

The House Committee on State Planning and Community Affairs - Local Legislation offers the following Substitute to HB 362:

A BILL TO BE ENTITLED
AN ACT

1 To provide for a homestead exemption from all City of Decatur independent school district
2 ad valorem taxes for educational purposes in the amount of not less than \$10,000.00 and not
3 more than \$50,000.00 of the assessed value of that homestead for residents of the City of
4 Decatur with such amount to be determined annually by the board of education of the
5 independent school district for certain residents of that school district who are 70 years of age
6 or older; to provide for definitions; to specify the terms and conditions of the exemption and
7 the procedures relating thereto; to provide for applicability; to provide for a referendum,
8 effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

12 (1) "Ad valorem taxes for educational purposes" means all ad valorem taxes for
13 educational purposes levied by, for, or on behalf of the City of Decatur independent
14 school district, including, but not limited to, taxes to pay interest on and to retire
15 independent school district bonded indebtedness.

16 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
17 the O.C.G.A.

18 (3) "Senior citizen" means a person who is 70 years of age or over on or before January
19 1 of the year in which application for the exemption under this Act is made.

20 (b) Each resident of the City of Decatur independent school district who is a senior citizen
21 is granted an exemption on that person's homestead from all City of Decatur independent
22 school district ad valorem taxes for educational purposes in the amount of not less than
23 \$10,000.00 and not more than \$50,000.00 of the assessed value of that homestead with such
24 amount to be determined annually by the board of education of the independent school
25 district. The amount of such exemption may be increased from one year to the next as
26 determined by such board of education within the range authorized under this subsection but

1 shall not be reduced. The value of that property in excess of such exempted amount shall
2 remain subject to taxation.

3 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
4 section unless the person or person's agent files an affidavit and application with the
5 governing authority of the City of Decatur, or the designee thereof, giving the person's age
6 and such information relative to receiving such exemption as will enable the governing
7 authority of the City of Decatur, or the designee thereof, to make a determination as to
8 whether such owner is entitled to such exemption.

9 (d) The governing authority of the City of Decatur, or the designee thereof, shall provide
10 affidavit and application forms for the exemption granted by subsection (b) of this section
11 which shall require such information as may be necessary to determine the initial and
12 continuing eligibility of the owner for the exemption.

13 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
14 the O.C.G.A. The exemption shall be automatically renewed from year to year as long as the
15 owner occupies the residence as a homestead. After a person has filed the proper application
16 and affidavit as provided in subsection (c) of this section, it shall not be necessary to make
17 application thereafter for any year and the exemption shall continue to be allowed to such
18 person. It shall be the duty of any person granted the homestead exemption under subsection
19 (b) of this section to notify the governing authority of the City of Decatur, or the designee
20 thereof, in the event that person for any reason becomes ineligible for that exemption.

21 (f) The exemption granted by this Act shall not apply to or affect state ad valorem taxes,
22 municipal ad valorem taxes for municipal purposes, county ad valorem taxes for county
23 purposes, or county school district ad valorem taxes for educational purposes. The
24 homestead exemption granted by subsection (b) of this section shall be in lieu of and not in
25 addition to any other homestead exemption applicable to independent school district ad
26 valorem taxes for educational purposes.

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

29 **SECTION 2.**

30 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal
31 election superintendent of City of Decatur shall call and conduct an election as provided in
32 this section for the purpose of submitting this Act to the electors of the City of Decatur for
33 approval or rejection. The municipal election superintendent shall conduct that election on
34 the Tuesday after the first Monday in November, 2001, and shall issue the call and conduct
35 that election as provided by general law. The municipal superintendent shall cause the date
36 and purpose of the election to be published once a week for two weeks immediately

1 preceding the date thereof in the official organ of DeKalb County. The ballot shall have
 2 written or printed thereon the words:

3 " YES Shall the Act be approved which provides a homestead exemption
 4 from all City of Decatur independent school district ad valorem taxes
 5 NO for educational purposes in the amount of not less than \$10,000.00
 6 and not more than \$50,000.00 of the assessed value of that
 7 homestead with such amount to be determined annually by the board
 8 of education of the independent school district for certain residents
 9 of that school district who are 70 years of age or older?"

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

19 **SECTION 3.**

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

22 **SECTION 4.**

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