

Senate Bill 304

By: Senators Albers of the 56th and Shafer of the 48th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To provide for a homestead exemption from City of Johns Creek 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 related matters; to provide for applicability; to
 6 provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws;
 7 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 municipal purposes" means all ad valorem taxes for municipal
 12 purposes levied by, for, or on behalf of the City of Johns Creek, but excluding any ad
 13 valorem taxes to pay interest on and to retire municipal bonded indebtedness.

14 (2) "Base year" means:

15 (A) The 2016 taxable year with respect to an exemption under this Act which is first
 16 granted to a person on that person's homestead in the 2019 taxable year or who
 17 reapplies for and is granted such exemption in the 2020 taxable year solely because of
 18 a change in ownership to a joint tenancy with right of survival; or

19 (B) In all other cases, the taxable year immediately preceding the taxable year in which
 20 the exemption under this Act is first granted to the most recent owner of such
 21 homestead;

22 provided, however, that the tax commissioner shall adjust the base year assessed value
 23 annually by the lesser of 3 percent or the percentage increase, if any, in the Consumer
 24 Price Index for all urban consumers, U.S. City Average, all items 1967-100, or a
 25 successor index as reported by the United States Department of Labor Bureau of Labor
 26 Statistics.

27 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
28 the O.C.G.A., as amended, with the additional qualification that it shall include only the
29 primary residence and not more than five contiguous acres of land immediately
30 surrounding such residence.

31 (b) Each resident of the City of Johns Creek is granted an exemption on that person's
32 homestead from City of Johns Creek ad valorem taxes for municipal purposes in an amount
33 equal to the amount by which the current year assessed value of that homestead exceeds the
34 adjusted base year assessed value, including any final determination of value on appeal
35 pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of the homestead. This
36 exemption shall not apply to taxes assessed on improvements to the homestead or additional
37 land that is added to the homestead after January 1 of the base year. If any real property is
38 removed from the homestead, the base year assessed value, including any final determination
39 of value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, shall be
40 adjusted to reflect such removal and the exemption shall be recalculated accordingly. The
41 value of that property in excess of such exempted amount shall remain subject to taxation.

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

46 (d) A person shall not receive the homestead exemption granted by subsection (b) of this
47 section unless the person or person's agent files an application with the governing authority,
48 or its designee, of the City of Johns Creek giving such information relative to receiving such
49 exemption as will enable the governing authority, or its designee, to make a determination
50 regarding the initial and continuing eligibility of such owner for such exemption. The
51 governing authority, or its designee, of the City of Johns Creek shall provide application
52 forms for this purpose.

53 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
54 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
55 so long as the owner occupies the residence as a homestead. After a person has filed the
56 proper application as provided in subsection (d) of this section, it shall not be necessary to
57 make application thereafter for any year and the exemption shall continue to be allowed to
58 such person. It shall be the duty of any person granted the homestead exemption under
59 subsection (b) of this section to notify the governing authority, or its designee, of the City of
60 Johns Creek in the event that person for any reason becomes ineligible for that exemption.

61 (f) The exemption granted by subsection (b) of this section shall not apply to or affect state
62 ad valorem taxes, county or independent school district ad valorem taxes for educational
63 purposes, or county ad valorem taxes for county purposes. The homestead exemption

64 granted by subsection (b) of this section shall be in addition to and not in lieu of any other
 65 homestead exemption applicable to municipal ad valorem taxes for municipal purposes.
 66 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years
 67 beginning on or after January 1, 2019.

68 SECTION 2.

69 The municipal election superintendent of the City of Johns Creek shall call and conduct an
 70 election as provided in this section for the purpose of submitting this Act to the electors of
 71 the City of Johns Creek for approval or rejection. The municipal election superintendent
 72 shall conduct such election on May 22, 2018, and shall issue the call and conduct such
 73 election as provided by general law. The municipal election superintendent shall cause the
 74 date and purpose of the election to be published once a week for two weeks immediately
 75 preceding the date thereof in the official organ of the City of Johns Creek. The ballot shall
 76 have written or printed thereon the words:

77 " YES Shall the Act be approved which provides a homestead exemption from City
 78 of Johns Creek ad valorem taxes for municipal purposes in an amount equal
 79 NO to the amount by which the current year assessed value of a homestead
 80 exceeds its adjusted base year assessed value, including any final
 81 determination of value on appeal pursuant to Code Section 48-5-311 of the
 82 O.C.G.A., as amended, with the initial base year being the 2016 taxable
 83 year, provided that the base year assessed value, including any final
 84 determination of value on appeal pursuant to Code Section 48-5-311 of the
 85 O.C.G.A., as amended, of such homestead shall be adjusted annually by the
 lesser of 3 percent or any percentage increase in a consumer price index?"

86 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 87 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 88 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
 89 force and effect on January 1, 2019. If the Act is not so approved or if the election is not
 90 conducted as provided in this section, Section 1 of this Act shall not become effective and
 91 this Act shall be automatically repealed on the first day of January immediately following
 92 that election date. The expense of such election shall be borne by the City of Johns Creek.
 93 It shall be the municipal election superintendent's duty to certify the result thereof to the
 94 Secretary of State.

95 SECTION 3.

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

98

SECTION 4.

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