

Senate Bill 628

By: Senator Schaefer of the 50th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To provide a homestead exemption from Habersham County school district ad valorem taxes  
2 for educational purposes for the full value of the homestead for residents of that school  
3 district who are disabled or are 65 years of age or over and whose income, excluding certain  
4 retirement income, does not exceed \$12,000.00; to provide for definitions; to specify the  
5 terms and conditions of the exemption and the procedures relating thereto; to provide for  
6 applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal  
7 conflicting laws; and for other purposes.

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

9 **SECTION 1.**

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

11 (1) "Ad valorem taxes for educational purposes" means all ad valorem taxes for  
12 educational purposes levied by, for, or on behalf of the Habersham County school district,  
13 except for ad valorem taxes to pay interest on and to retire county school district bonded  
14 indebtedness.

15 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
16 the O.C.G.A., as amended, but only includes real property where the person who is the  
17 applicant holds real property subject to a written lease, the applicant has held the property  
18 subject to such a lease for not less than three years prior to the year for which application  
19 is made, and the applicant is the owner of all improvements located on the real property.

20 (3) "Income" means federal adjusted gross income determined pursuant to the Internal  
21 Revenue Code of 1986, as amended, for federal income tax purposes. Such adjusted  
22 gross income shall include income from whatever source derived other than any federal  
23 old-age survivors or disability insurance benefits or benefits received from any retirement  
24 or pension fund when such benefits are based on contributions made thereto by such  
25 resident.

1 (4) "Senior citizen" means a person who is 65 years of age or over on or before January  
2 1 of the year in which application for the exemption under this Act is made.

3 (b) Each resident of the Habersham County school district who is disabled or is a senior  
4 citizen is granted an exemption on that person's homestead from all Habersham County  
5 school district ad valorem taxes for educational purposes for the full value of that homestead.  
6 The exemption under this subsection shall only be granted if that person's income does not  
7 exceed \$12,000.00 for the immediately preceding year. The value of that property in excess  
8 of such exempted amount shall remain subject to taxation.

9 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section  
10 as being disabled, the person claiming such exemption shall be required to obtain a  
11 certificate from not more than three physicians licensed to practice medicine under  
12 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such  
13 physician or physicians such person is mentally or physically incapacitated to the extent  
14 that such person is unable to be gainfully employed and that such incapacity is likely to  
15 be permanent. Such certificate or certificates shall constitute part of and be submitted  
16 with the application provided for in paragraph (2) of this subsection.

17 (2) A person shall not receive the homestead exemption granted by subsection (b) of this  
18 section unless the person or person's agent files an application with the tax commissioner  
19 of Habersham County giving the person's age and such additional information relative  
20 to receiving such exemption as will enable the tax commissioner to make a determination  
21 regarding the initial and continuing eligibility of such owner for such exemption. The tax  
22 commissioner shall provide application forms for this purpose.

23 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
24 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
25 as long as the owner occupies the residence as a homestead. After a person has filed the  
26 proper application as provided in subsection (c) of this section, it shall not be necessary to  
27 make application thereafter for any year, and the exemption shall continue to be allowed to  
28 such person. It shall be the duty of any person granted the homestead exemption under this  
29 Act to notify the tax commissioner of Habersham County in the event that person for any  
30 reason becomes ineligible for that exemption.

31 (e) The exemption granted by subsection (b) of this section shall not apply to or affect any  
32 state ad valorem taxes, county ad valorem taxes for county purposes, municipal ad valorem  
33 taxes for municipal purposes, or independent school district ad valorem taxes for educational  
34 purposes. The homestead exemption granted by subsection (b) of this section shall be in  
35 addition to and not in lieu of any other homestead exemption applicable to Habersham  
36 County school district ad valorem taxes for educational purposes.

1 (f) The exemption granted by this Act shall apply to all taxable years beginning on or after  
2 January 1, 2007.

### 3 **SECTION 2.**

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

13 "( ) YES Shall the Act be approved which provides a homestead exemption from  
14 Habersham County school district ad valorem taxes for educational  
15 ( ) NO purposes for the full value of the homestead for residents of that school  
16 district who are disabled or are 65 years of age or over and whose income,  
17 not including certain retirement income, does not exceed \$12,000.00 for real  
18 property where the person who is the applicant holds real property subject  
19 to a written lease, the applicant has held the property subject to such a lease  
20 for not less than three years prior to the year for which application is made,  
21 and the applicant is the owner of all improvements located on the real  
22 property?"

23 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons  
24 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes  
25 cast on such question are for approval of the Act, Section 1 of this Act shall become of full  
26 force and effect on January 1, 2007. If the Act is not so approved or if the election is not  
27 conducted as provided in this section, Section 1 of this Act shall not become effective and  
28 this Act shall be automatically repealed on the first day of January immediately following  
29 that election date. The expense of such election shall be borne by Habersham County. It  
30 shall be the election superintendent's duty to certify the result thereof to the Secretary of  
31 State.

### 32 **SECTION 3.**

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

1 **SECTION 4.**

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