

**If your land is being used primarily for an agricultural purpose, you may be entitled to additional tax savings by having your property appraised as**

## Open Space Land



### What is Open Space Land Valuation?

Open Space Land Valuation is special type of appraisal that allows the taxable value of land to be based upon its ability to produce agricultural products rather than upon its market value.

### What land qualifies?

Land must first be devoted to an agricultural use. Common agricultural operations in Freestone County include (but are not limited to) the following:

- Livestock grazing,
- Raising exotic animals,
- Bee-keeping,
- Croplands,
- Haylands,
- Orchards and vineyards,
- Wildlife management,
- Timber management, and
- Participation in a government program for normal crop or livestock rotation.

The land must have been used for an agricultural purpose for at least five out of the past seven years, and its current agricultural use must concur with typical agricultural practices within the county.

### What are intensity standards and who determines “what is typical to the area?”

The appraisal district’s board of directors appoints an Agricultural Advisory Board to guide the Chief Appraiser in determining what typical agricultural practices are within the county.

### How do I get the special valuation on my land?

- If you have never had the special valuation on your property, you must file an application with the appraisal district between January 1 and April 30.
- If you need more time to complete your application form, submit a written request to the Chief Appraiser before the April 30th deadline. The Chief Appraiser can grant up to 60 extra days if you have a good reason for needing extra time.
- If you miss the April 30 deadline, you may file an application any time before the ARB approves the appraisal records, which usually occurs on or about July 20. You will be charged a penalty for late filing equal to 10 percent of the tax savings you obtained through receiving agricultural appraisal for your land. After the ARB approves the records, you can no longer apply for agricultural appraisal for that year.
- If the Chief Appraiser asks you for more information, you will have at least 30 days to reply. You may ask for more time but you must have a good reason. If you don’t reply, the Chief Appraiser must deny your application.
- If the Chief Appraiser denies or modifies your request for agricultural appraisal, he or she must tell you in writing within five days. This notice must explain how you can protest to the ARB.
- Once you receive agricultural appraisal, you don’t have to apply again in succeeding years unless your qualifications change. The Chief Appraiser may request a new application from time to time, to verify that you still meet the qualifications. ***If you receive a notice to reapply, be sure to do so. If you don’t, you will lose your eligibility.*** If you become the owner of land that is already qualified, you must reapply in your own name by April 30. If you don’t, you will lose your eligibility. You must notify the appraisal district in writing by April 30 if your land’s eligibility changes. Failure to do so will result in a penalty charge.

Taxpayers may qualify for agricultural appraisal under two different state laws. The newer one is called “open-space valuation” or “1-d-1 appraisal” (after Article 8, Section 1-d-1 of the Texas Constitution). Nearly all land that receives agricultural appraisal falls under this law. Details on the older law — known as “1-d” or “agricultural use” — are available from the appraisal district. Very few landowners apply for “1-d,” since you have to show at least 50 percent of your income comes from farming or ranching.

### What happens if I start using the land for a non-agricultural purpose?



If your land has qualified for agricultural appraisal and you change its use to a non-agricultural purpose, you will owe a “rollback” tax for each of the previous five years in which your land received the lower appraisal.

The rollback tax is the difference between the taxes you paid on your land’s agricultural value and the taxes you would have paid if the land had been taxed on a higher market value. In addition, 7 percent interest is charged for each year from the date on which taxes would have been due.

The Chief Appraiser determines whether a change to a nonagricultural use has been made and sends the taxpayer a notice of the change. If you disagree, you may file a protest with the appraisal review board. You must file this protest within 30 days of the date on which the notice was mailed to you.

If you don’t protest or if the ARB decides against you, you owe the rollback tax. The owner who changes the land’s use receives the rollback tax bill, even though you may have not owned the land when it received the tax break.

More information on this special appraisal is available in the district’s publications:

***Guidelines for the Appraisal of Agricultural Lands  
Guidelines for the Appraisal of Timber Lands  
Guidelines for the Appraisal of Wildlife Management***

available on the district’s website or by contacting:

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