

House Bill 975

By: Representatives Anderson of the 117th, Harbin of the 118th, Sims of the 119th, Coan of the 101st, Maddox of the 127th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia
2 Annotated, relating to ad valorem property tax exemptions, so as to provide an exemption
3 for the full value of certain new constructions of single-family residences; to provide
4 qualifications; to provide for certain procedures regarding such exemptions; to provide for
5 the taxes to which such exemptions are applicable; to provide for a referendum; to provide
6 for effective dates; to provide for automatic repeal under certain circumstances; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
11 relating to ad valorem property tax exemptions, is amended by adding a new Code section
12 to read as follows:

13 "48-5-48.5.

14 (a) As used in this Code section, the term:

15 (1) 'Ad valorem taxes' means all state ad valorem taxes and all county, county school
16 district, municipal, and independent school district taxes for county, county school
17 district, municipal, or independent school district purposes including, but not limited to,
18 taxes to retire bonded indebtedness.

19 (2) 'Residential contractor' shall have the same meaning as provided in Code Section
20 Code Section 43-41-2.

21 (3) 'Single-family residence' shall have the same meaning as 'eligible single-family
22 residence' as provided in Code Section 48-7-29.17.

23 (b) Each newly constructed single-family residence offered for sale by a residential
24 contractor is granted an exemption for the full value of such residence from all ad valorem
25 taxes. Such exemption shall continue through the earlier of:

26 (1) The property tax year in which the home is sold or otherwise occupied; or

27 (2) December 31 of the sixth year following the completion of the single-family
28 residence.

29 (c) A person shall not receive the ad valorem tax exemption granted pursuant to
30 subsection (b) of this Code section unless the person or person's agent files an affidavit
31 with the tax commissioner of the county in which the single-family residence for which
32 such exemption is being requested is located. Such affidavit shall be filed no later than 30
33 days after the certificate of occupancy is issued and no later than such deadline required
34 for ad valorem tax exemptions provided for by law. The person filing the affidavit
35 pursuant to this subsection shall be required to provide any further information relative to
36 receiving an exemption provided pursuant to subsection (b) of this Code section as will
37 enable the tax commissioner to make a determination as to whether such person is entitled
38 to such exemption. The tax commissioner shall provide affidavit forms for this purpose
39 and shall require such information as may be necessary to determine the initial and
40 continuing eligibility of the applicant for the exemption.

41 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1.
42 The exemption shall be automatically renewed from year to year so long as the applicant
43 occupies the residence as a homestead. After a person has filed the proper affidavit as
44 provided in subsection (c) of this Code section, it shall not be necessary to make
45 application and file such affidavit thereafter for any year and the exemption shall continue
46 to be allowed to such person. It shall be the duty of any person granted the homestead
47 exemption under this Code section to notify the tax commissioner or the designee thereof
48 in the event that person for any reason becomes ineligible for that exemption.

49 (e) The exemption granted by this Code section shall be in lieu of and not in addition to
50 any other homestead exemption from ad valorem taxes.

51 (f) The exemption granted by this Code section shall apply to all taxable years beginning
52 on or after January 1, 2011."

53 **SECTION 2.**

54 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of
55 State shall call and conduct a referendum as provided in this section for the purpose of
56 submitting this Act to the electors of the State of Georgia for approval or rejection. The
57 Secretary of State shall conduct that election on the date of the November, 2010, state-wide
58 general election. The Secretary of State shall cause the date and purpose of the election to
59 be published once a week for two weeks immediately preceding the date thereof in the
60 official organ of each county in the state. The ballot shall have written or printed thereon the
61 words:

