



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 14, 2011

Mr. Michael B. Gary  
Assistant General Counsel  
Harris County Appraisal District  
P.O. Box 920975  
Houston, Texas 77292-0975

OR2011-13238

Dear Mr. Gary:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 429911 (HCAD Reference No. 11-2368).

The Harris County Appraisal District (the "district") received a request for all information pertaining to Class C properties, including sales letters or any other type of sales validations obtained by the district as well as any information concerning these properties the district has in its possession, considered, but does not intend to use in the upcoming hearings for any of the requestor's protested properties from June 1, 2010 through May 1, 2011. You state the district will release some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.149 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

Section 552.149 of the Government Code provides, in relevant part:

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<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and, therefore, does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

(a) Information relating to real property sales prices, descriptions, characteristics, and other related information received from a private entity by the comptroller or the chief appraiser of an appraisal district under Chapter 6, Tax Code, is excepted from the requirements of [the Act].

(b) Notwithstanding Subsection (a), the property owner or the owner's agent may, on request, obtain from the chief appraiser of the applicable appraisal district a copy of each item of information described by Section 41.461(a)(2), Tax Code, and a copy of each item of information that the chief appraiser took into consideration but does not plan to introduce at the hearing on the protest. In addition, the property owner or agent may, on request, obtain from the chief appraiser comparable sales data from a reasonable number of sales that is relevant to any matter to be determined by the appraisal review board at the hearing on the property owner's protest.

Gov't Code § 552.149(a)-(b). The 82nd Texas Legislature amended section 552.149 to limit the applicability of sections 552.149(a) and (b) to those counties having a population of 50,000 or more. Act of May 31, 2011, 82<sup>nd</sup> Leg., R.S., S.B. 1130, § 1 (to be codified as an amendment to Gov't Code § 552.149(e)). We note Harris County has a population of 50,000 or more. The legislative history of the statutory predecessor to section 552.149 indicates it was enacted as a result of the issuance of several open records rulings of this office in which we ruled information provided by Multiple Listing Services to appraisal districts under confidentiality agreements is subject to required public disclosure under the Act. HOUSE COMM. ON STATE AFFAIRS, BILL ANALYSIS, Tex. Comm. Substitute H.B. 2188, 80th Leg., R.S. (2007). Because of these rulings, many multiple listing services stopped providing sales information to appraisal districts. The bill analysis of House Bill 2188 states the purpose of this statute is to allow the relationships between multiple listing services and appraisal districts to continue. HOUSE COMM. ON STATE AFFAIRS, BILL ANALYSIS, Tex. Comm. Substitute H.B. 2188, 80th Leg., R.S. (2007). You state the submitted information consists of Class C property sales information. We understand this information was received from a private entity and relates to real property sales prices, descriptions, characteristics, and other related information. Therefore, we find the submitted information is generally confidential under section 552.149(a).

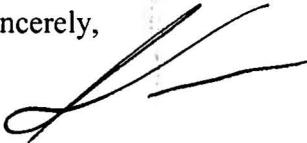
However, pursuant to section 552.149(b), a property owner or the owner's designated agent has a right of access to certain information that is confidential under section 552.149(a). We understand the requestor is a property owner and is protesting the valuation of his properties by the district. In his request for information, the requestor asserts a right of access under section 552.149(b). You state the requestor will be provided with all information required by section 41.461(a)(2) of the Tax Code, as well as information pertaining to properties taken into consideration by the chief appraiser. As stated above, subsection (b) provides a property owner a right of access to information described by section 41.461(a)(2) of the Tax Code, information the chief appraiser took into consideration during the appraisal, and comparable

sales data from a reasonable number of sales that is relevant to the matter to be determined by the appraisal board. However, you note the request seeks “*all* sales and related information for Class C properties within the [district].” You state a request for all Class C sales data and information “is not a reasonable number, is not relevant, and is not comparable to the subject property [as] the subject property is in a completely different zip code than the property represented [by the submitted information].” Accordingly, we find the district must withhold the submitted information under section 552.149(a) of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/agn

Ref: ID# 429911

Enc. Submitted documents

c: Requestor  
(w/o enclosures)