

House Bill 929

By: Representatives Willard of the 40th, Ashe of the 42nd, Post 2, Thomas of the 43rd, Post 1, Sinkfield of the 50th, Moraitakis of the 42nd, Post 4, and others

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; to provide for
4 definitions; to specify the terms and conditions of the exemption and the procedures relating
5 thereto; to provide for applicability; to provide for a referendum, effective dates, and
6 automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

10 (1) "Ad valorem taxes for county purposes" means all ad valorem taxes for county
11 purposes levied by, for, or on behalf of Fulton County, including, but not limited to, any
12 ad valorem taxes to pay interest on and to retire county 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., as amended, with the additional qualification that it shall include only the
17 primary residence and not more than five contiguous acres of land immediately
18 surrounding such residence.

19 (b) Each resident of Fulton County is granted an exemption on that person's homestead from
20 Fulton County ad valorem taxes for county purposes in an amount equal to the amount by
21 which the current year assessed value of that homestead exceeds the base year assessed value
22 of the homestead. This exemption shall not apply to taxes assessed on improvements to the
23 homestead or additional land that is added to the homestead after January 1 of the base year.
24 If any real property is removed from the homestead, the base year assessed value shall be
25 adjusted to reflect such removal and the exemption shall be recalculated accordingly. The
26 value of that property in excess of such exempted amount shall remain subject to taxation.

1 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 2 section unless the person or person's agent files an application with the tax commissioner of
 3 Fulton County giving such information relative to receiving such exemption as will enable
 4 the tax commissioner to make a determination regarding the initial and continuing eligibility
 5 of such owner for such exemption. The tax commissioner of Fulton County shall provide
 6 application forms for this purpose.

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

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

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

22 **SECTION 2.**

23 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 24 superintendent of Fulton County shall call and conduct an election as provided in this section
 25 for the purpose of submitting this Act to the electors of Fulton County for approval or
 26 rejection. The election superintendent shall conduct that election on the third Tuesday in
 27 September, 2003, and shall issue the call and conduct that election as provided by general
 28 law. The superintendent shall cause the date and purpose of the election to be published once
 29 a week for two weeks immediately preceding the date thereof in the official organ of Fulton
 30 County. The ballot shall have written or printed thereon the words:

31 "() YES Shall the Act be approved which provides a homestead exemption from
 32 Fulton County ad valorem taxes for county purposes in an amount equal to
 33 () NO the amount by which the current year assessed value of a homestead
 34 exceeds the base year assessed value of such homestead?"

35 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 36 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes

1 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
2 force and effect on January 1, 2004. If the Act is not so approved or if the election is not
3 conducted as provided in this section, Section 1 of this Act shall not become effective and
4 this Act shall be automatically repealed on the first day of January immediately following
5 that election date. The expense of such election shall be borne by Fulton County. It shall be
6 the election superintendent's duty to certify the result thereof to the Secretary of State.

7 **SECTION 3.**

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

10 **SECTION 4.**

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