

House Bill 892

By: Representatives Beskin of the 54th, Silcox of the 52nd, Golick of the 40th, and Hanson of the 80th

A BILL TO BE ENTITLED
AN ACT

1 To provide for a new homestead exemption from City of Atlanta 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 value of such homestead; to provide for
4 definitions; to specify the terms and conditions of the exemption and the procedures relating
5 thereto; to provide for related matters; to provide for applicability; to provide for a
6 referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other
7 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) "Property taxes for city purposes" means all ad valorem taxes for municipal purposes
12 levied by, for, or on behalf of the City of Atlanta, but excluding any ad valorem taxes to
13 pay interest on and to retire municipal bonded indebtedness.

14 (2) "Adjusted base year value" means the previous adjusted base year value adjusted
15 annually by the lesser of 3 percent or the inflation rate, plus the change in homestead
16 value.

17 (3) "Change in homestead value" means value, including any final determination of
18 value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, derived
19 from additions or improvements to, or the removal of real property of, the homestead
20 after the lowest base year value is determined.

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

25 (5) "Inflation rate" means the Consumer Price Index for all urban consumers, U.S. City
26 Average, all items 1967-100, or a successor index as reported by the United States
27 Department of Labor Bureau of Labor statistics.

28 (6) "Lowest base year value" means:

29 (A) Among the 2016, 2017, and 2018 taxable years, the lowest assessed value,
30 including any final determination of value on appeal pursuant to Code Section 48-5-311
31 of the O.C.G.A., as amended, of the homestead, with such assessed value being
32 multiplied by 1.0423, which number represents inflation rate data for December, 2015,
33 through December, 2017, with respect to an exemption under this Act which is first
34 granted to a person on that person's homestead in the 2019 taxable year or who
35 thereafter reapplies for and is granted such exemption in the 2020 taxable year, or
36 thereafter, solely because of a change in ownership to a joint tenancy with right of
37 survival; or

38 (B) In all other cases, the assessed value, including any final determination of value on
39 appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of the
40 homestead, from the taxable year immediately preceding the taxable year in which the
41 exemption under this Act is first granted to the most recent owner of such homestead,
42 with respect to an exemption under this Act which is first granted to a person on that
43 person's homestead in the 2020 taxable year or who thereafter reapplies for and is
44 granted such exemption in the 2021 taxable year, or thereafter, solely because of a
45 change in ownership to a joint tenancy with right of survival.

46 (7) "Previous adjusted base year value" means:

47 (A) With respect to an exemption under this Act that is first granted to a person on that
48 person's homestead, the lowest base year value; or

49 (B) In all other cases, the adjusted base year value as calculated in the taxable year
50 immediately preceding the current year.

51 (b) Each resident of the City of Atlanta is granted an exemption on that person's homestead
52 from City of Atlanta property taxes for city purposes in an amount equal to the amount by
53 which the current year assessed value, including any final determination of value on appeal
54 pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of that homestead
55 exceeds the adjusted base year value of the homestead. The value of that property in
56 excess of such exempted amount shall remain subject to taxation.

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

61 (d) A person shall not receive the homestead exemption granted by subsection (b) of this
62 section unless the person or person's agent files an application with the governing authority,
63 or its designee, of the City of Atlanta giving such information relative to receiving such
64 exemption as will enable the governing authority, or its designee, to make a determination
65 regarding the initial and continuing eligibility of such owner for such exemption. The
66 governing authority, or its designee, of the City of Atlanta shall provide application forms
67 for this purpose.

68 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1
69 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year
70 to year so long as the owner occupies the residence as a homestead. After a person has
71 filed the proper application as provided in subsection (d) of this section, it shall not be
72 necessary to make application thereafter for any year and the exemption shall continue to
73 be allowed to such person. It shall be the duty of any person granted the homestead
74 exemption under subsection (b) of this section to notify the governing authority, or its
75 designee, of the municipality in the event that person for any reason becomes ineligible for
76 that exemption.

77 (f) The exemption granted by subsection (b) of this section shall not apply to or affect state
78 ad valorem taxes, county or independent school district ad valorem taxes for educational
79 purposes, or county ad valorem taxes for county purposes. The homestead exemption
80 granted by subsection (b) of this section shall be in addition to and not in lieu of any other
81 homestead exemption applicable to property taxes for city purposes.

82 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years
83 beginning on or after January 1, 2019.

84 **SECTION 2.**

85 The municipal election superintendent of the City of Atlanta shall call and conduct an
86 election as provided in this section for the purpose of submitting this Act to the electors of
87 the City of Atlanta for approval or rejection. The municipal election superintendent shall
88 conduct such election on November 6, 2018, and shall issue the call and conduct such
89 election as provided by general law. The municipal election superintendent shall cause the
90 date and purpose of the election to be published once a week for two weeks immediately
91 preceding the date thereof in the official organ of the City of Atlanta. The ballot shall have
92 written or printed thereon the words:

