

House Bill 211

By: Representatives Beskin of the 54<sup>th</sup>, Shaw of the 176<sup>th</sup>, Hatchett of the 150<sup>th</sup>, Willard of the 51<sup>st</sup>, Taylor of the 79<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated,  
2 relating to imposition, rate, and composition of and exemptions from income taxes, so as to  
3 create an annual tax credit for up to five years for taxpayers who purchase, own, and occupy  
4 a dwelling that qualifies for a homestead exemption located within a school attendance zone  
5 assigned to a public elementary school that is among the lowest 5 percent of academic  
6 achievement public elementary schools in the state; to provide for procedures, conditions,  
7 and limitations; to provide for definitions; to provide for related matters; to provide for an  
8 effective date and applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to  
12 imposition, rate, and composition of and exemptions from income taxes, is amended by  
13 adding a new Code section to read as follows:

14 "48-7-29.21.

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

16 (1) 'Actually occupies' means physically resides in for a period of not less than 180 days  
17 during a given tax year.

18 (2) 'Homestead exemption' means the ad valorem tax exemption provided for in Code  
19 Section 48-5-44.

20 (3) 'Lowest-performing school' means a public elementary school that is among the  
21 lowest 5 percent of academic achievement in this state.

22 (4) 'Qualifying homestead' means a dwelling that qualifies for a homestead exemption  
23 and is located within a school attendance zone that is assigned to a lowest-performing  
24 school.

25 (b) A taxpayer shall be allowed an annual credit of up to \$2,500.00 against the tax imposed  
26 by Code Section 48-7-20 for the five tax years following the tax year in which such

27 taxpayer purchases a qualifying homestead, provided that such taxpayer is an owner of  
28 record of and actually occupies such qualifying homestead during the tax year for which  
29 the credit is sought.

30 (c) It shall be unlawful for a taxpayer to claim the credit provided in this Code section  
31 when a taxpayer does not actually occupy the qualifying homestead.

32 (d) On or before November 1, the Department of Education shall annually provide the  
33 Department of Revenue with a list of public elementary schools that the Office of Student  
34 Achievement, or other division of the Department of Education, determines to be among  
35 the lowest 5 percent of academic achievement in the state failing schools during the  
36 preceding academic year. The Department of Education shall be authorized to promulgate  
37 any rules and regulations necessary to implement and administer the provisions of this  
38 subsection.

39 (e) The tax receiver or tax commissioner for each county that contains a lowest-performing  
40 school shall provide the Department of Revenue with a list of all owners of record for all  
41 qualifying homesteads by January 18 of each tax year.

42 (f) In no event shall the total amount of the tax credit under this Code section for a taxable  
43 year exceed the taxpayer's income tax liability. No such tax credit shall be allowed the  
44 taxpayer against prior or succeeding years' tax liability.

45 (g) Except as otherwise provided in subsection (d) of this Code section, the commissioner  
46 shall be authorized to promulgate any rules and regulations necessary to implement and  
47 administer the provisions of this Code section."

48 **SECTION 2.**

49 This Act shall become effective on July 1, 2017, and shall be applicable to all taxable years  
50 beginning on or after January 1, 2017.

51 **SECTION 3.**

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