

Senate Bill 92

By: Senator Thompson of the 33<sup>rd</sup>

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

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

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 As used in this Act, the term:

10 (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for  
11 municipal purposes levied by, for, or on behalf of the City of Marietta, including, but not  
12 limited to, taxes to pay interest on and to retire municipal bonded indebtedness.

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

15 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
16 the O.C.G.A., with the additional qualification that it shall include only the primary  
17 residence and not more than five contiguous acres of land immediately surrounding such  
18 residence.

19 **SECTION 2.**

20 Each resident of the City of Marietta is granted an exemption on that person's homestead  
21 from all City of Marietta ad valorem taxes for municipal purposes in an amount equal to the  
22 amount by which the current year assessed value of that homestead exceeds the base year  
23 assessed value of that homestead. This exemption shall not apply to taxes assessed on  
24 improvements to the homestead or additional land that is added to the homestead after  
25 January 1 of the base year. If any real property is removed from the homestead, the base year

1 assessed value shall be recalculated accordingly. The value of that property in excess of such  
2 exempted amount shall remain subject to taxation.

3 **SECTION 3.**

4 A person shall not receive the homestead exemption granted by Section 2 of this Act unless  
5 the person or person's agent files an application with the governing authority of the City of  
6 Marietta, or the designee thereof, giving such information relative to receiving such  
7 exemption as will enable the governing authority of the City of Marietta, or the designee  
8 thereof, to make a determination as to whether such owner is entitled to such exemption.

9 **SECTION 4.**

10 The governing authority of the City of Marietta, or the designee thereof, shall provide  
11 application forms for the exemption granted by Section 2 of this Act which shall require such  
12 information as may be necessary to determine the initial and continuing eligibility of the  
13 owner for the exemption.

14 **SECTION 5.**

15 The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the  
16 O.C.G.A. The exemption shall be automatically renewed from year to year as long as the  
17 owner occupies the residence as a homestead. After a person has filed the proper application  
18 as provided in Section 3 of this Act, it shall not be necessary to make application thereafter  
19 for any year and the exemption shall continue to be allowed to such person. It shall be the  
20 duty of any person granted the homestead exemption under Section 2 of this Act to notify the  
21 governing authority of the City of Marietta, or the designee thereof, in the event that person  
22 for any reason becomes ineligible for that exemption.

23 **SECTION 6.**

24 The exemption granted by this Act shall not apply to or affect state ad valorem taxes, county  
25 ad valorem taxes for county purposes, or county or independent school district ad valorem  
26 taxes for educational purposes. The homestead exemption granted by Section 2 of this Act  
27 shall be in addition to and not in lieu of any other homestead exemption applicable to  
28 municipal ad valorem taxes.

29 **SECTION 7.**

30 The exemption granted by Section 2 of this Act shall apply to all taxable years beginning on  
31 or after January 1, 2002.

**SECTION 8.**

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

11 " YES Shall the Act be approved which provides a homestead exemption from  
12 certain City of Marietta ad valorem taxes for municipal purposes in an  
13  NO amount equal to the amount by which the current year assessed value of a  
14 homestead exceeds the base year assessed value of such homestead?"

15 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons  
16 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes  
17 cast on such question are for approval of the Act, Sections 1 through 7 of this Act shall  
18 become of full force and effect on January 1, 2002. If the Act is not so approved or if the  
19 election is not conducted as provided in this section, Sections 1 through 7 this Act shall not  
20 become effective and this Act shall be automatically repealed on the first day of January  
21 immediately following that election date. The expense of such election shall be borne by the  
22 City of Marietta. It shall be the municipal election superintendent's duty to certify the result  
23 thereof to the Secretary of State.

**SECTION 9.**

24  
25 Except as otherwise provided in Section 8 of this Act, this Act shall become effective upon  
26 its approval by the Governor or upon its becoming law without such approval.

**SECTION 10.**

27  
28 All laws and parts of laws in conflict with this Act are repealed.