

Senate Bill 610

By: Senators Zamarripa of the 36th, Levetan of the 40th, Price of the 56th, Tanksley of the 32nd and Moody of the 27th

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:

14 (A) The 2003 taxable year with respect to an exemption under this Act which is first  
15 granted to a person on that person's homestead in the 2005 taxable year or who  
16 reapplies for and is granted such exemption in the 2006 taxable year solely because of  
17 a change in ownership to a joint tenancy with right of survival; or

18 (B) In all other cases, the taxable year immediately preceding the taxable year in which  
19 the exemption under this Act is first granted to the most recent owner of such  
20 homestead.

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

25 (b) Each resident of Fulton County is granted an exemption on that person's homestead from  
26 Fulton County ad valorem taxes for county purposes in an amount equal to the amount by

1 which the current year assessed value of that homestead exceeds the base year assessed value  
2 of the homestead. This exemption shall not apply to taxes assessed on improvements to the  
3 homestead or additional land that is added to the homestead after January 1 of the base year.  
4 If any real property is removed from the homestead, the base year assessed value shall be  
5 adjusted to reflect such removal and the exemption shall be recalculated accordingly. The  
6 value of that property in excess of such exempted amount shall remain subject to taxation.

7 (c) The unremarried surviving spouse of the person who has been granted the exemption  
8 provided for in subsection (b) of this section shall continue to receive the exemption provided  
9 under subsection (b) of this section, so long as that unremarried surviving spouse continues  
10 to occupy the home as a residence and homestead.

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

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

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

30 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years  
31 beginning on or after January 1, 2005.

## 32 SECTION 2.

33 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
34 superintendent of Fulton County shall call and conduct an election as provided in this section  
35 for the purpose of submitting this Act to the electors of Fulton County for approval or  
36 rejection. The election superintendent shall conduct that election on the date of the

1 November, 2004, state-wide general election and shall issue the call and conduct that election  
 2 as provided by general law. The superintendent shall cause the date and purpose of the  
 3 election to be published once a week for two weeks immediately preceding the date thereof  
 4 in the official organ of Fulton County. The ballot shall have written or printed thereon the  
 5 words:

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

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, 2005. 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 Fulton County. It shall be  
 17 the election superintendent's duty to certify the result thereof to the Secretary of State.

18 **SECTION 3.**

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

21 **SECTION 4.**

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