

ARB QUALIFICATIONS, APPOINTMENT AND OATH

Who can serve?

Tax Code Chapter 6, Subchapter C addresses who is and is not eligible to serve on the ARB. To serve on the ARB, an individual must have lived in the appraisal district for at least two years before taking office. For the most part, ARB members do not need any special qualifications, but they may not serve on the ARB if, at the time of service, they are:

- members of the appraisal district board of directors;
- officers or employees of the appraisal district;
- members of the governing body or employees of a taxing unit; or
- employees of the Comptroller's office.

In counties with populations of 120,000 or more, persons may not serve if they: (1) are a former member of the board of directors, former officer or former employee of the appraisal district;

(2) served as a member of the governing body or officer of a taxing unit for which the appraisal district appraises property, until the fourth anniversary of the date the person ceased to be a member or officer; (3) appeared before the ARB for compensation during the two-year period preceding the date the person is appointed; or (4) have served all or part of three previous terms as a board member or auxiliary board member on the ARB.

An individual cannot serve as an ARB member if he or she is related within the second degree by blood or marriage to a person engaged in appraising property for property tax purposes or a tax agent paid to represent property owners in proceedings in the appraisal district. Knowingly violating this provision is a Class B misdemeanor. An individual cannot serve as an ARB member if he or she is related within the third degree by blood or second degree by marriage to a member of the appraisal district's board of directors or to a member of the ARB.

The law also bars an individual from ARB service if he or she, or a business entity in which he or she has a substantial interest, has a contract with the appraisal district or with a taxing unit served by the appraisal district. Likewise, the taxing units and the appraisal district are prohibited from contracting with an ARB member or a business entity in which an ARB member has a substantial interest. Substantial interest is defined as either (1) combined ownership by the member or the member's spouse of at least 10 percent of the voting stock or shares of the business or (2) service by the member or the member's spouse as a partner, limited partner or officer in the business entity.

An individual may not be eligible to serve on the ARB if he or she holds some other paid public office. The Texas Constitution does not allow a person to hold more than one paid public office. ARB members should contact legal counsel to interpret what constitutes a paid position or whether a public officer is receiving compensation.

Special Panels

An appraisal district's board of directors in a county with a population of 1 million or more must increase the number of ARB members to include enough ARB members to certain complex property issues referred to special panels. ARB members must meet special qualifications to be appointed to the special ARB panels established for certain appraisal districts. Special panel ARB members must:

- hold a law degree;
- hold a Master of Business Administration degree;
- be licensed as a certified public accountant;
- be accredited by the American Society of Appraisers;
- possess a MAI designation;
- possess a certified assessment evaluator designation;
- have at least ten years of experience in property tax appraisal or consulting; or
- be licensed as a real estate broker or sales agent.

If an ARB needs special panel members but does not have enough qualified applicants, a special panel ARB member may be appointed who holds a bachelor's degree in any field.

Single Member Panels

An ARB can conduct hearings in single member panels upon written request of the property owner. The property owner can include the request in the notice of protest or submit a separate written request not later than 10 days before the hearing date. Single-member panels must be available in all counties and ARB members do not have to meet special qualifications to sit on a single-member panel. If the ARB does not accept the recommendation or motion made by a single-member panel, the ARB can determine the protest or send it for a rehearing to a different single-member panel that did not hear the original protest.