

Senate Bill 247

By: Senator Unterman of the 45th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To provide for a homestead exemption from City of Buford ad valorem taxes for municipal
2 purposes for the full value of the homestead for residents of that city who are 70 years of age
3 or over; to provide for definitions; to specify the terms and conditions of the exemption and
4 the procedures relating thereto; to provide for applicability; to provide for a referendum,
5 effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

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

9 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
10 purposes levied by, for, or on behalf of the City of Buford, except for taxes levied for the
11 purposes of the City of Buford Fire District.

12 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
13 the O.C.G.A., as amended, with the additional qualification that it shall include only the
14 primary residence and not more than one contiguous acre of land immediately
15 surrounding such residence.

16 (3) "Senior citizen" means a person who is 70 years of age or over on or before January
17 1 of the year in which application for the exemption under subsection (b) of this section
18 is made.

19 (b) Each resident of the City of Buford who is a senior citizen is granted an exemption on
20 that person's homestead from City of Buford ad valorem taxes for municipal purposes for
21 the full value of that homestead. The value of that property in excess of such exempted
22 amount shall remain subject to taxation.

23 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
24 section unless the person or person's agent files an application with the governing authority
25 of the City of Buford, or the designee thereof, giving the person's age and such additional
26 information relative to receiving such exemption as will enable the governing authority of

1 the City of Buford, or the designee thereof, to make a determination regarding the initial and
 2 continuing eligibility of such owner for such exemption. The governing authority of the City
 3 of Buford, or the designee thereof, shall provide application forms for this purpose.

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

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

18 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 19 beginning on or after January 1, 2006.

20

SECTION 2.

21 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal
 22 election superintendent of the City of Buford shall call and conduct an election as provided
 23 in this section for the purpose of submitting this Act to the electors of the City of Buford for
 24 approval or rejection. The municipal election superintendent shall conduct that election on
 25 the date of the general municipal election on November 8, 2005, and shall issue the call and
 26 conduct that election as provided by general law. The municipal election superintendent
 27 shall cause the date and purpose of the election to be published once a week for two weeks
 28 immediately preceding the date thereof in the official organ of Gwinnett County. The ballot
 29 shall have written or printed thereon the words:

30 " YES Shall the Act be approved which provides a homestead exemption from City
 31 of Buford ad valorem taxes for municipal purposes for the full value of the
 32 NO homestead for residents of that city who are 70 years of age or over?"

33 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 34 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 35 such question are for approval of the Act, Section 1 of this Act shall become of full force and
 36 effect on January 1, 2006. If the Act is not so approved or if the election is not conducted

1 as provided in this section, Section 1 of this Act shall not become effective and this Act shall
2 be automatically repealed on the first day of January immediately following that election
3 date. The expense of such election shall be borne by the City of Buford. It shall be the
4 municipal election superintendent's duty to certify the result thereof to the Secretary of State.

5 **SECTION 3.**

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

8 **SECTION 4.**

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