

House Bill 461

By: Representatives Cannon of the 58th, Dreyer of the 59th, Schofield of the 60th, McLaurin of the 51st, and Stephens of the 165th

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 property tax exemptions, so as to exempt all real property owned by
3 tax exempt organizations if such real property is used exclusively for the purpose of
4 multiple-family housing; to provide for a referendum; to provide for effective dates,
5 applicability, and automatic repeal; to provide for compliance with constitutional
6 requirements; to provide for related matters; to repeal conflicting laws; and for other
7 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 property tax exemptions, is amended in Code Section 48-5-41, relating to property
12 exempt from ad valorem taxation, by deleting "and" at the end of paragraph (14), by
13 replacing the period with "; and" at the end of paragraph (15), and by adding a new paragraph
14 to read as follows:

15 "(16) All real property owned by an organization that is exempt from taxation under
16 Section 501(c)(3) of the federal Internal Revenue Code and which is used exclusively for
17 the purpose of multiple-family housing."

18 **SECTION 2.**

19 The Secretary of State shall call and conduct an election as provided in this section for the
20 purpose of submitting this Act to the electors of the entire state for approval or rejection. The
21 Secretary of State shall conduct such election on the Tuesday next following the first
22 Monday in November, 2020, and shall issue the call and conduct that election as provided
23 by general law. The Secretary of State shall cause the date and purpose of the election to be
24 published once a week for two weeks immediately preceding the date thereof in the official
25 organ of each county in the state. The ballot shall have written or printed thereon the words:

26 "() YES Shall the Act be approved which provides an exemption from ad valorem
27 () NO taxes for all real property owned by an organization that is exempt from
28 taxation under Section 501(c)(3) of the federal Internal Revenue Code and
29 which is used exclusively for the purpose of multiple-family housing?"
30

31 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
32 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
33 such question are for approval of the Act, Section 1 of this Act shall become of full force and
34 effect on January 1, 2021, and shall be applicable to all tax years beginning on or after such
35 date. If the Act is not so approved or if the election is not conducted as provided in this
36 section, Section 1 of this Act shall not become effective, and this Act shall be automatically
37 repealed on the first day of January immediately following that election date. It shall be the
38 duty of each county election superintendent to certify the result thereof to the Secretary of
39 State.

40 **SECTION 3.**

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

43 **SECTION 4.**

44 In accordance with the requirements of Article VII, Section II, Paragraph II(a)(1) of the
45 Constitution of the State of Georgia, Section 1 of this Act shall not become law unless it
46 receives the requisite two-thirds' majority vote in both the Senate and the House of
47 Representatives.

48 **SECTION 5.**

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