

Senate Bill 611

By: Senators Zamarripa of the 36th and Levetan of the 40th

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a homestead exemption from Fulton County School District ad valorem taxes  
2 for educational purposes in an amount equal to the amount by which the current year  
3 assessed value of a homestead exceeds the base year assessed value of such homestead; to  
4 provide for definitions; to specify the terms and conditions of the exemption and the  
5 procedures relating thereto; to provide for applicability; to provide for a referendum,  
6 effective dates, and 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 educational purposes" means all ad valorem taxes for  
11 educational purposes levied by, for, or on behalf of the Fulton County School District,  
12 including, but not limited to, any ad valorem taxes to pay interest on and to retire county  
13 school district bonded indebtedness.

14 (2) "Base year" means:

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

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

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

- 1 (b) Each resident of the Fulton County School District is granted an exemption on that  
2 person's homestead from Fulton County School District taxes for educational purposes in an  
3 amount equal to the amount by which the current year assessed value of that homestead  
4 exceeds the base year assessed value of the homestead. This exemption shall not apply to  
5 taxes assessed on improvements to the homestead or additional land that is added to the  
6 homestead after January 1 of the base year. If any real property is removed from the  
7 homestead, the base year assessed value shall be adjusted to reflect such removal and the  
8 exemption shall be recalculated accordingly. The value of that property in excess of such  
9 exempted amount shall remain subject to taxation.
- 10 (c) The unremarried surviving spouse of the person who has been granted the exemption  
11 provided for in subsection (b) of this section shall continue to receive the exemption provided  
12 under subsection (b) of this section, so long as that unremarried surviving spouse continues  
13 to occupy the home as a residence and homestead.
- 14 (d) A person shall not receive the homestead exemption granted by subsection (b) of this  
15 section unless the person or person's agent files an application with the tax commissioner of  
16 Fulton County giving such information relative to receiving such exemption as will enable  
17 the tax commissioner to make a determination regarding the initial and continuing eligibility  
18 of such owner for such exemption. The tax commissioner of Fulton County shall provide  
19 application forms for this purpose.
- 20 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
21 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
22 so long as the owner occupies the residence as a homestead. After a person has filed the  
23 proper application as provided in subsection (d) of this section, it shall not be necessary to  
24 make application thereafter for any year and the exemption shall continue to be allowed to  
25 such person. It shall be the duty of any person granted the homestead exemption under  
26 subsection (b) of this section to notify the tax commissioner of the county in the event that  
27 person for any reason becomes ineligible for that exemption.
- 28 (f) The exemption granted by subsection (b) of this section shall not apply to or affect state  
29 ad valorem taxes, county ad valorem taxes for county purposes, municipal ad valorem taxes  
30 for municipal purposes, or independent school district taxes for educational purposes. The  
31 homestead exemption granted by subsection (b) of this section shall be in addition to and not  
32 in lieu of any other homestead exemption applicable to county school district ad valorem  
33 taxes for educational purposes.
- 34 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years  
35 beginning on or after January 1, 2005.

