

House Bill 517

By: Representatives Irvin of the 45th, Ashe of the 46th, Wilkinson of the 43rd, Brooks of the 54th, Campbell of the 42nd and others

A BILL TO BE ENTITLED
AN ACT

1 To provide for a homestead exemption from certain Fulton County ad valorem taxes for
2 county purposes in an amount equal to the amount by which the current year assessed value
3 of a homestead exceeds the adjusted base year assessed value of such homestead; to provide
4 for definitions; to specify the terms and conditions of the exemption and the procedures
5 relating thereto; to provide for applicability; to provide for a referendum, effective dates, and
6 automatic repeal; to provide for severability; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 (a) As used in this Act, the term:

11 (1) "Ad valorem taxes for county purposes" means all ad valorem taxes for county
12 purposes levied by, for, or on behalf of Fulton County, including but not limited to any
13 ad valorem taxes for special district purposes and any taxes to pay interest on and to retire
14 county bonded indebtedness.

15 (2) "Adjusted base year assessed value" means an amount equal to the assessed value of
16 such homestead for the base year, increased annually by the percentage of any increase
17 in the Consumer Price Index for all Urban Consumers published by the Bureau of Labor
18 Statistics of the United States Department of Labor from the base year to the current year.
19 However, in the event that the assessed value for the current year is less than or equal to
20 the assessed value for the base year, then the adjusted base year assessed value shall equal
21 the current year assessed value.

22 (3) "Base year" means the taxable year immediately preceding the taxable year in which
23 the exemption under this Act is first granted to the most recent owner of such homestead.

24 (4) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
25 the O.C.G.A., with the additional qualification that it shall include only the primary

1 residence and not more than five contiguous acres of land immediately surrounding such
2 residence.

3 (b) Each resident of Fulton County is granted an exemption on that person's homestead
4 from all Fulton County taxes for county purposes in an amount equal to the amount, if any,
5 by which the current year assessed value of that homestead exceeds its adjusted base year
6 assessed value. This exemption shall not apply to taxes assessed on improvements to the
7 homestead or additional land that is added to the homestead after January 1 of the base
8 year. If any real property is removed from the homestead, the adjusted base year assessed
9 value shall be calculated reflecting such removal. The value of that property in excess of
10 such exempted amount shall remain subject to taxation.

11 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
12 section unless the person or person's agent files an application with the tax commissioner
13 of Fulton County giving such information relative to receiving such exemption as will
14 enable the tax commissioner to make a determination as to whether such owner is entitled
15 to such exemption.

16 (d) The tax commissioner of Fulton County shall provide application forms for the
17 exemption granted by subsection (b) of this section which shall require such information
18 as may be necessary to determine the initial and continuing eligibility of the owner for the
19 exemption.

20 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1
21 of the O.C.G.A. The exemption shall be automatically renewed from year to year as long
22 as the owner occupies the residence as a homestead. After a person has filed the proper
23 application as provided in subsection (c) of this section, it shall not be necessary to make
24 application thereafter for any year and the exemption shall continue to be allowed to such
25 person. It shall be the duty of any person granted the homestead exemption under
26 subsection (b) of this section to notify the tax commissioner of the county or the designee
27 thereof in the event that person for any reason becomes ineligible for that exemption.

28 (f) The exemption granted by this Act shall not apply to or affect state ad valorem taxes,
29 county school district ad valorem taxes for educational purposes, or municipal ad valorem
30 taxes for municipal purposes. The homestead exemption granted by subsection (b) of this
31 section shall be in addition to and not in lieu of any other homestead exemption applicable
32 to county ad valorem taxes for county purposes.

33 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years
34 beginning on or after January 1, 2002.

35 **SECTION 2.**

