

House Bill 233

By: Representative Lindsey of the 54th (RULES COMMITTEE SUBSTITUTE)

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, related to revenue and
2 taxation, so as to provide for a moratorium period during which valuation increases of real
3 property shall be limited; to provide for legislative findings; to provide for the authority for
4 this Act; to provide for procedures, conditions, limitations, and exclusions; to provide for
5 applicability; to provide for related matters; to provide for an effective date; to provide for
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 Title 48 of the Official Code of Georgia Annotated, related to revenue and taxation, is
10 amended by adding a new chapter to read as follows:

11 "CHAPTER 5B

12 48-5B-1.

13 (a) The General Assembly finds that the citizens and property owners of this state are
14 experiencing a crisis in the reduction of value of real estate of unprecedented magnitude
15 and that it is in the best interests of this state that immediate action be taken to secure the
16 economic stability of all Georgians.

17 (b) This crisis is having a devastating effect on the economy of the State of Georgia, and
18 this Code section is enacted in order to provide for more effective regulation and
19 management of the finance and fiscal administration of the state and pursuant to and in
20 furtherance of the provisions of Article III, Section IX, Paragraph II(c) of the Constitution
21 and other provisions of the Constitution.

22 (c) In recognition of the conditions set forth in subsection (a) of this Code section and
23 pursuant to the authority specified under subsection (b) of this Code section, for taxable
24 years beginning on or after January 1, 2009, and continuing only until the Sunday

25 immediately preceding the second Monday in January, 2011, a moratorium is declared on
26 all increases in the assessed value of real property except as specifically permitted under
27 this Code section. The rate of increase of the assessed value of real property for county,
28 municipal, or educational ad valorem tax purposes shall not exceed from one taxable year
29 to the succeeding taxable year 0 percent except as otherwise permitted in this Code
30 section. Each parcel of real property in this state shall be reassessed subject to the
31 requirements of this Code section at least one time during the time period specified in this
32 subsection.

33 (d) Nothing in this Code section shall be construed to prohibit the assessed value of real
34 property from decreasing.

35 (e) If real property or interests therein are sold or transferred, such real property shall
36 continue to be valued for ad valorem tax purposes at the most recent value established
37 under subsection (c) of this Code section.

38 (f) Substantial additions or improvements to such real property shall be valued for ad
39 valorem tax purposes at their fair market value and shall be added to the owner's valuation
40 amount under this subsection.

41 (g) If property is rezoned at the request of the property owner and the use of such property
42 is changed to conform with the use authorized by such rezoning, such property shall be
43 valued for ad valorem tax purposes at its fair market value.

44 (h) Nothing in this Code section shall be construed to alter or affect in any manner the
45 authority granted to the General Assembly under Article VII, Section II, Paragraph II of
46 the Constitution to enact homestead exemptions.

47 (i) The provisions of this chapter shall not apply to real property in any county for which
48 a local constitutional amendment has been continued in force and effect as part of the
49 Constitution which imposes millage rate limitations regarding ad valorem property taxes
50 with respect to real property in such county or county school district unless such local
51 constitutional amendment is repealed.

52 (j) This chapter is repealed in its entirety on the second Monday in January, 2011."

53 **SECTION 2.**

54 This Act shall become effective upon its approval by the Governor or upon its becoming law
55 without such approval.

56 **SECTION 3.**

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