

Senate Bill 142

By: Senator Tate of the 38th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To provide for a homestead exemption from Fulton County ad valorem taxes for county
2 purposes in an amount equal to the amount by which the current year assessed value of a
3 homestead exceeds the base year assessed value of such homestead for residents of that
4 county who are 65 years of age or over and whose income does not exceed \$60,000.00; to
5 provide for definitions; to specify the terms and conditions of the exemption and the
6 procedures relating thereto; to provide for applicability; to provide for a referendum,
7 effective dates, and automatic repeal; to repeal 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 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 to pay interest on and to retire county bonded indebtedness.

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

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

20 (4) "Income" means federal adjusted gross income determined pursuant to the Internal
21 Revenue Code of 1986, as amended, for federal income tax purposes.

22 (5) "Senior citizen" means a person who is 65 years of age or over on or before January
23 1 of the year in which application for the exemption under this Act is made.

24 (b) Each resident of Fulton County who is a senior citizen is granted an exemption on that
25 person's homestead from Fulton County ad valorem taxes for county purposes in an amount
26 equal to the amount by which the current year assessed value of that homestead exceeds the

1 base year assessed value of the homestead. The exemption under this subsection shall only
2 be granted if that person's income, together with the income of the spouse who also occupies
3 and resides at such homestead does not exceed \$60,000.00 for the immediately preceding
4 year. This exemption shall not apply to taxes assessed on improvements to the homestead
5 or additional land that is added to the homestead after January 1 of the base year. If any real
6 property is removed from the homestead, the base year assessed value shall be adjusted to
7 reflect such removal and the exemption shall be recalculated accordingly. The value of that
8 property in excess of such exempted amount shall remain subject to taxation.

9 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
10 section unless the person or person's agent files an application with the tax commissioner of
11 Fulton County giving the person's age, income, and such information relative to receiving
12 such exemption as will enable the tax commissioner to make a determination regarding the
13 initial and continuing eligibility of such owner for such exemption. The tax commissioner
14 of Fulton County shall provide application forms for this purpose.

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

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

28 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
29 beginning on or after January 1, 2004.

30 **SECTION 2.**

31 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
32 superintendent of Fulton County shall call and conduct an election as provided in this section
33 for the purpose of submitting this Act to the electors of Fulton County for approval or
34 rejection. The election superintendent shall conduct that election on the Tuesday after the
35 first Monday in November, 2003, and shall issue the call and conduct that election as
36 provided by general law. The superintendent shall cause the date and purpose of the election

1 to be published once a week for two weeks immediately preceding the date thereof in the
 2 official organ of Fulton County. The ballot shall have written or printed thereon the words:

3 " YES Shall the Act be approved which provides a homestead exemption from
 4 Fulton County ad valorem taxes for county purposes in an amount equal to
 5 NO the amount by which the current year assessed value of a homestead
 6 exceeds the base year assessed value of such homestead for residents of that
 7 county who are 65 of age or over and whose income does not exceed
 8 \$60,000.00?"

9 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 10 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 11 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
 12 force and effect on January 1, 2004. If the Act is not so approved or if the election is not
 13 conducted as provided in this section, Section 1 of this Act shall not become effective and
 14 this Act shall be automatically repealed on the first day of January immediately following
 15 that election date. The expense of such election shall be borne by Fulton County. It shall be
 16 the election superintendent's duty to certify the result thereof to the Secretary of State.

17 **SECTION 3.**

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

20 **SECTION 4.**

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