

# Equal and Uniform

## Constitutional Safeguard of Fair Property Taxes

*The Constitutional provision that taxation be "equal and uniform" offers taxpayers critical protection against unfair property valuation.*

### THINGS TO KNOW

- In Texas, property is appraised at its market value by central appraisal districts for property tax purposes.
- Taxpayers may protest their appraisal if they believe:
  - the market value of the property is incorrect, or
  - the assigned value is high relative to comparable properties (i.e. the value is not "equal and uniform").
- Article VIII, Section 1(a) of the Texas Constitution states that "Taxation shall be equal and uniform."
- Equal and uniform (E&U) appeals are an important, cost-effective tool for taxpayers to ensure their property is fairly valued.

The determination of market value is the first process in determining fair and equal taxation within the property tax system. Texas law defines market value as "the price at which a property would transfer for cash or its equivalent under prevailing market conditions" on January 1 of each year.

Central appraisal districts are responsible for determining their best opinion as to the market value

of property; however, determining the exact dollar value for each of millions of properties is a daunting, and, sometimes, imprecise task. In truth, as anyone who has worked with a realtor knows, a property's value may fall within a certain range at any given point in time. The appraisal district seeks to be within that range.

### Constitutional Guarantees

The law gives taxpayers two ways to protect against unfair valuation of their property. First, if a taxpayer believes their assigned value is outside a reasonable range based on market conditions, they may file a **market value appeal**. However, the property owner may be required to provide detailed market data supporting their contention. That may involve compiling voluminous information only available to professional appraisers.

Even if property is valued reasonably relative to the market, but at the high end, the tax on that property can still be unequal if other properties are valued at the low end. The second protection for a property owner is through **"equal and uniform" (E&U) appeals or equity appeals**. An equity appeal allows a taxpayer to obtain relief if they can prove their property is unequally appraised at a higher value than other similar properties. It is a much simpler option for property owners than a market value appeal. An E&U, or equity, appeal can be as simple

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