

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

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 adjusted 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, but excluding any ad valorem
12 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 Provided, however, that the tax commissioner shall adjust the base year assessed value
22 annually by the lesser of 3 percent or the percentage change in the Consumer Price Index
23 for all urban consumers, U. S. City Average, all items 1967-100, or successor report as
24 reported by the United States Department of Labor Bureau of Labor Statistics.

25 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
26 the O.C.G.A., as amended, with the additional qualification that it shall include only the

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

SECTION 2.

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 2 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 3 superintendent of Fulton County shall call and conduct an election as provided in this section
 4 for the purpose of submitting this Act to the electors of Fulton County for approval or
 5 rejection. The election superintendent shall conduct that election on the date of the
 6 November, 2004, state-wide general election and shall issue the call and conduct that election
 7 as provided by general law. The superintendent shall cause the date and purpose of the
 8 election to be published once a week for two weeks immediately preceding the date thereof
 9 in the official organ of Fulton County. The ballot shall have written or printed thereon the
 10 words:

11 " YES Shall the Act be approved which provides a homestead exemption from
 12 Fulton County ad valorem taxes for county purposes in an amount equal to
 13 NO the amount by which the current year assessed value of a homestead
 14 exceeds the adjusted 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, Section 1 of this Act shall become of full
 18 force and effect on January 1, 2005. If the Act is not so approved or if the election is not
 19 conducted as provided in this section, Section 1 of this Act shall not become effective and
 20 this Act shall be automatically repealed on the first day of January immediately following
 21 that election date. The expense of such election shall be borne by Fulton County. It shall be
 22 the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

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

SECTION 4.

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