

House Bill 347

By: Representatives Stephens of the 150th, Day of the 153rd, Irvin of the 45th and Graves of the 125th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia
2 Annotated, relating to tax exemptions, so as to change the increased assessed value
3 homestead exemption for certain senior citizens whose household income does not exceed
4 \$30,000.00, by changing the taxes to which such exemption shall be applicable; to remove
5 the age and income limitations of such homestead exemption; to provide that such homestead
6 exemption shall be in addition to and not in lieu of any other homestead exemption; to
7 provide for applicability; to provide for effective dates; to provide for a special election; to
8 provide for automatic repeal; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
12 relating to tax exemptions, is amended by striking Code Section 48-5-47.1, relating to the
13 increased assessed value homestead exemption for certain senior citizens whose household
14 income does not exceed \$30,000.00, and inserting in its place a new Code Section 48-5-47.1
15 to read as follows:

16 "48-5-47.1.

17 (a) For purposes of this Code section, the term:

18 (1) 'Ad valorem taxes' means all state ad valorem taxes and; all county ad valorem taxes
19 for county purposes levied by, for, or on behalf of a county, except for taxes to pay
20 interest on and to retire bonded indebtedness; all county school district and independent
21 school district taxes for educational purposes levied by, for, or on behalf of a school
22 district, except for taxes to pay interest on and to retire bonded indebtedness; and all
23 municipal taxes for municipal purposes levied by, for, or on behalf of a municipality,
24 except for taxes to pay interest on and to retire bonded indebtedness.

1 (2) 'Base year' means the taxable year immediately preceding the taxable year in which
2 the exemption under this Code section is first granted to the most recent owner of such
3 homestead.

4 (3) 'Homestead' as applied in this Code section shall mean the homestead as defined and
5 qualified in Code Section 48-5-40, with the additional qualification that it shall include
6 only the primary residence and not more than five contiguous acres of land immediately
7 surrounding such residence.

8 (4) 'Income' means ~~federal adjusted gross income, as defined in the Internal Revenue~~
9 ~~Code of 1986, as amended, from all sources.~~

10 (5) 'Senior citizen' means ~~a person who is 62 years of age or over on or before January~~
11 ~~1 of the year in which application for the exemption under this Code section is made.~~

12 (b) Each resident of a county ~~who is a senior citizen~~ is granted an exemption on that
13 person's homestead from all ad valorem taxes in an amount equal to the amount ~~of by~~
14 ~~which the current year~~ assessed value of that homestead ~~which exceeds the base year~~
15 assessed value of that homestead for the taxable year immediately preceding the taxable
16 year in which this exemption is first granted to such resident, if that person's income,
17 together with the income of the spouse of such person and any other person who resides
18 within such homestead, does not exceed \$30,000.00 for the immediately preceding taxable
19 year. This exemption shall not apply to taxes assessed on improvements to the homestead
20 or additional land that is added to the homestead after January 1 of the base year. If any
21 real property is removed from the homestead, the assessment in the base year shall be
22 adjusted to reflect such removal and the exemption shall be recalculated accordingly.

23 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
24 Code section unless the person or person's agent files an application with the tax
25 commissioner of the county giving ~~the person's age and the amount of gross income which~~
26 ~~the person and the person's spouse and any other persons residing within such homestead~~
27 ~~received during the last taxable year, and such additional information relative to receiving~~
28 such exemption as will enable the tax commissioner to make a determination as to whether
29 such owner is entitled to such exemption.

30 (d) The commissioner shall provide application forms for the exemption granted by this
31 Code section which shall require such information as may be necessary to determine the
32 initial and continuing eligibility of the owner for the exemption.

33 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1.
34 The exemption shall be automatically renewed from year to year as long as the owner
35 occupies the residence as a homestead. After a person has filed the proper application as
36 provided in subsection (c) of this Code section, it shall not be necessary to make
37 application and file such affidavit thereafter for any year and the exemption shall continue

1 to be allowed to such person. It shall be the duty of any person granted the homestead
2 exemption under this Code section to notify the tax commissioner of the county or the
3 designee thereof in the event that person for any reason becomes ineligible for that
4 exemption.

5 ~~(f) The exemption granted by this Code section shall not apply to or affect any municipal~~
6 ~~taxes or county school district taxes for educational purposes.~~ The homestead exemption
7 granted by this Code section shall be in addition to and not in lieu of ~~and not in addition~~
8 ~~to~~ any other homestead exemption applicable to county ad valorem taxes for county
9 purposes.

10 (g) The exemption granted by this Code section shall apply to all taxable years beginning
11 on or after January 1, ~~1995~~ 2003.

12 **SECTION 2.**

13 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of
14 State shall call and conduct a special election as provided in this section for the purpose of
15 submitting this Act to the electors of the State of Georgia for approval or rejection. The
16 Secretary of State shall conduct that special election on the date of the November, 2002,
17 state-wide general election. The Secretary of State shall issue the call and conduct that
18 special election as provided by law. The Secretary of State shall cause the date and purpose
19 of the special election to be published in the official organ of each county in the state once
20 a week for two weeks immediately preceding the date of the referendum. The ballot shall
21 have written thereon the following:

22 "() YES Shall the Act be approved which provides that the base year assessed value
23 homestead exemption be granted to all qualified residents, be made
24 () NO applicable to all ad valorem taxes, and be in addition to and not in lieu of
25 any other homestead exemption?"

26 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
27 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
28 cast on such question are for approval of the Act, then Section 1 of this Act shall become
29 effective on January 1, 2003, and shall be applicable to all taxable years beginning on or after
30 that date. If the Act is not so approved or if the election is not conducted as provided in this
31 section, Section 1 of this Act shall not become effective and this Act shall be automatically
32 repealed on the first day of January immediately following that election date.

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SECTION 3.

- 2 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
3 its approval by the Governor or upon its becoming law without such approval.

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SECTION 4.

- 5 All laws and parts of laws in conflict with this Act are repealed.