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City of Austin Lawsuit Challenging Taxpayer Protections is Judicial Activism
Conflict of Interest - Travis CAD is a Defendant in Lawsuit Yet Appeared at Today's Press Conference

Austin - Today, the City of Austin filed a lawsuit appealing the local Appraisal Review Board's (ARB) June 2015 ruling denying the City's protest of the appraised values of commercial property in the county - a loss the City actually asked for publically at the ARB hearing. This is just another step in the City of Austin's ongoing crusade to increase its property tax revenues by increasing commercial property values, which began this spring when the City filed a protest against the Travis Central Appraisal District (TCAD) arguing that commercial properties in Travis County were badly under appraised.

"The lawsuit not only appeals the values, but blames the state for having the uniform and equal protection as well as a lack of sales price disclosure. These are taxpayer protections well established in law, and any suit to overturn them is frivolous," said Senator Bettencourt.

The suit claims that the lack of sales price disclosure makes it impossible to appraise properties at market value as required by the Texas Constitution. At the same time, the suit also seeks an injunction against enforcement of the tax code sections that provide remedies for taxpayers who protest that their property is unequally appraised.

"Article 8, Section 1 of the Texas Constitution requires that all property be taxed "in proportion to its value" AND that this taxation be "equal and uniform" - not one or the other as filed in the lawsuit. If granted, this would be judicial activism in its worst form, because the City of Austin's efforts are not limited to just litigating the value of properties in Travis County," stated Bettencourt.

Additionally, the suit represents a huge challenge for commercial property owners in Travis County, who are now all defendants in a lawsuit. Also, very curiously, the Chief Appraiser was with the Mayor at the press conference announcing the suit.

"Just because the City of Austin feels that TCAD isn't appraising commercial property correctly doesn't mean that they can just overturn the property tax system for the rest of the state. Additionally, the City and the TCAD should not be able to appear together at a press conference or trial as the plaintiff and defendant without a clear conflict of interest being raised in fact," stated Senator Bettencourt.