board of Directors during the first meeting of the calendar year or as soon thereafter as is practicable. The term of office of the chairperson and secretary will begin upon appointment and acceptance and will run until the next appointment the following year or until their successor is elected. The parliamentarian will be appointed by the newly appointed chairperson and submitted for confirmation by the Board at the next regular meeting and if confirmed shall serve until the appointment and confirmation of his or her successor the following year.
- (c) The chairperson will preside over the meetings of the Board and perform or delegate such other duties as may be provided by these bylaws or by the Board.
- (d) The secretary will perform the duties of the chairperson in his or her absence.
- (e) The secretary shall be responsible for keeping of minutes for all Board meetings, for the keeping of all records of the Board, for determining that all notices by the Board are sent, and for receiving and recording all notices of appeal filed by the chief appraiser or by taxing units that appeal decisions of the Board. The secretary of the Board shall notify the public of all Board meetings according to the notice provisions of the Texas Open Meetings Act. The secretary may delegate any of the above responsibilities to members of the staff provided by the chief appraiser for that purpose. The secretary will preside at meetings in the absence of the chairperson. The secretary shall assist the chairperson in the performance of his or her duties and shall be assigned such duties by the chairperson as necessary.

- (f) If the position of the chairperson is vacated, the vice-chairperson / secretary shall perform the duties of the chairperson until the Board of Directors appoints a chairperson to fulfill the remaining term. If the position of secretary is vacated, the Board of Directors shall appoint a secretary as soon as practicable.

2.0 Meetings

- (a) A majority of the regular members of the Appraisal Review Board constitutes a quorum for meetings of the Board.
- (b) The rules contained in the current edition of Robert's Rules of Order Newly Revised will govern the conduct of all meetings of the Board other than protest hearings. Where Robert's Rules of Order Newly Revised conflict with these bylaws and any special rules of order adopted by the Board, the bylaws and rules of the Board shall govern.
- (c) The Board will meet to examine the appraisal records within ten (10) days after the date the chief appraiser submits them to the Board. The Board will meet at any time at the call of the chairperson. A majority of the Board may call a subsequent meeting at any regularly called meeting of the Board.
- (d) Meetings of the Board will be conducted in accordance with the Texas Open Meetings Act, as provided for under Chapter 551 of the Texas Government Code. The chairperson will prepare an agenda of action items to be acted upon for each meeting. Minutes of its meetings are to be maintained and recorded by the Board's vice-chairperson / secretary.
- (e) The chairperson, or chairperson's representative, will schedule hearings by the Board and by panels of the Board, and will appoint panel chairs. The chairperson may delegate the responsibility to schedule and reschedule hearings to members of the staff provided by the chief appraiser for that purpose.
- (f) The chairperson will have the responsibility of scheduling activities of the members in furtherance of ongoing Board functions and satisfying Board responsibilities.

3.0 Notice of Hearings and Hearing Procedures

- (a) The Board shall provide a protesting property owner or his or her authorized agent written notice of the time, date, and place of each hearing on the protest. The hearing is to proceed at the scheduled time or as soon as practicable. A protest shall be dismissed for failure to appear if the property owner did not appear in person, by properly designated agent, or by affidavit within one hour of the time stated in the notice of hearing.
- (b) The Board shall adopt and establish uniform hearing rules and procedures.
- (c) The Board's officers shall prescribe the contents of all forms necessary for the administration and operation of the Board. These forms shall be used in the regular conduct of Board activities unless disapproved by a majority vote of members.

4.0 Standards of Documentation

The Board shall adopt and establish uniform standards concerning the documentation to be submitted as evidence before the Board. These standards are to be followed by all parties bringing protests before the Board.

5.0 Records of Proceedings

The Board shall keep records of its proceedings in accordance with applicable laws.



Hearings: Rules and Procedures

Current as of April 11, 2014

It is the policy of the Appraisal Review Board of Harris County (“ARB”) that all hearings shall be conducted in a professional, competent, consistent, impartial, and efficient manner. The purpose of these rules and procedures is to ensure compliance with this policy at all times. These rules and procedures apply to hearings conducted under Chapter 41 of the Texas Tax Code, hearings on motions to correct the appraisal roll submitted under Section 25.25 of the Texas Tax Code, and hearings on any challenge filed by a local taxing jurisdiction.

Since the ARB is to conduct all hearings in a professional, competent, consistent, impartial, and efficient manner, any recommendation made by a panel will be based only on the evidence submitted to the panel. This notwithstanding, hearings are to be as informal as practical.

I. Hearing by Panel

As provided by Texas Tax Code, Sec. 41.45(d), the ARB sits in panels of three or more members to conduct hearings. A panel decision shall be rendered upon a majority decision reached by the panel. The ARB chairperson schedules formal hearings, determines the constitution of panels and selects the panel chairs. The panel chair presides over the hearing and is responsible for opening and closing the hearing, maintaining order, conducting the hearing within designated time limits, and ensuring a determination is made on each hearing. A panel decision is not final and has no effect until and unless approved by the full ARB. If the ARB does not approve a panel decision, a panel comprised of different members shall rehear the matter.

II. Official Hearing Procedures

The following steps represent the normal course of a hearing. These hearing procedures are established and are intended to comply with Texas Comptroller’s Model Hearing Procedures and Texas Tax Code, Sec. 41.66. They shall be posted in each hearing room and a summary provided to the property owner upon request at least 14 days in advance of the scheduled hearing.

The panel chair may alter the order if he or she finds it necessary to expedite the hearing. To the maximum extent possible, hearings shall be limited to a maximum 18 minutes per account. Hearings on multiple accounts listed on a docket will be limited to a maximum 13 minutes per account. The panel chair may increase or decrease this time limit based upon the complexity of the hearing, but it should not be extended without good reason.

III. Appearance

Property owners and consultants must indicate their appearance for a hearing by checking in each account and/or docket at the registration desk on the first floor at least fifteen (15) minutes in advance of the

scheduled hearing time. Consultants for firms that employ multiple consultants or have multiple dockets for a given day must check in at least thirty (30) minutes in advance of a hearing. ARB support staff may make exceptions for individuals who arrive late due to circumstances beyond their control. Pursuant to Texas Tax Code, Sec. 1.111(i), an agency authorization is considered to be filed at or before the hearing if a copy of the authorization is filed at or before the scheduled date and time of the hearing at the registration desk on the first floor.

If a property owner, who is not represented by an agent, appears on the scheduled protest hearing date and time and his/her hearing does not begin within two hours of the scheduled time, the ARB must postpone the protest hearing at the property owner's request. Texas Tax Code §41.66(i).

Property owners and consultants have the responsibility to review their receipts for accuracy and should immediately bring any inaccuracy to the attention of the registration desk. After checking in, consultants have until noon for morning dockets and until 5:30 pm for afternoon dockets to correct any omissions or other inaccuracies.

IV. Conflicts of Interest

Should a conflict exist between an ARB member and a property owner or property under protest, that member should recuse themselves from that protest hearing. The types of conflicts that exist are:

1. Personal – If an ARB member is related by affinity within the second degree or consanguinity within the third degree to the owner of the property (whether protested personally or by an agent).
2. Financial – If an ARB member has a substantial interest in a business entity as defined in the Local Government Code §171.002. Substantial Interest means:
 - a. Ownership of 10% or more voting stock of a business;
 - b. Ownership of \$15,000 or more of fair market value of a business;
 - c. Member receives at least 10% of their gross income from the business; or
 - d. Ownership of \$2,500 or more of fair market value of real property.

If an ARB member meets any of the above described criteria, that member must recuse themselves from that protest hearing. If an ARB member meets any of the criteria listed in the Local Government Code §171.001 et. seq., then that member must recuse themselves and must immediately prepare an affidavit, disclosing their interest in the property and file it with the ARB Secretary. Once an ARB member recuses themselves, they will be replaced for that hearing only and then return to the same ARB panel and resume hearings as normal.

V. Order of Hearing

Panels will conduct hearings in a uniform and consistent manner by following a standard model of hearing conduct that will be adapted by the panel chair as necessary for the efficient management of the hearing. The following order of proceedings will generally apply.

1. When a panel is ready to conduct a hearing, an ARB support staff member shall escort the property owner or designated representative to the hearing room and announce the individual's name to the panel.

2. All observers / visitors to an ARB hearing, who are not a party to the proceeding, must check in at the front desk and be escorted to a panel room by ARB support staff. All observers / visitors must obtain the permission of the ARB panel chair to sit and observe hearings. Permission may be granted only after considering space availability, safety and operational concerns. Observers / visitors must remain silent, sit in the back of the room (behind the ARB panel members) and not disturb hearings as they proceed. If an observer / visitor wishes to move to another hearing room, they must be escorted to a new panel by ARB support staff.
3. The panel chair will introduce all participants and may briefly explain the hearing procedures, if needed.
4. The appraisal district representative will state they are under oath and announce the account number.
5. The account number, property owner's name, and hearing type will be announced. Also read into the record are the legal description and a brief physical description of the property as reflected on the appraisal records. The panel chair will ask if this information is accurate. Important discrepancies must be resolved before continuing the hearing, including if any legal reasons exist as to why the hearing cannot proceed.
6. The panel chair will ask all persons intending to testify if they hold a license or certificate from the Texas Appraiser Licensing and Certification Board. The chair will then ask each person intending to testify to acknowledge that they are under oath for purposes of the hearing, and each panel member will sign an affidavit stating that the member has not discussed the subject matter of the hearing outside of the hearing. If a board member has communicated with another person in violation of Texas Tax Code, Sec. 41.66(f), the member must recuse him or herself from the proceedings and may not hear, deliberate, or vote on the determination of the protest.
7. The owner or designated representative shall complete and sign a disclosure form attesting to the truth of the person's testimony. This form is part of the hearing record. If the property owner or designated representative does not sign the disclosure form, the panel chair may proceed with the hearing, but information and testimony submitted by that person will not be considered as sworn evidence.
8. The panel chair will comment on the allotted time for the hearing.
9. The panel chair will then ask the parties to exchange all evidence they intend to produce during the hearing which has not previously been produced. If the district failed to produce evidence that it intends to argue and offer into evidence during the hearing, the ARB shall postpone the hearing upon the request of a property owner for additional time. (Only one postponement for this reason is required.)
10. The property owner or designated representative will then begin argument supporting his or her position. Because time is limited, the panel chair should restrict the presentation to relevant evidence and arguments pertaining to the hearing. The panel chair will ask the property owner or agent to give the opinion of value for the subject property. At the end of the property owner's presentation, the panel chair shall permit panel members to question the property owner directly.

11. The panel chair will restate the opinion of value for the record.
12. The panel chair will ask the district representative if there are any questions for the property owner or agent.
13. The panel chair will ask the district representative to present evidence and argument in support of the district's position and to make a final recommendation. Discussion will likewise be restricted to only relevant evidence and argument pertaining to the hearing. At the end of this presentation, the panel chair shall permit panel members to question the district's representative directly.
14. The panel chair will ask the property owner or agent if there are questions for the district representative regarding the testimony or evidence.
15. The panel chair will ask the property owner or agent if there is any rebuttal evidence. (NOT new evidence)
16. The panel chair will ask the district representative if there is any rebuttal evidence. (NOT new evidence)
17. The panel chair will ask the property owner or agent for a brief closing comment.
18. The panel chair will ask the district representative for a brief closing comment.
19. The panel chair will state for the record testimony is closed. Once the record is closed, no further testimony or argument may be received from either party unless a panel member specifically asks for additional information.
20. The panel will deliberate among its members. All deliberation must be oral; the passing of notes or messages is prohibited. After the panel reaches a decision, the panel chair shall announce the decision. A brief statement as to the basis for the decision should be provided. The panel chair will then announce the hearing is over and provide the property owner or designated representative with a copy of the hearing results. If the property owner or agent wishes to participate in a survey, they must go to the front desk and ask to participate in the survey.

VI. Testimony and Examination of Witnesses

Any ARB member hearing a case may question any witness testifying before the ARB and may question any of the parties appearing.

Each party at a hearing will be permitted to offer evidence and present arguments on matters subject to the hearing. At appropriate times during a hearing, the panel chair will allow property owners, agents and district appraisers an opportunity to ask the opposing party questions.

1. Use of Audio and Video Recording – Usage by a property owner or their designee of videotaping, video recording, or photographic equipment to record their own hearing is permissible, as is usage of an audio recording device, as long as it is unobtrusive and does not interfere or disrupt the hearing. All video and audio recording equipment must be placed in the back of the room.
2. Disruptive Conduct – The panel chair may direct the removal of any person who engages in any disruptive behavior or interferes in the conduct of the hearing.

VII. Evidence and Burden of Proof

1. Any party may submit evidence in documentary form by submitting an original copy of the document. A copy of documentary evidence may be admitted where it is determined that the original document is not readily available. For convenience, the panel chair may permit a property owner to substitute a copy of a document for the original. It is the property owner's responsibility to provide a suitable copy for this purpose. The appraisal district may provide evidence in electronic form if the evidence is automatically included in the official electronic record of the hearing; the panel chair may request for certain information to be printed on an exception basis. Copies printed for administrative convenience do not become part of the record unless officially admitted as evidence by the panel chair.
2. Where the protest involves unequal appraisal of the property or the determination of the market value of the property, the appraisal district has the burden of establishing the value of the property as required by Texas Tax Code, Sec. 41.43. If the appraisal district fails to meet that standard, the protest shall be determined in favor of the property owner and the panel shall determine the equity value or market value.
3. The equity value or market value determined by the panel may be different from the property owner's opinion of value.
4. To have a protest considered after the delinquency date, a property owner or designated representative must submit documentation proving that the undisputed property tax was paid to all taxing jurisdictions before the delinquency date. Acceptable documents consist of a sworn affidavit on a form approved by the ARB; official property tax receipts, financial statements, or cancelled checks indicating payment was paid prior to delinquency.
5. Should a property owner assert that taxes were not timely paid due to financial inability, and demonstrate such inability to the satisfaction of the ARB by executing an Affidavit of Inability to Pay Taxes and by completing a financial disclosure statement, the hearing should proceed with regard to a determination of the issue(s) protested.
6. The standard for "substantial evidence" means evidence that a reasonable mind would accept as adequate to support a conclusion and requires more than a mere scintilla (hint or trace) but less than that needed to sustain a decision by a preponderance of the evidence.
7. The standard for "preponderance of the evidence" is that of reasonableness and is defined as the greater weight and degree of the credible testimony or evidence introduced before the panel and admitted in evidence.

8. The standard for “clear and convincing evidence” means the panel must be persuaded by the evidence that it is highly probable that the claim or affirmative defense asserted is true.
9. Unless otherwise provided by a specific statute, the property owner has the burden of proof in all other matters.

VIII. Subpoena

1. If reasonably necessary in the course of a protest, the ARB may issue a subpoena for witnesses or for books, records, or other documents of the property owner or appraisal district that relate to the protest. The ARB may issue a subpoena on its own motion or upon the request of a party. The ARB may not issue a subpoena unless it determines that there is good cause for the subpoena.
2. A party may request a subpoena at any time after the date the protest is filed. Requests shall be in writing and must describe with specificity the names and addresses of witnesses to be subpoenaed and the description of documents to be subpoenaed. If a party requests a subpoena during the hearing on a protest, the panel may recess the hearing to allow a hearing to determine whether good cause exists for the issuance of the subpoena.
3. To issue a subpoena a panel of the ARB shall hold a hearing to determine if there is good cause for the issuance of a subpoena. Before a good cause hearing is scheduled, written notice of the date, time and place must have been delivered to the property owner. The notice must have been delivered not later than the 5th day before the date of the good cause hearing. The good cause notice must also state the following:
 - (a) that the party being subpoenaed will be allowed to testify at the good cause hearing; and
 - (b) failure to attend the good cause hearing may result in the issuance of the subpoena;
4. If a subpoena is issued, its return date shall be not more than forty-five (45) or less than five (5) days from the date of its issuance.
5. A property owner who requests a subpoena must deposit with the ARB a sum necessary to pay the costs of service and compensation of the person to whom the subpoena is directed.
6. Upon written request submitted at the good cause hearing by an individual who is not a party to the proceeding, but to whom a subpoena is directed, and who complies with a subpoena, the ARB may provide for the following compensation:
 - (a) the reasonable costs of producing any documents subpoenaed as approved by the ARB;
 - (b) mileage is equal to the current mileage allowance published by the Texas Comptroller of Public Accounts for travel reimbursement; and
 - (c) a fee of \$10.00 per day for each whole or partial day that the individual is necessarily present at the proceedings.

IX. Hearing Docket

The ARB uses a docket system to coordinate and track formal hearings. These hearings generally involve accounts in which the formal hearing date differs from the settlement / informal meeting date scheduled with the appraisal district's staff.

Protest hearings and hearings on correction motions shall be scheduled for panel hearings in one of the following ways:

- a) by regular docket that is consistent with the scheduling notices required to be sent under Texas Tax Code, Sec. 41.46;
- b) by written consent of all parties after the initial hearing has been scheduled; or
- c) by written consent after a waiver of the scheduling notice has been filed with the ARB.

The docket shall consist of a list of property accounts ordered by property type (center code) in descending market value that includes the account number under appeal, property owner's name, scheduled hearing date, and scheduled hearing time. Except in extraordinary circumstances, hearings are to be conducted in the order listed.

Dockets are normally available on the Internet on the day after they are scheduled either manually or programmatically by ARB or their support staff.

Dockets are created for the convenience of the ARB and may be changed by the ARB support staff as necessary for hearing efficiency. The ARB support staff will, to the extent resources are available, make changes to dockets to consolidate matters or correct errors if the request for the change is made no later than the end of business on the day following the day the docket is made available.

If a docket includes matters recessed from the preceding day, those matters should normally be given precedence. If a panel has more than one docket for a day, the panel chair should order consideration of cases in descending value order unless the panel chair concludes that a different order would result in more prompt disposition of the cases.

Multiple panels may be scheduled to conduct hearings in the manner prescribed by Texas Tax Code, Sec. 41.45. This includes the ability to have more than one panel conduct hearings for accounts represented by the same consultant or firm. Consultants or firms that have multiple dockets of accounts scheduled on a day are expected to have adequate staff to represent those accounts in multiple panels. If sufficient staff for the firm or consultant is not available to conduct hearings as scheduled, hearings shall nonetheless proceed in the manner established by these rules.

If a property owner or consultant registers as being present but then fails to attend the hearing or fails to return after a recess or break, ARB support staff shall call the account or docket three times from the check-in desk. If the owner or consultant does not respond within ten minutes of the first call, the ARB support staff shall inform the panel accordingly and the panel is to call the hearing to order, hear the evidence and make a final recommendation based upon the evidence and argument presented. If a property owner or consultant leaves a hearing while in progress, the hearing will proceed as if the property owner or consultant were still attending the hearing. The ARB panel will hear any remaining testimony and base their decision on the evidence presented. If the property owner or consultant leaves the ARB protest hearings early (without the consent of the panel chair) and protests remain on that

particular docket, the panel chair may conduct all remaining protest hearings as if the property owner or consultant were present or simply dismiss the remaining protests on that docket for the property owner or consultants failure to appear. Once an ARB panel begins a docket, that panel will complete that docket or work all the account protests possible until the end of the day.

If a hearing is not reached on the date and time scheduled as indicated in the docket, the panel chair shall recess the hearing until the next business day unless otherwise agreed to by all parties. ARB support staff will enter recesses into the records based on notations made on the docket by the panel chair, and shall provide a receipt indicating the reschedule to the property owner or agent. It is the responsibility of the property owner or representative to report to the front counter at the end of the day to receive, for their records, a printed copy of the new scheduled dates for any recessed accounts. The ARB will not mail a new notice of hearing for hearings rescheduled in this manner.

X. Recording and Scheduling of Hearings

Pursuant to Sec. 6.43 of the Texas Tax Code, ARB support staff will enter each protest and correction motion into the ARB's records and schedule the hearing on the matter. Staff will also enter the determination on each matter into the records and deliver the appropriate notices and orders on behalf of the ARB.

XI. Rescheduling and Postponement of Hearings

1. For purposes of this section "reschedule" means to change a scheduled hearing date to an earlier date and "postpone" means to change a scheduled hearing date to a later date.
2. Completion of the ARB's responsibility to determine substantially all protests before approval of the appraisal records is of paramount importance. For this reason, postponement of a scheduled hearing should only be permitted where the postponement is required by law or where the postponement will not materially affect timely completion of the ARB's responsibilities. If a scheduled hearing date is inconvenient for the appraisal district or for a property owner or their designated representative, rescheduling of the hearing to an earlier date is strongly encouraged. A member of the ARB support staff designated by the assistant chief appraiser may consent to postpone or reschedule the hearing in a manner consistent with these policies. If the ARB support staff member determines that a postponement or reschedule should not be granted, he or she shall refer the matter to the ARB executive office.
3. A request to postpone a hearing must be made before the hearing. A request to postpone made during the hearing shall be considered a request to recess and shall be ruled on by the panel chair. A request to postpone made after the conclusion of a hearing is considered a request to set aside a hearing result or to set aside a dismissal and shall be governed by the applicable provisions of these rules.
4. Rescheduling of a hearing or postponement to a later date is required in the following instances:
 - (a) A property owner who has not designated an agent pursuant to Texas Tax Code, Sec. 1.111 is entitled to one postponement to a later date without showing cause;
 - (b) A property owner or the owner's designated agent is entitled to one or more postponements if the owner or the owner's agent establishes good cause for the postponement;

- (c) The chief appraiser or his designee consents to the postponement in writing;
- (d) The property owner establishes that the appraisal district failed to respond to a timely request for access to the district's evidence and the property owner needs more time to respond; or
- (e) The property owner or designee provides a scheduling notice for the same date and time issued by another appraisal district and bearing an earlier postmark or electronic receipt date.
- (f) A property owner, who is NOT represented by an agent and whose protest before the ARB did not begin within two hours of its scheduled time, is entitled to reschedule their hearing upon request.

5. If a property owner or an agent files a request to reschedule a hearing for "good cause" under section 41.45 of the Texas Tax Code, the ARB shall respond to the request within seven days of the submission of the request.

If a postponement is granted under (a) or (b) above, the postponement shall normally be for no less than five or more than 30 days unless the property owner and the district agree otherwise. If the parties cannot agree on a postponement date, the ARB chairperson or chairperson's representative may grant a postponement to a particular date.

To ensure timely consideration, a request by a property owner's designated agent under subsection (b) must be made in writing and must be received by the ARB at least three business days before the scheduled date and time of the hearing. If a property owner or designated agent files a request for a postponement of a hearing based upon "good cause" within three business days and does not receive a response from the ARB that the request is granted or denied, the hearing will proceed as scheduled. For purposes of subsection (b), "good cause" means a reason that includes an error or mistake that was not intentional or the result of conscious indifference and will not cause undue delay or other injury to the ARB. Undue delay or other injury shall be determined by the ARB chairperson or chairperson's representative on a case by case basis, taking into consideration the ARB's statutory duties, the date of the request in relation to the approval of the appraisal roll, the aggregate value of the account(s), the number of accounts, and other relevant factors.

XII. Dismissal due to non-appearance by property owner or owner's designated consultant; withdrawal

1. A property owner must appear for the hearing in person, by properly designated agent, or by affidavit. The owner or the owner's agent shall register appearance as provided by Section III of these rules. If the owner or owner's agent has not registered by the time stated in Section III, the account or accounts scheduled for that person are eligible to be dismissed for failure to appear. ARB support staff shall allow a hearing to go forward for a property owner who is not represented by a consultant if the owner appears within one hour of the time stated in Section III and states cause for the delay.
2. An account under protest may be dismissed for failure of the property owner or designated representative to appear, provided that an affidavit meeting the requirements of Texas Tax Code Sec. 41.45(i) is not in the ARB's records at the time the account protest is called to be heard. If an affidavit exists, a hearing shall be held on the basis of the evidence provided in the affidavit.

3. Except as provided by Section XI 4, if an account is eligible to be dismissed for failure to appear and no affidavit meeting the requirements of Texas Tax Code Sec. 41.45(i) is on record, the account may not be heard and will be submitted to the full board for dismissal at the next meeting of the ARB.
4. At any time prior to approval of a dismissal order for an account eligible for dismissal for failure to appear, the chairperson, the secretary, or the chairperson's designee may designate the account as not eligible for dismissal and direct that it be scheduled for a hearing,
 - (a) A property owner who has not designated an agent under Texas Tax Code, Sec. 1.111 to represent the owner at the hearing files, not later than the fourth day after the date the hearing occurred, a written statement with the ARB showing good cause for the failure to appear and requesting a new hearing; or
 - (b) A property owner or the property owner's agent had timely filed a request to postpone the hearing and good cause is found to exist for the postponement.
5. A protest can only be withdrawn from consideration by the ARB if the ARB support staff receives notification of the withdrawal before the protest hearing is scheduled, or if approved by the chairperson or his or her designee. If the protest or motion is not withdrawn and the agent or property owner fails to appear at the scheduled hearing the protest or motion shall be dismissed for failure to appear as provided by these rules.

XIII. Recess

Because of the time constraints on the hearing process, once a hearing commences the panel chair should not recess the hearing for more than five minutes except in extraordinary circumstances. A longer recess may be granted to allow a good cause hearing for a subpoena, inspection of the property, consultation with legal counsel about a pending legal question, or for due process reasons.

XIV. Taxing Unit Challenges

1. The ARB will conduct all hearings on challenges to the appraisal records by taxing units. The ARB will follow the hearing procedures described herein except as expressly noted.
2. The challenge must be filed with the chairperson or secretary and must include:
 - (a) the name and address of its presiding officer, and
 - (b) an explanation of the grounds for the challenge.
3. The challenge petition must be signed by the presiding officer or secretary of the governing body or by a person expressly authorized by the governing body to file challenges. If someone signs a challenge other than the presiding officer or secretary of the taxing unit's governing body, then the person filing the challenge must attach a copy of the resolution adopted by the governing body granting such authority. If a challenge is filed without the authority of the taxing unit's governing body, then the person filing the challenge must present proof to the executive office that the governing body has expressly authorized or ratified the filing of the specific challenge. This proof must be submitted ten (10) days before the scheduled hearing.

4. Within seven (7) days of the filing of a challenge, the appraisal district must provide to the ARB, the name and address of the presiding officer of the governing body for each other taxing unit affected by the challenge.
5. The chairperson or secretary will send hearing notices to the presiding officers of all affected taxing units and to the chief appraiser no later than the 10th day before the scheduled hearing date. Notices shall be sent by certified mail.
6. If a taxing unit files multiple challenges, the ARB may consolidate the challenges into one hearing and render a single determination.
7. If two or more challenges involve the same property or legal issue, hearings for each challenge may be consolidated. For multiple challenges by a taxing unit, the ARB may issue one order determining all challenges filed by a taxing unit.
8. Documents to be offered as evidence must be submitted to the chairperson or secretary no later than 10 days after a challenge has been filed. In the case of lengthy documents, the taxing unit should submit one full-length copy along with an executive summary of the document's content.
9. A taxing unit initiating a challenge may withdraw its challenge prior to the ARB's final determination.
10. The hearing on the challenge is to occur before a panel of three or more members, as provided by Texas Tax Code, Sec. 41.45 (d). The procedures followed will correspond with the procedures set forth in section II, subject to the discretion of the presiding chair.
11. The ARB may dismiss a challenge if the initiating taxing unit fails to appear at the scheduled hearing. If the ARB dismisses a challenge for want of jurisdiction, the chairperson will so notify the presiding officer of the taxing unit.

XV. Evidentiary Rules and Documentation Standards

The goal of the ARB is to determine questions of value based on full, accurate, and complete disclosure of all pertinent facts affecting the appraisal of each property. To assure that each property owner is treated fairly in the hearing process, the ARB adopted the following rules and standards of documentation to be followed by all parties bringing protests before the board.

1. Persons offering evidence must sign an affirmation form prior to the onset of the formal hearing. This form attests to the presenter's authority to represent the owner and affirm that all evidence submitted will be true and correct.
2. Persons appearing at formal hearings will be sworn in by the ARB panel chair and testify under oath. The board will consider the sworn testimony of the owner and any witness to be a true and complete disclosure of all the facts that could be reasonably expected to have a bearing on the hearing. Thus, all persons presenting protest before the board will be expected to be fully knowledgeable of all relevant facts.

3. If the presenter is unwilling, unprepared or otherwise fails to submit documentation requested by the panel chair, the ARB reserves the right to consider the subpoena of the necessary documentation before a final determination can be rendered.
4. Copies of all information submitted by owners or agents pertinent to their formal hearing must be retained by the ARB for its records. This specifically includes maps, photographs, the complete signed and dated text of all appraisals performed by others, rent rolls, contracts of sale, charts, diagrams, surveys, closing statements, plans and drawings, and similar information. In the case of business personal property, the following types of information must be retained: copies of books and records, financial statements, IRS returns, CPA statements, independent appraisals, vehicle titles, and similar information.
5. All affidavits presented to the ARB, including those offered under Texas Tax Code 41.45(b) must be original documents.
6. Information to be offered as evidence must be copied in advance and made at the presenter's expense. Four copies are required at formal hearings (three for the ARB panel and one for the adverse party). In the case of lengthy documents, one master copy can be presented along with four copies of an executive summary detailing the relevant content of the document. If evidence is presented in electronic format, at least one paper copy must still be provided for evidence.
7. If third party evidence is to be offered, the document(s) must contain a statement of authenticity or be accompanied by an original business record's affidavit.
 - (a) If brokers or management companies are employed to lease or manage a property, they will execute certified statements as to current and historical occupancy, market rental rates, and actual effective rental rates. Effective market rental rates will also be included. All rental rates should be substantiated by examples of actual executed leases.
 - (b) All sales or current and prior offerings of the subject property will be fully documented. Such documentation should include a signed copy of the listing agreement, a complete copy of the signed sales contract and closing statement.
 - (c) Comparable sales must be verified and provide detailed information concerning location, year of construction, land area, building area, extent of remodeling (if applicable), contract date, sales price, and financing terms.
 - (d) Third party certification of costs of repairs or cost of construction should be submitted, if applicable. If an architect is involved, the construction costs expended as of January 1 of each year in question will be documented by submitting a properly executed and sealed copy of the AIA "Application and Certificate for Payment" document complete with detail or equivalent. If a contractor is involved, a copy of the signed contract, draw schedule with amendments, if applicable, and all change orders must be submitted.
8. The following outlines the **Standards of Documentation** for hearings on real property, business personal property, exemptions and special appraisals.

Real Property

The items listed below are examples of the types of documentary evidence that should be presented in real property value hearings:

Sale of Subject

- Closing Statement - signed and dated; including a legal description of the property being transferred. A copy of sales contract is required.
- Appraisal - If an appraisal was made for any purpose, a complete copy of the appraisal report must be provided

Income Approach

- Previous year rent roll, vacancy rate and income statement (typically three years of data should be provided)
- Documentation of lease offering rates and lease concessions from leasing agents as of January 1 of the subject tax year
- Detailed income and expense data may be required

Cost Approach

- Construction contract(s) - Signed and dated, including a detailed description of the work to be performed
- Certified A.I.A. documents, with detail
- General contract with all change orders
- Subcontracts
- Documentation must reflect all hard and soft costs
- IRS records
- Other financial records may be required

Market Approach

- Independent fee appraisals - One complete copy of the appraisal report and four copies of the executive summary. Confirmed sales of comparable properties with the following attachments and information:

- | | |
|-------------------------|--|
| 1. Photograph | 8. Grantee |
| 2. Property description | 9. Date of contract |
| 3. Location | 10. Sales price |
| 4. Land area | 11. Financing terms |
| 5. Building area | 12. Basis of sale (actual or pro forma income) |
| 6. Year built | 13. Source |
| 7. Grantor | |

Business Personal Property

The items listed below are examples of the types of documentary evidence, which should be presented in business personal property value hearings:

- CPA statements
- Certified balance sheets
- IRS returns

- Actual books and records showing acquisitions by year of purchase
- Receipts, invoices or leases pertaining to the property in question
- Copy of Rendition statements

A statement of general accounting policies and procedures, especially concerning the capitalization policy and the basis of depreciation, should also be provided. The statement will also address the inventory valuation methods and whether physical inventory equals book inventory.

Exemptions and Special Appraisal

Organizations claiming total exemption should submit:

- Evidence that clearly reflects the use of the property on January 1 of the subject tax year,
- Certified copies of their charter and by-laws, and
- Evidence that clearly indicates that the necessary statutory requirements to claim an exemption is met.

Special Appraisal

Property owners seeking to prove eligibility for agricultural, timber valuation, or wildlife management valuations should provide:

- Evidence that clearly reflects the use of the property on January 1 of the subject tax year.
- Copies of leases,
- Timber and or wildlife management agreements,
- Records reflecting the sale of livestock, crops, or timber,
- Evidence of improvements to the land, and
- Evidence of qualifying agricultural, wildlife management or timber use.