

# **Policy regarding waiver of penalty and/or interest**

## **Montrose Management District**

Whereas:

Section 33.011 of the Texas Tax Code governs waiver of penalty and interest. Some provisions of this section allow certain decisions to be made by the governing body of a jurisdiction. Regarding requests of waiver of penalty and/or interest when an assessment bill has allegedly not been received by a property owner, and such non-receipt has allegedly caused the assessment to become delinquent, the following is a summary of the District's policy for handling such situations:

Therefore:

This District will waive the penalty, but not the interest, if a property owner makes a request in writing on or before August 1 of the year following the assessment year in question. The request must state that the owner did not receive the bill. The request must include payment of the assessment and the interest due under State law. The request and payment must be made within 21 days of when the owner learns the assessment is due. Each property owner will only be granted such a waiver of the penalty once ever.

Committee Explanation:

We are basing this on Sec. 33.011 (1), since Sec 33.011 (2 & 3) were not applicable due to being for (2) a religious organization or (3) that the mailing address of the tax office had moved from the prior year's location within the past year.

Our focus, (1) requires an "act or omission of an officer, employee, or agent of the taxing unit, or the appraisal district ... caused or resulted in the taxpayer's failure" to pay on time.

We are allowing a one-time per property / owner standard of proof as the ratepayer's testimony that the District's "act or omission" caused the non-delivery. Subsequent such assertions will be held to a much stricter standard of proof.