

MIDLAND CENTRAL APPRAISAL DISTRICT REGULAR BINDING ARBITRATION PROCEDURES

TAX CODE SECTION 41A

ONLINE PROPERTY TAX ARBITRATION SYSTEM NOW AVAILABLE ON THE COMPTROLLER'S WEBSITE. Use the Quick Links found at (<https://www.texas.gov/living-in-texas/property-tax-arbitration>)

A property owner may request a regular binding arbitration if:

- The property in dispute is real or personal property;
- The ARB has issued a determination on the appraised or market value of the property or an unequal appraisal determination;
- The disputed property's value, as determined by the ARB, does not exceed \$5 million, except for residence homesteads for which there is not value limit;
- Taxes have been timely paid; and
- A lawsuit has not been filed in district court on the same matter.

The property owner must:

- File a request for regular arbitration with the **Comptroller**, either by paper or using the online system, within 60 days of receiving the ARB order determination
 - All agents and property owners represented by agents must file and pay the deposit, either by credit card or ACH, using the online system.
 - Property owners who are not represented by agents and wish not to file and pay online may use **Comptroller Form AP-219** and pay the required deposit, payable to the Texas Comptroller of Public Accounts, by check or money order. See the Comptroller's website for the amount of deposit that is required for your situation, <https://comptroller.texas.gov/taxes/property-tax/docs/arb-schedule.pdf>. Mail Form AP-219 and the deposit to:

Texas Comptroller of Public Accounts
Attention: Arbitration
111 E. 17th Street, 4th Floor
Austin, TX 78774

Parties to the arbitration include:

- The Appraisal Review Board by counsel, by chairman or a person designated by the chairman,
- The Chief Appraiser by counsel, in person or by a designated employee.
- The property owner by counsel, in person, a licensed real estate broker or salesperson under Occupations Code Chap 1101, or real estate appraiser under Occupations Code Chap 1103, a property tax consultant under Occupations Code Chap 1152 or a Certified Public Accountant under Occupations Code Chap 901.

Once an RBA is processed by the Comptroller's office, the case will enter a 45-day settlement period before an arbitrator is assigned. During this time, the parties have an opportunity to settle the case or withdraw the case. The case can be withdrawn by notifying the Comptroller's office and the appraisal district in writing. If the request was made online, the withdrawal must be made online. If the request was filed by paper, use Form 50-830 to withdraw.

- If the case is withdrawn during the 45-day settlement period, the property owner will receive a refund of the deposit, minus \$50 administrative fee retained by the Comptroller's office.
- If the case is withdrawn after it has been accepted by an arbitrator, the arbitrator is entitled to charge up to the full fee amount. The remaining deposit, if any, after payment of the \$50 administrative fee to the Comptroller's office, will be refunded to the property owner.

Not later than the 20th day after the date of the hearing, the arbitrator shall make and arbitration award. Upon hearing the dispute, the arbitrator must determine the value of the property based on the evidence presented by each party.

- If the arbitrator determines the value for the property that is nearer the property owner's opinion, the property owner's deposit will be refunded, minus the \$50 administrative fee retained by the Comptroller's office and the appraisal district will pay the arbitrator's fee as indicated on the award form.
- If the arbitrator determines the value for the property that is NOT nearer the property owner's opinion, the property owner's deposit will be used to pay the arbitrator's fee as indicated on the award form.

Arbitrators are required by law to dismiss all regular binding arbitration requests they determine do not meet the requirements of the law. Except for delinquent taxes, the arbitrator may charge up to the total allowable fee and the property owner may not receive a refund of their deposit. **RBA** requests shall be dismissed for the following reasons:

- Taxes on the subject property are delinquent because, for any prior year, all property taxes due have not been paid or because, for the tax year at issue, the undisputed tax amount was not paid before the delinquency date. Taxes under a current deferral agreement are not considered to be delinquent for purposes of filing for arbitration.
- The ARB protest was not filed under Tax Code Section 41.41(a)(1) or (2) relating to the market or appraised value being inaccurate or unequal appraisal.
- The value on the ARB order is over \$5 million and the property does not have a residence homestead exemption.
- The RBA was filed more than 60 days after the ARB order was delivered to the property owner.
- Litigation was filed before the RBA request was submitted that involves the same issues for the same properties in the same tax year as addressed in the RBA request.
- The property owner or the property owner's agent and the appraisal district have executed a written agreement resolving the matter.

See the Comptroller's website for more information on regular binding arbitration.
<https://comptroller.texas.gov/taxes/property-tax/arbitration/>.