

# **Bond Case Briefs**

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## **TAX - TEXAS**

### **Odyssey 2020 Academy, Inc. v. Galveston Central Appraisal District**

**Court of Appeals of Texas, Houston (14th Dist.) - July 23, 2019 - S.W.3d - 2019 WL 3294991**

Open-enrollment charter school that had leased a property for its campus from a private entity sought judicial review of the decision of appraisal district's administrative review board denying school's request for ad valorem tax exemption.

The District Court granted board's motion for summary judgment. School appealed.

The Court of Appeals held that:

- Property owned by private entity and leased to school was not public property, and
- Statute governing seizure of charter school property purchased or leased with funds received by a charter holder upon revocation of charter, did not apply to school's request tax exemption.

Property owned by private entity and leased to open-enrollment public charter school using it exclusively as a public school was not "public property," as required for exemption from ad valorem property taxation; the property was privately owned, the private owners possessed legal title, school signed a sublease agreement knowing the property was privately owned, and school agreed to pay all ad valorem taxes assessed on the privately-owned property.

Statute governing seizure of charter school property purchased or leased with funds received by a charter holder upon revocation of charter did not apply to open-enrollment charter school's request for ad valorem tax exemption related to property it was leasing from private entity and using exclusively as a public school, since the statute did not speak to tax exemptions as to leased real property during the period a charter remains active, it did not establish that the State or a political subdivision owned the property for tax-exemption purposes, and school's interest in the property was limited to its leasehold.