

House Bill 514

By: Representatives Irvin of the 45th, Ashe of the 46th, McClinton of the 68th and Brooks of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To provide for a homestead exemption from certain City of Atlanta independent school
2 district ad valorem taxes for educational purposes in an amount equal to the amount by which
3 the current year assessed value of a homestead exceeds the adjusted base year assessed value
4 of such homestead; to provide for definitions; to specify the terms and conditions of the
5 exemption and the procedures relating thereto; to provide for applicability; to provide for a
6 referendum, effective dates, and automatic repeal; to provide for severability; to repeal
7 conflicting laws; and for other 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 educational purposes" means all ad valorem taxes for
12 educational purposes levied by, for, or on behalf of the City of Atlanta independent
13 school district, including, but not limited to, taxes to pay interest on and to retire
14 independent school district 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 the City of Atlanta independent school district is granted an exemption
4 on that person's homestead from all City of Atlanta independent school district ad valorem
5 taxes for educational purposes in an amount equal to the amount, if any, by which the
6 current year assessed value of that homestead exceeds its adjusted base year assessed value.
7 This exemption shall not apply to taxes assessed on improvements to the homestead or
8 additional land that is added to the homestead after January 1 of the base year. If any real
9 property is removed from the homestead, the adjusted base year assessed value shall be
10 calculated reflecting such removal. The value of that property in excess of such exempted
11 amount shall remain subject to taxation.

12 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
13 section unless the person or person's agent files an application with the governing authority
14 of the City of Atlanta, or the designee thereof, giving such information relative to receiving
15 such exemption as will enable the governing authority of the City of Atlanta, or the
16 designee thereof, to make a determination as to whether such owner is entitled to such
17 exemption.

18 (d) The governing authority of the City of Atlanta, or the designee thereof, shall provide
19 application forms for the exemption granted by subsection (b) of this section which shall
20 require such information as may be necessary to determine the initial and continuing
21 eligibility of the owner for the exemption.

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

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

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

3 **SECTION 2.**

4 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal
5 election superintendent of City of Atlanta shall call and conduct an election as provided in
6 this section for the purpose of submitting this Act to the electors of the City of Atlanta for
7 approval or rejection. The municipal election superintendent shall conduct that election on
8 November 6, 2001, and shall issue the call and conduct that election as provided by general
9 law. The municipal superintendent shall cause the date and purpose of the election to be
10 published once a week for two weeks immediately preceding the date thereof in the official
11 organ of Fulton County. The ballot shall have written or printed thereon the words:

12 " () YES Shall the Act be approved which provides a homestead exemption
13 from certain City of Atlanta ad valorem taxes for educational
14 () NO purposes in an amount equal to the amount by which the current year
15 assessed value of a homestead exceeds the adjusted base year assessed
16 value of such homestead?"

17 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
18 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
19 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
20 force and effect on January 1, 2002. If the Act is not so approved or if the election is not
21 conducted as provided in this section, Section 1 of this Act shall not become effective and
22 this Act shall be automatically repealed on the first day of January immediately following
23 that election date. The expense of such election shall be borne by the City of Atlanta. It
24 shall be the municipal election superintendent's duty to certify the result thereof to the
25 Secretary of State.

26 **SECTION 3.**

27 In the event that the definition of "adjusted base year assessed value" in Section 1 of this Act
28 is declared or adjudged to be invalid or unconstitutional, any reference to that term in any
29 other provision of this Act shall be construed to refer to "base year assessed value," as
30 defined in Section 1 of this Act, and such declaration or adjudication shall not otherwise
31 affect the remaining portions of this Act which shall remain in force and effect as construed
32 by this section.

