

# Application for 1-d-1 (Open-Space) Agricultural Use Appraisal

Form 50-129

Appraisal District's County

Appraisal District Account Number (if known)

Tax Year

**GENERAL INFORMATION:** Texas Constitution, Article VIII, Section 1-d-1, and Tax Code, Chapter 23, Subchapter D, provide for open-space land appraisal.

**FILING INSTRUCTIONS:** File this form with the appraisal district office in each county in which the property is located. **Do not file this document with the Texas Comptroller of Public Accounts.**

## SECTION 1: Property Owner/Applicant

The applicant is the following type of property owner:

Individual    Partnership    Corporation    Other (specify): \_\_\_\_\_

Name of Property Owner

Date of Birth

Physical Address, City, State, ZIP Code

Primary Phone Number (area code and number)

Email Address\*

Mailing Address, City, State, ZIP Code (if different from the physical address provided above)

## SECTION 2: Authorized Representative

**If you are an individual property owner filing this application on your own behalf, skip to Section 3; all other applicants are required to complete Section 2.**

Please indicate the basis for your authority to represent the property owner in filing this application:

Officer of the company    General partner of the company    Attorney for property owner  
 Agent for tax matters appointed under Tax Code Section 1.111 with completed and signed Form 50-162  
 Other and explain basis: \_\_\_\_\_

Name of Authorized Representative

Title of Authorized Representative

Primary Phone Number (area code and number)

Email Address\*

Mailing Address, City, State, ZIP Code

## SECTION 3: Property Description and Information

Provide the descriptive information requested below for the property that is the subject of this application or attach last year's tax statement, notice of appraised value or other correspondence identifying the property.

Account Number (if known)

Number of Acres (subject to this application)

Legal description, abstract numbers, field numbers and/or plat numbers:

|   |   |
|---|---|
| Account Number (if known)   | Number of Acres (subject to this application) |
| Legal description, abstract numbers, field numbers and/or plat numbers: |   |

## SECTION 3: Property Description and Information (concluded)

Select the appropriate box in response to each question below.

1. Did this appraisal district allow 1-d-1 appraisal on this property last year? .....  Yes  No  
 If yes, continue to question 2. If no, skip to Section 4 and complete all applicable questions.  
 If the land is used to manage wildlife, also complete Section 5.

2. Has the property's ownership changed since Jan. 1 of last year or since submitting the last application? .....  Yes  No  
 If no, skip to question 5 and then complete only those parts of Sections 4 and 5 that have changed since the earlier application or any information in Sections 4 and 5 the chief appraiser requests.

3. Has the former owner passed away **and** are you the surviving spouse? .....  Yes  No

4. Is the new owner using the land in materially the same way as in the preceding year **and** is the use overseen or conducted by the same individuals who oversaw or conducted that use in the preceding year? .....  Yes  No  
 If yes to questions 3 and/or 4, complete only those parts of Sections 4 and 5 that have changed since the earlier application or any information in Sections 4 and 5 the chief appraiser requests.  
 If no to both questions 3 and 4, the new owner must complete all applicable questions in Section 4 and, if the land is used to manage wildlife, complete Section 5.

5. Is this property located within the corporate limits of a city or town? .....  Yes  No

## SECTION 4: Property Use

1. Describe this property's current and past agricultural uses as described in Section 3, starting with the current year and working back five years or until five out of seven years of agricultural use is shown. Use the agricultural land categories listed in the *Important Information* section of this form. Divide the total acreage according to individual uses to which the land is principally devoted. Five years of continuous agricultural use may be required if the land is located within the corporate limits of a city or town.

| Year    | Agricultural Use Category of Land<br><i>(List all that apply)</i> | Acres Principally Devoted to Agricultural Use |
|---------|---|---|
| Current |   |   |
| 1       |   |   |
| 2       |   |   |
| 3       |   |   |
| 4       |   |   |
| 5       |   |   |
| 6       |   |   |
| 7       |   |   |

2. (a) List the livestock, exotic animals or exotic fowl raised or kept or the type of wildlife managed on the property and the number of acres used for each activity. Attach a list if the space is not sufficient.

| Livestock, Exotic or Wildlife | Number of Acres |
|-------------------------------|-----------------|
|                               |                 |
|                               |                 |
|                               |                 |
|                               |                 |

(b) List the number of head of livestock or exotic animals raised or kept on the property (average over the year). Attach a list if the space is not sufficient.

| Livestock or Exotics | Number of Head |
|----------------------|----------------|
|                      |                |
|                      |                |
|                      |                |
|                      |                |

3. List the crops grown (including ornamental plants, flowers or grapevines) and the number of acres devoted to each crop. Attach a list if the space is not sufficient.

| Type of Crop | Number of Acres |
|--------------|-----------------|
|              |                 |
|              |                 |
|              |                 |
|              |                 |

## SECTION 4: Property Use (concluded)

4. List the participation in any government programs for planting cover crops or land lying idle and the number of acres devoted to each program. Attach a list if the space is not sufficient.

| Program Name | Number of Acres |
|--------------|-----------------|
|              |                 |
|              |                 |
|              |                 |

5. If the property is now used for any nonagricultural activities, list all nonagricultural uses and the number of acres devoted to each use. Attach a list if the space is not sufficient.

| Nonagricultural Use | Number of Acres |
|---------------------|-----------------|
|                     |                 |
|                     |                 |
|                     |                 |

## SECTION 5: Wildlife Management Use

**Complete this section only if the land is used for wildlife management. If the land is not used for wildlife management, do not complete this section.**

1. If the land is used to manage wildlife, list at least three of the wildlife management practices being used (listed and described in the *Important Information* section of this form).

A. \_\_\_\_\_

B. \_\_\_\_\_

C. \_\_\_\_\_

2. Indicate the property's agricultural land use category (described in the *Important Information* section of this form) for the tax year preceding the land's conversion to wildlife management use. For example, if the land was categorized as native pasture before conversion to wildlife management, native pasture would be the response as it is the category of use prior to conversion.

3. Does the property have a wildlife management plan that uses the appropriate Texas Parks and Wildlife Department form? .....  Yes  No  
If yes, attach the property's wildlife management plan using the appropriate Texas Parks & Wildlife Department form (obtained at [www.tpwd.texas.gov/landwater/land/private/agricultural\\_land/](http://www.tpwd.texas.gov/landwater/land/private/agricultural_land/)).

4. Was the land subject to wildlife management a part of a larger tract of land qualified for 1-d-1 or timberland appraisal on Jan. 1 of the previous year? .....  Yes  No

5. Is any part of the land subject to wildlife management managed through a wildlife management property association? .....  Yes  No

If yes, attach a written agreement obligating the owners in the association to perform wildlife management practices necessary to qualify wildlife management land for 1-d-1 appraisal.

6. Is any part of the land located in an area designated by Texas Parks and Wildlife Department as a habitat for an endangered species, a threatened species or a candidate species for listing as threatened or endangered? .....  Yes  No

7. (a) Is the land that is the subject of this application subject to a permit issued under Federal Endangered Species Act Section 7 or 10(a)? .....  Yes  No

(b) If yes, is the land included in a habitat preserve and subject to a conservation easement created under Texas Natural Resources Code Chapter 183 or part of a conservation development under a federally approved habitat conservation plan? .....  Yes  No

If yes to questions 7(a) and (b), provide evidence of the permit and of the conservation easement or habitat conservation plan. Your application cannot be approved without this evidence.

8. Is the land that is the subject of this application actively used for a conservation or restoration project providing compensation for natural resources damage under one or more of the following laws:

Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Section 9601 et seq.) .....  Yes  No

Oil Pollution Act (33 U.S.C. Section 2701 et seq.) .....  Yes  No

Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) .....  Yes  No

Texas Natural Resources Code Chapter 40 .....  Yes  No

If yes to any of the above, provide evidence of the conservation easement, deed restriction or settlement agreement with the Texas Commission on Environmental Quality. Applications without this evidence cannot be approved.

## SECTION 6: Conversion to Timber Production

1. Was the land subject to this application converted to timber production after Sept. 1, 1997? .....  Yes  No

If yes, on what date was it converted to timber production? ..... \_\_\_\_\_

2. Does the property owner wish to have the land subject to this application continue to be appraised as 1-d-1 land? .....  Yes  No

## SECTION 7: Certification and Signature

**NOTICE REGARDING PENALTIES FOR MAKING OR FILING AN APPLICATION CONTAINING A FALSE STATEMENT:** If you make a false statement on this form, you could be found guilty of a Class A misdemeanor or a state jail felony under Penal Code Section 37.10.

I, \_\_\_\_\_, swear or affirm the following:

Printed Name of Property Owner or Authorized Representative

1. that each fact contained in this application is true and correct;
2. that the property described in this application meets the qualifications under Texas law for the special appraisal claimed;
3. that I have read and understand the *Notice Regarding Penalties for Making or Filing an Application Containing a False Statement*.

**sign  
here** ➔

Signature of Property Owner or Authorized Representative

Date

\* May be confidential under Government Code §552.137; however, by including the email address on this form, you are affirmatively consenting to its release under the Public Information Act.

# Important Information

## GENERAL INFORMATION

Agricultural use includes, but is not limited to, the following activities: (1) cultivating the soil; (2) producing crops for human food, animal feed, or planting seed or for the production of fibers; (3) floriculture, viticulture and horticulture; (4) raising or keeping livestock; (5) raising or keeping exotic animals or fowl for the production of human food or fiber, leather, pelts or other tangible products having a commercial value; (6) planting cover crops or leaving land idle for the purpose of participating in a governmental program provided the land is not used for residential purposes or a purpose inconsistent with agricultural use or leaving the land idle in conjunction with normal crop or livestock rotation procedures; (7) producing or harvesting logs and posts used for construction or repair of fences, pens, barns or other agricultural improvements on adjacent open-space land having the same owner and devoted to a different agricultural use; (8) wildlife management; and (9) beekeeping.

Wildlife management is defined as actively using land that at the time the wildlife-management use began, was appraised as qualified open-space or timberland under Tax Code, Chapter 23, Subchapter D or E, to propagate a sustaining breeding, migrating or wintering population of indigenous wild animals for human use, including food, medicine or recreation, in at least three of the following ways: (1) habitat control; (2) erosion control; (3) predator control; (4) providing supplemental supplies of water; (5) providing supplement supplies of food; (6) providing shelters; and (7) making census counts to determine population.

Wildlife management is also defined as actively using land to protect federally listed endangered species under a federal permit if the land is included in a habitat preserve subject to a conservation easement created under Natural Resources Code Chapter 183 or part of a conservation development under a federally approved habitat conservation plan restricting the land's use to protect federally listed endangered species or actively using land for a conservation or restoration project under certain federal and state statutes. These two types of wildlife management uses do not require showing a history of agricultural use but do require evidence identified in Section 5, questions 7 and 8.

Agricultural land use categories include: (1) irrigated cropland; (2) dry cropland; (3) improved pastureland; (4) native pastureland; (5) orchard; (6) wasteland; (7) timber production; (8) wildlife management; and (9) other categories of land that are typical in the area.

## APPLICATION DEADLINES

Complete and file this application with the chief appraiser before May 1 of the year for which agricultural appraisal is requested. If the chief appraiser approves the application, a new application is not required in later years unless the land ownership changes, eligibility ends or the chief appraiser requests a new application.

If a landowner passes away and the land's ownership transfers from the deceased owner to the deceased owner's surviving spouse; the land's ownership is not considered to have changed for the purposes of Tax Code Section 23.54(e). Under this provision, the land is still eligible for special valuation even if the surviving spouse did not timely file a valid application.

If qualifying land's ownership is transferred to a new owner who uses the land in materially the same way and the use is overseen or conducted by the same individuals during the preceding tax year, the land's ownership is not considered to have changed for the purposes of Tax Code Section 23.54(e). Under this provision, the land is still eligible for special valuation even if the new owner did not timely file a valid application.

A late application may be filed before the appraisal review board (ARB) approves appraisal records for the year, which usually occurs in July. If the chief appraiser approves a late application, a penalty will be applied in an amount equal to 10 percent of the difference between the amount of tax imposed on the property and the amount that would be imposed if the property were taxed at market value.

A property owner can file an application after the deadline without incurring the 10 percent penalty if:

- the ARB has not approved the appraisal records; and
- the chief appraiser appraised the land that is the subject of the application as open-space land under Tax Code Chapter 23, Subchapter D, in the preceding tax year; and
  - the land's ownership changed due to the landowner's death during the preceding tax year; and
  - the application is filed not later than the delinquency date for the taxes on the land for the year for which the application is filed by:
    - the decedent's surviving spouse or a surviving child;
    - the executor or administrator of the decedent's estate; or
    - a fiduciary acting on behalf of the decedent's surviving spouse or a surviving child; or
  - if qualifying land is transferred to a new owner;
  - the new owner uses the land in materially the same way the former owner used the land during the preceding tax year;
  - the use is overseen or conducted by the same individuals who oversaw or conducted that use during the preceding tax year; and
  - the new owner files the application not later than the later of:
    - the delinquency date for the taxes on the land for the year for which the application is filed; or
    - the first anniversary of the date the land's ownership transferred from the former owner to the new owner.

## CHIEF APPRAISER ACTIONS

The chief appraiser shall, as soon as practicable but not later than 90 days after the later of the following two dates: date the applicant's land is first eligible for 1-d-1 appraisal; or the date the applicant provides the information necessary, make one of the following decisions:

- approve the application and grant agricultural appraisal;
- disapprove it and ask for more information; or
- deny the application.

## ADDITIONAL INFORMATION REQUEST

The chief appraiser may disapprove the application and request additional information to evaluate this application. This request must be delivered via a written notice to the applicant as soon as practicable but not later than the 30th day after the application was filed with the appraisal district. The notice must specify the additional information the applicant must provide so the chief appraiser can make a determination. The applicant must provide the additional information not later than the 30th day after the request date or the chief appraiser will deny the application. The chief appraiser may extend this deadline for a single period not to exceed 15 days for good cause shown.

## Important Information (continued)

### DENIED APPLICATIONS

The chief appraiser may deny an application. He or she must notify the applicant in writing not later than the fifth day after the determination by certified mail. It must state and fully explain each reason for the denial. The landowner can protest the denial with the ARB.

### DUTY TO NOTIFY AND PENALTIES

The property owner must notify the chief appraiser no later than the April 30 following the change in use or eligibility. A change of land use for all or part of the property will trigger substantial additional tax, commonly called a rollback tax. Payment of a penalty may also be required for failure to notify the chief appraiser of a change in agricultural use or qualification. Notice must be delivered to the chief appraiser if:

- the property owner stops using the land for agriculture (e.g., voluntarily stopped farming);
- category of land use changes (e.g., from dry cropland to irrigated cropland);
- level of use changes (e.g., a substantial increase or decrease in the number of cattle raised);
- nature of use changes (e.g., a switch from growing corn to growing ornamental plants);
- property owner enters, leaves or changes governmental programs (e.g., 100 acres placed in a conservation reserve program); or
- the property owner uses the land for something other than agriculture (e.g., to build a shopping center on most of the land).

### DUTY TO NOTIFY FOR CERTAIN LANDOWNERS

If land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area, open-space appraisal may be retained if the property owner notifies the chief appraiser as required and:

- is an armed services member who is deployed or stationed outside of Texas who intends to return the land to the manner and to the degree of intensity that is generally accepted in the area not later than the 180th day after being deployed or stationed outside this state ceases;
- owns land that has previously been under open-space appraisal primarily based on its citrus production; the land is located in a pest management zone; and an agreement was executed to destroy, remove or treat all the citrus trees located on the land that are or could become infested with pests with one of the following: Texas Citrus Pest and Disease Management Corporation, Inc., the Texas commissioner of agriculture or the U.S. Department of Agriculture; or
- owns land that has previously been under open-space appraisal primarily on the basis of livestock; the land is located in a temporary quarantine area established during the tax year by the Texas Animal Health Commission for the purpose of regulating the handling of livestock and eradicating ticks or exposure to ticks under Agriculture Code Chapter 167.