

House Bill 1034

By: Representatives Willard of the 49<sup>th</sup>, Wilkinson of the 52<sup>nd</sup>, Lindsey of the 54<sup>th</sup>, and Geisinger of the 48<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a homestead exemption from City of Sandy Springs ad valorem taxes for  
2 municipal purposes in an amount equal to the amount by which the current year assessed  
3 value of a homestead exceeds the adjusted 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 a referendum, effective dates, and automatic  
6 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 section, the term:

10 (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for  
11 municipal purposes levied by, for, or on behalf of the City of Sandy Springs, except for  
12 ad valorem taxes to pay interest on and to retire municipal 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 provided, however, that in the event a reassessment of the homestead causes the actual  
16 assessed value of that homestead to be increased, the governing authority of the City of  
17 Sandy Springs, or the designee thereof, shall adjust the base year assessed value by the  
18 lesser of 3 percent; the percentage change in the Consumer Price Index as reported by the  
19 United States Department of Labor Bureau of Labor Statistics; or the actual percentage  
20 increase in the actual assessed value.

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 the City of Sandy Springs is granted an exemption on that person's  
26 homestead from City of Sandy Springs ad valorem taxes for municipal purposes in an

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

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

12 (d) A person shall not receive the homestead exemption granted by subsection (b) of this  
13 section unless the person or person's agent files an application with the governing authority  
14 of the City of Sandy Springs, or the designee thereof, giving such information relative to  
15 receiving such exemption as will enable the governing authority of the City of Sandy  
16 Springs, or the designee thereof, to make a determination regarding the initial and continuing  
17 eligibility of such owner for such exemption. The governing authority of the City of Sandy  
18 Springs, or the designee thereof, shall provide application forms for this purpose.

19 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
20 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
21 so long as the owner occupies the residence as a homestead. After a person has filed the  
22 proper application as provided in subsection (d) of this section, it shall not be necessary to  
23 make application thereafter for any year and the exemption shall continue to be allowed to  
24 such person. It shall be the duty of any person granted the homestead exemption under  
25 subsection (b) of this section to notify the governing authority of the City of Sandy Springs,  
26 or the designee thereof, in the event that person for any reason becomes ineligible for that  
27 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, or county or independent  
30 school district ad valorem taxes for educational purposes. The homestead exemption granted  
31 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
32 exemption applicable to municipal ad valorem taxes for municipal purposes.

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

**SECTION 2.**

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 2 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal  
 3 election superintendent of the City of Sandy Springs shall call and conduct an election as  
 4 provided in this section for the purpose of submitting this Act to the electors of the City of  
 5 Sandy Springs for approval or rejection. The municipal election superintendent shall conduct  
 6 that election on the date of the July, 2006, state-wide general primary and shall issue the call  
 7 and conduct that election as provided by general law. The municipal election superintendent  
 8 shall cause the date and purpose of the election to be published once a week for two weeks  
 9 immediately preceding the date thereof in the official organ of Fulton County. The ballot  
 10 shall have written or printed thereon the words:

11 "( ) YES Shall the Act be approved which provides a homestead exemption from City  
 12 of Sandy Springs ad valorem taxes for municipal purposes in an amount  
 13 ( ) NO equal to the amount by which the current year assessed value of a  
 14 homestead exceeds the adjusted base year assessed value of such  
 15 homestead?"

16 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 17 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 18 such question are for approval of the Act, Section 1 of this Act shall become of full force and  
 19 effect immediately. If this Act is not so approved or if the election is not conducted as  
 20 provided in this section, Section 1 of this Act shall not become effective and this Act shall  
 21 be automatically repealed on the first day of January immediately following that election  
 22 date. The expense of such election shall be borne by the City of Sandy Springs. It shall be  
 23 the municipal election superintendent's duty to certify the result thereof to the Secretary of  
 24 State.

**SECTION 3.**

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

**SECTION 4.**

28  
 29 All laws and parts of laws in conflict with this Act are repealed.