

RESOLUTION

A RESOLUTION OF THE CITY OF EL PASO REQUESTING THE MEMBERS OF THE 84TH LEGISLATIVE SESSION OF THE STATE OF TEXAS TO SUPPORT LEGISLATION THAT SUPPORTS APPRAISAL DISTRICT LEGAL FEE REFORM, EQUITY APPEALS REFORM TO INCLUDE STANDARDS AND GUIDELINES, MANDATORY REAL ESTATE SALES PRICE DISCLOSURE AND OTHER PROPERTY TAX LAWS THAT WOULD HELP THE APPRAISAL DISTRICT MORE ACCURATELY AND FAIRLY APPRAISE ALL PROPERTY.

WHEREAS, Article VIII, § I of the Texas Constitution requires that all taxation shall be equal and uniform.

WHEREAS, § 6.01, TEX. TAX CODE, established the El Paso Central Appraisal District and makes it responsible for appraising property in the District for ad valorem tax purposes for each taxing unit imposing ad valorem taxes on property in the District; and

WHEREAS, § 23.01, TEX. TAX CODE, requires that, except as otherwise proved by the Texas Tax Code, all taxable property be appraised at its market value as on January 1; and

WHEREAS, § 23.01(b), TEX. TAX CODE, requires that the market value of property be determined by the application of generally accepted appraisal methods and techniques; and

WHEREAS, the District determines the appraised value of a property by using mass appraisal standards in compliance with the Uniform Standards of Professional Appraisal Practice; and

WHEREAS, the Texas Tax Code does not require sales price disclosure of property so that appraisers have the tools they need to establish a property's market value; and

WHEREAS, research conducted by *El Paso Times*, Real Values for Texas, Texas Association of Appraisal Districts demonstrates that commercial property is generally valued lower than the actual sales price and market value; and

WHEREAS, the lack of sales price disclosure by commercial property owners results in inaccurate and undervalued commercial property; and

WHEREAS, the undervaluation of commercial property imposes an unfair burden on all other property owners, and, in particular, residential property owners; and

WHEREAS, the Texas Tax Code permits a property owner to protest or appeal real property on the basis that it is unequally appraised in comparison to other properties (equity appeals); and

WHEREAS, the Texas Tax Code, the Uniform Standards of Professional Appraisal Practice, and the Appraisal Institute do not provide standards of comparability to ensure that property is in fact equally appraised; and

WHEREAS, reductions in appraised value due to an equity appeal often result in appraised values lower than the actual sales price and market value; and

WHEREAS, valuations of all property, including commercial property, should be based on fair market value; and

WHEREAS, the Texas Tax Code does not allow an appraisal district to recover its attorney fees in an appeal to a court of an appraisal review board order under sections; and

WHEREAS, the District is required to bear the burden of the legal costs and attorney fees if a property owner is successful in an appeal of an appraisal review board order; and

WHEREAS, these issues directly affect local property owners in El Paso County, Texas, and;

WHEREAS, these matters are within the authority of the Texas Legislature and cannot be addressed or remedied by actions taken by local governmental entities in El Paso County.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF EL PASO supports appraisal district legal fee reform, equity appeals reform to include standards and guidelines, mandatory real estate sales price disclosure and other property tax laws that would help the Appraisal District more accurately and fairly appraise all property, including especially commercial property, during the 84th Session of the Texas Legislature.

PASSED AND APPROVED by the City of El Paso on this the _____ day of _____, 2015.


APPROVED:

Oscar Leeser
Mayor

ATTEST:

Richarda Momsen
City Clerk

APPROVED AS TO FORM:


Brie L. Franco
Assistant City Attorney