DENTON CENTRAL APPRAISAL DISTRICT
APPRAISAL REVIEW BOARD
PROTEST HEARING PROCEDURES

NOTIFICATION

In accordance with Texas law, a property owner may protest any of the nine issues listed below, in writing each year, before the Appraisal Review Board(ARB). The written protest must be filed on or before May 31st or not later than the 30th day after the date a notice was delivered to the property owner. The nine issues to protest are: 1) determination of appraised value of the owner's property; 2) unequal appraisal of the owner's property; 3) inclusion of the owner's property on the appraisal records; 4) denial of a total or partial exemption; 5) denial of agricultural, open-space or timber valuation; 6) identification of the taxing units in which the property is taxable; 7) determination of ownership of the property; 8) determination that a change of use of land has occurred as it relates to agricultural, open-space or timber valuation; 9) any other action of the Chief Appraiser, appraisal district or Appraisal Review Board that adversely affects the property owner. If you protest for any of the above reasons, you will be sent a hearing notification which schedules your hearing at least 15 days in advance. You may waive your right to 15 days notice and will be scheduled for an earlier hearing if time is available. You must file a written protest and if you do not receive a hearing notification within a reasonable time period, you should contact the appraisal district. Many protests can be resolved in an informal hearing with a district appraiser, provided the property owner supplies documentation to support his/her claims.

THE APPRAISAL REVIEW BOARD(ARB)

Beyond informal hearings, protests will be heard by the ARB. The ARB is mandated by state law to begin hearings by May15th and to conclude them by July 20th. Members of the ARB are not employees or officers of any political subdivision that assesses or collects property taxes, nor are they employees or officers of the appraisal district. They are citizenry bodies who have been appointed to impartially resolve protests filed by property owners within the appraisal district. The ARB reviews property value protests, total and partial exemption applications, applications for productivity valuation, ownership and situs questions. The ARB cannot hear matters concerning tax rates, the amount of taxes due, and the ability to pay taxes or the manner in which tax monies are spent. ARB members have no responsibility for, or control over, appraisal district operations or its budget. For this reason, these topics may not be included in your protest. Throughout the year, the ARB holds monthly hearings to handle protests filed by taxpayers.

FORMAT OF HEARINGS

A hearing before the ARB is not as formal as a court of law hearing; however certain procedures must be followed. The ARB uses Roberts Rules of Order, Uniform Code of Parliamentary Procedures, when conducting its hearings. The hearing is open to the public and is generally held before a three to five member panel that will hear evidence from both the property owner and the appraisal district and will arrive at a ruling. After introductions of ARB members and witnesses, and the identification of the property at issue, the chairperson of the hearing panel swears, or affirms, all witnesses. All the ARB members participating in the hearing must sign an affidavit stating that they have not communicated with any other person regarding the hearing. You may designate, in writing, another person to represent you in the hearing by filing an "Appointment of Agent" form with the appraisal district before the hearing. These forms are available on the district website www.dentoncad.com. You or your authorized agent may then offer your evidence and explanations. Anyone representing a property owner before the ARB must have written authorization from the property owner. A representative of the appraisal district then offers evidence and explanations. Both parties have the right to examine, cross-examine and rebut evidence presented. Hearings are recorded by the District and will become a permanent record of your file.

EVIDENCE CONSIDERED AT HEARINGS

The information and comments you bring should pertain only to matters stated in your Notice of Protest. Your property was appraised as of January 1, and facts and conditions must be given as of that date. If your property suffered some loss of value after that date, that fact will not be relevant. You may testify orally or by sworn affidavit. All oral testimony must be given under oath. If you cannot attend the hearing at the scheduled date and time, you should consider presenting your evidence in the form of an affidavit by mail. It must identify you as the property owner, show your address, your account number and property description, as well as the date and time of the hearing. The affidavit must be executed before a Notary Public or other public official who is authorized to administer oaths. For an affidavit to be considered, it must arrive at the ARB office PRIOR TO THE DATE AND TIME OF THE HEARING. Affidavit forms are available on the district website. The ARB has the right to know relevant facts concerning a protested property and may subpoena information and records when deciding a protest. By law, a copy of all evidence submitted to the ARB must be retained. Therefore, the ARB will not accept evidence presented on DVD, CD-ROM, memory cards, PCs, PDA's video recorders, projectors, digital cameras, cell phones or any other medium that cannot be retained and copied for permanent record.

GUIDELINES FOR PROTESTS/STANDARDS OF DOCUMENTATION

The ARB has adopted Standards of Documentation which outline the types of evidence and information for hearings. These Standards of Documentation are used by the ARB and the district appraisers. These guidelines will help you present your case to either a district appraiser and/or the ARB:

Prepare a simple, but well-organized, presentation by writing down key facts and figures in logical order. The ARB must make a decision on your protest based on the evidence presented at the hearing. **Bring the original and four copies of each document you want the Board to consider to the hearing. The original copy will be retained by the ARB for its official records.** If your protest is well supported by factual data, your chances for remedy are greater since the ARB can quickly and easily understand your arguments. The most persuasive evidence you can present is documented physical evidence including: appraisals, sales contracts, copies of closing statements, plats, photographs showing unusual deterioration, estimates of repairs, and other documents concerning the physical condition and value of the property. Comparable sales for value protests should have occurred near January 1 of the year in question and should include such information as square footage, lot/land size, type of construction, age of the property, and sales from areas/subdivisions similar in characteristics. If your property is leased, income and expense statements, profit and loss statements and rent rolls are relevant. If the property is business personal property, documents such as CPA statements, audits, balance sheet, IRS returns {Form 1040, Schedule C; Form 4562}, inventory records, receipts, invoices, and leases pertaining to the property and rendition forms are required sources of evidence.

The following evidence should be provided concerning inequality of appraisal issues: The appraisal ratio of the property is equal to or less than the median level of appraisal of a reasonable and representative sample of other properties in the appraisal district; the appraisal ratio of the property is equal to or less than the median level of appraisal of a sample of properties in the appraisal district consisting of a reasonable number of other properties similarly situated to, or of the same general kind of character as, the property subject to the protest; or the appraised value of the property is equal to or less than the median appraised value of a reasonable number of comparable properties appropriately adjusted.

Be direct, concise, and honest. Stress facts and circumstances which support your protest. The property owner who simply says, "This appraisal seems awfully high to me" is not likely to prevail. The fact that your property is appraised at a value greater than your neighbor's does not prove that your property was appraised erroneously. Values from prior years or the decisions of previous ARBs do not bind the current ARB. Each tax year stands alone.

LENGTH OF HEARINGS

The ARB must hear a large number of protests in a relatively short time. The ARB must submit the appraisal records to the Chief Appraiser by July 20. Consequently, the ARB must be fairly rigid in maintaining its schedule. The ARB cannot set each protest hearing at a time that is convenient for every property owner. Usually, the ARB hearing is scheduled for 15 minutes. The ARB may set other time limits for the hearing based on the size and complexity of the property at issue.

Hearings are scheduled at specific times. It is most important to be on time for your hearing. Failure to appear at your hearing in person, by mailing a sworn affidavit containing evidence to support your protest, or by authorized agent or representative, could result in denial of your protest.

ARB DECISION

When the ARB panel has heard all testimony and examined all evidence presented on a protest, it makes its recommendation to maintain, lower, or raise the value accordingly. The ARB will hear and make its recommendation on all protests scheduled before it. The final decision of the ARB, known as the Notice of Final Order, is issued in writing and provided to the Chief Appraiser to make the appropriate changes to the district's current appraisal records. A copy of the Final Order from the formal hearings is signed by the ARB Secretary and specifies the ARB's disposition of the protest. A property owner has the right to appeal the ARB decision to District Court or Binding Arbitration (if qualified).

RESCHEDULING HEARINGS

ARB hearings, not represented by a tax consultant, may be rescheduled once without demonstrating any cause, any other request for rescheduling hearings <u>will only be allowed for the following good cause</u> <u>reasons</u>: 1) being on active military duty; 2) being in the hospital or under doctor's care during the protest hearing period; 3) a death in the immediate family; 4) being on judicial or legislative service or in a pending court hearing; 5) failure to receive administrative due process; or 6) other matters of good cause as determined by the Board. The ARB must be notified of your request prior to the scheduled hearing date. The property owner must <u>submit written documentation</u> to verify their request to reschedule. For reasonable cause hearings, documentation must be received prior to the ARB approval of the appraisal records. BEING OUT OF AREA, OUT OF STATE, OR OUT OF COUNTRY IS NOT CONSIDERED GOOD CAUSE.

John Greenslade
Secretary, Appraisal Review Board

Robert F. Gallagher
Chairperson, Appraisal Review Board