

House Bill 712

By: Representative Gurtler of the 8th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to provide certain notices regarding the adoption of proposed budgets by local
3 governments; to provide for the timing of such notices and manner of delivery; to amend
4 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as
5 to provide for certain notices regarding ad valorem tax levies and millage rate increases; to
6 provide for the timing of such notices and manner of delivery; to provide for notice of tax
7 sales and for periodic status reports on tax sales; to provide for definitions; to conform
8 certain provisions; to amend Article 5 of Chapter 18 of Title 50 of the Official Code of
9 Georgia Annotated, relating to state records management, so as to provide for permanent
10 retention of certain records; to provide for related matters; to provide short titles; to provide
11 for legislative findings; to provide for effective dates; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 This Act shall be known and may be cited as the "Taxpayers' Bill of Rights Modernization
16 Act."

17 **SECTION 2.**

18 The General Assembly finds and declares that:

- 19 (1) Taxpayers have a right to know, and local government has a duty to inform them,
20 whenever local government spending or debt will result in a tax increase;
- 21 (2) Taxpayers have a right to know the nature and number of property sales under tax
22 executions that are the result of local government spending and taxes;
- 23 (3) Taxpayers deserve ample notice for any proposed spending or tax increase; and
- 24 (4) Property tax increases should be the duty of elected officials, not unelected
25 bureaucrats.

26

SECTION 3.

27 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
 28 by revising subsections (d), (f), and (g) of Code Section 36-81-5, relating to preparation of
 29 proposed budget, submission to governing authority, public review of proposed budget, and
 30 notice and conduct of budget hearing, as follows:

31 "(d)(1) On the day that the proposed budget is submitted to the governing authority for
 32 consideration, a copy of the budget shall be placed in a public location which is
 33 convenient to the residents of the unit of local government. The governing authority shall
 34 make every effort to provide convenient access to the residents during reasonable
 35 business hours so as to accord every opportunity to the public to review the budget prior
 36 to adoption by the governing authority. A copy of the budget shall also be made
 37 available, upon request, to the news media.

38 (2) In addition, if the unit of local government has a website, a copy of the budget shall
 39 be posted to the website in such a manner that it can be easily accessed by the public on
 40 the same day that the proposed budget is submitted to the governing authority for
 41 consideration. If the governing authority maintains an email list for dissemination of
 42 information to the public, then on the same day that the proposed budget is submitted to
 43 the governing authority for consideration, the governing authority shall also send via
 44 email to all such subscribers of such mailing list a notice that such proposed budget is
 45 available for public inspection and where and when it may be inspected and, if the unit
 46 of local government has a website, such email shall include a link to the location of the
 47 proposed budget on the website. The subject line of the email shall be 'Proposed Budget
 48 for (name of governing authority or unit of local government) for Fiscal Year (year).'"

49 "(f) At least ~~one week~~ two weeks prior to the meeting of the governing authority at which
 50 adoption of the budget ordinance or resolution will be considered, the governing authority
 51 shall conduct a public hearing, at which time any persons wishing to be heard on the budget
 52 may appear.

53 (g)(1) The governing authority shall give notice of the time and place of the budget
 54 hearing required by subsection (f) of this Code section at least ~~one week~~ two weeks
 55 before the budget hearing is held. The notice shall be published in a newspaper of
 56 general circulation within the jurisdiction of the governing authority. The statement shall
 57 be a prominently displayed advertisement or news article and shall not be placed in that
 58 section of the newspaper where legal notices appear.

59 (2) The notice required by paragraph (1) of this subsection may be included in the
 60 statement published pursuant to subsection (e) of this Code section in lieu of separate
 61 publication of the notice.

62 (3) If the governing authority maintains an email list for dissemination of information
 63 to the public, then the governing authority shall also send via email to all such subscribers
 64 of such mailing list a copy of the notice required by this subsection at least two weeks
 65 prior to the hearing required by subsection (f) of this Code section. The subject line of
 66 the email shall be 'Hearing for Proposed Budget for (name of governing authority or unit
 67 of local government) for Fiscal Year (year).'"

68 **SECTION 4.**

69 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 70 amended by revising paragraph (1) of subsection (a) of Code Section 48-4-1, relating to
 71 procedures for sales under tax levies and executions, as follows:

72 "(a)(1) Except as otherwise provided in this title, when a levy is made upon real or
 73 personal property, the property shall be advertised and sold in the same manner as
 74 provided for executions and judicial sales. Except as otherwise provided in this title, the
 75 sale of real or personal property under a tax execution shall be made in the same manner
 76 as provided for judicial sales; provided, however, that in addition to such other notice as
 77 may be required by law, in any sale under a tax execution made pursuant to this chapter,
 78 the defendant shall be given ~~ten~~ 30 days' written notice of such sale by registered or
 79 certified mail or statutory overnight delivery. The notice required by this Code section
 80 shall be sent:

81 (A) In cases of executions issued by a county officer for ad valorem taxes, to the
 82 defendant's last known address as listed in the records of the tax commissioner of the
 83 county that issued the tax execution;

84 (B) In cases of executions issued by a municipal officer for ad valorem taxes, to the
 85 defendant's last known address as listed in the records of the municipal officer of the
 86 municipality that issued the tax execution; or

87 (C) In cases of executions issued by a state officer, to the defendant's last known
 88 address as listed in the records of the department headed by the issuing officer."

89 **SECTION 5.**

90 Said title is further amended by revising Article 1 of Chapter 4, relating to sales under tax
 91 executions, by adding a new Code section to read as follows:

92 "48-4-8.

93 Each tax collector and tax commissioner shall monthly prepare and publish a report on the
 94 county website, if any, and on the website of the commissioner regarding the number of
 95 tax sales in progress in the county, the types of tax sales, and the current dispositions of
 96 such sales. The title of such report shall be 'Summary of Tax Sales for (tax jurisdiction

97 name) for (month and year).' The commissioner shall promulgate such rules and
 98 regulations as may be necessary for the administration of such reports."

99 **SECTION 6.**

100 Said title is further amended by revising Code Section 48-5-2, relating to definitions, as
 101 follows:

102 "48-5-2.

103 As used in this chapter, the term:

104 (1) 'Adjusted maximum fair market value' means the base year fair market value of
 105 property adjusted yearly by the lesser of 3 percent or the consumer price change as those
 106 terms are defined in this Code section; provided, however, that, if the assessed value of
 107 the property is appealed and the adjudicated fair market value is less than the adjusted
 108 maximum fair market value under this paragraph, then the adjusted maximum fair market
 109 value for the next tax year shall be such adjudicated fair market value.

110 ~~(1)~~(2) 'Arm's length, bona fide sale' means a transaction which has occurred in good
 111 faith without fraud or deceit carried out by unrelated or unaffiliated parties, as by a
 112 willing buyer and a willing seller, each acting in his or her own self-interest, including
 113 but not limited to a distress sale, short sale, bank sale, or sale at public auction.

114 (3) 'Base year' means the later of:

115 (A) The year of the most recent arm's length, bona fide sale; or

116 (B) The year immediately following the most recent year in which improvements
 117 requiring a building permit are made.

118 (4) 'Consumer price change' means the percentage change, if any, in the Consumer Price
 119 Index for All Urban Consumers, U.S. City Average, all items 1967=100, or a successor
 120 index as reported by the Bureau of Labor Statistics of the United States Department of
 121 Labor.

122 ~~(4)~~(5) 'Current use value' of bona fide conservation use property means the amount a
 123 knowledgeable buyer would pay for the property with the intention of continuing the
 124 property in its existing use and in an arm's length, bona fide sale and shall be determined
 125 in accordance with the specifications and criteria provided for in subsection (b) of Code
 126 Section 48-5-269.

127 ~~(2)~~(6) 'Current use value' of bona fide residential transitional property means the amount
 128 a knowledgeable buyer would pay for the property with the intention of continuing the
 129 property in its existing use and in an arm's length, bona fide sale. The tax assessor shall
 130 consider the following criteria, as applicable, in determining the current use value of bona
 131 fide residential transitional property:

132 (A) The current use of such property;

133 (B) Annual productivity; and

134 (C) Sales data of comparable real property with and for the same existing use.

135 ~~(3)~~(7) 'Fair market value of property' means the amount a knowledgeable buyer would
 136 pay for the property and a willing seller would accept for the property at an arm's length,
 137 bona fide sale. The income approach, if data are available, shall be utilized in
 138 determining the fair market value of income-producing property, and, if actual income
 139 and expense data are voluntarily supplied by the property owner, such data shall be
 140 considered in such determination. Notwithstanding any other provision of this chapter
 141 to the contrary, ~~the transaction amount of the most recent arm's length, bona fide sale in~~
 142 ~~any year shall be the maximum allowable fair market value for the next taxable year shall~~
 143 not exceed the adjusted maximum fair market value. With respect to the valuation of
 144 equipment, machinery, and fixtures when no ready market exists for the sale of the
 145 equipment, machinery, and fixtures, fair market value may be determined by resorting
 146 to any reasonable, relevant, and useful information available, including, but not limited
 147 to, the original cost of the property, any depreciation or obsolescence, and any increase
 148 in value by reason of inflation. Each tax assessor shall have access to any public records
 149 of the taxpayer for the purpose of discovering such information.

150 (A) In determining the fair market value of a going business where its continued
 151 operation is reasonably anticipated, the tax assessor may value the equipment,
 152 machinery, and fixtures which are the property of the business as a whole where
 153 appropriate to reflect the accurate fair market value.

154 (B) The tax assessor shall apply the following criteria in determining the fair market
 155 value of real property:

156 (i) Existing zoning of property;

157 (ii) Existing use of property, including any restrictions or limitations on the use of
 158 property resulting from state or federal law or rules or regulations adopted pursuant
 159 to the authority of state or federal law;

160 (iii) Existing covenants or restrictions in deed dedicating the property to a particular
 161 use;

162 (iv) Bank sales, other financial institution owned sales, or distressed sales, or any
 163 combination thereof, of comparable real property;

164 (v) Decreased value of the property based on limitations and restrictions resulting
 165 from the property being in a conservation easement;

166 (vi) Rent limitations, higher operating costs resulting from regulatory requirements
 167 imposed on the property, and any other restrictions imposed upon the property in
 168 connection with the property being eligible for any income tax credits with respect to
 169 real property which are claimed and granted pursuant to either Section 42 of the

170 Internal Revenue Code of 1986, as amended, or Chapter 7 of this title or receiving any
 171 other state or federal subsidies provided with respect to the use of the property as
 172 residential rental property; provided, however, that properties described in this
 173 division shall not be considered comparable real property for the assessment or appeal
 174 of assessment of properties not covered by this division;

175 (vii)(I) In establishing the value of any property subject to rent restrictions under
 176 the sales comparison approach, any income tax credits described in division (vi) of
 177 this subparagraph that are attributable to a property may be considered in
 178 determining the fair market value of the property, provided that the tax assessor uses
 179 comparable sales of property which, at the time of the comparable sale, had unused
 180 income tax credits that were transferred in an arm's length, bona fide sale.

181 (II) In establishing the value of any property subject to rent restrictions under the
 182 income approach, any income tax credits described in division (vi) of this
 183 subparagraph that are attributable to property may be considered in determining the
 184 fair market value of the property, provided that such income tax credits generate
 185 actual income to the record holder of title to the property; and

186 (viii) Any other existing factors provided by law or by rule and regulation of the
 187 commissioner deemed pertinent in arriving at fair market value.

188 ~~(B.1)~~(C) The tax assessor shall not consider any income tax credits with respect to real
 189 property which are claimed and granted pursuant to either Section 42 of the Internal
 190 Revenue Code of 1986, as amended, or Chapter 7 of this title in determining the fair
 191 market value of real property.

192 ~~(B.2)~~(D) In determining the fair market value of real property, the tax assessor shall
 193 not include the value of any intangible assets used by a business, wherever located,
 194 including patents, trademarks, trade names, customer agreements, and merchandising
 195 agreements.

196 ~~(C)~~(E) Fair market value of 'rehabilitated historic property' as such term is defined in
 197 subsection (a) of Code Section 48-5-7.2 means:

198 (i) For the first eight years in which the property is classified as 'rehabilitated historic
 199 property,' the value equal to the greater of the acquisition cost of the property or the
 200 appraised fair market value of the property as recorded in the county tax digest at the
 201 time preliminary certification on such property was received by the county board of
 202 tax assessors pursuant to subsection (c) of Code Section 48-5-7.2;

203 (ii) For the ninth year in which the property is classified as 'rehabilitated historic
 204 property,' the value of the property as determined by division (i) of this subparagraph
 205 plus one-half of the difference between such value and the current fair market value
 206 exclusive of the provisions of this subparagraph; and

207 (iii) For the tenth and following years, the fair market value of such property as
 208 determined by the provisions of this paragraph, excluding the provisions of this
 209 subparagraph.

210 ~~(D)~~(F) Fair market value of 'landmark historic property' as such term is defined in
 211 subsection (a) of Code Section 48-5-7.3 means:

212 (i) For the first eight years in which the property is classified as 'landmark historic
 213 property,' the value equal to the greater of the acquisition cost of the property or the
 214 appraised fair market value of the property as recorded in the county tax digest at the
 215 time certification on such property was received by the county board of tax assessors
 216 pursuant to subsection (c) of Code Section 48-5-7.3;

217 (ii) For the ninth year in which the property is classified as 'landmark historic
 218 property,' the value of the property as determined by division (i) of this subparagraph
 219 plus one-half of the difference between such value and the current fair market value
 220 exclusive of the provisions of this subparagraph; and

221 (iii) For the tenth and following years, the fair market value of such property as
 222 determined by the provisions of this paragraph, excluding the provisions of this
 223 subparagraph.

224 ~~(E)~~(G) Timber shall be valued at its fair market value at the time of its harvest or sale
 225 in the manner specified in Code Section 48-5-7.5.

226 ~~(F)~~(H) Fair market value of 'brownfield property' as such term is defined in
 227 subsection (a) of Code Section 48-5-7.6 means:

228 (i) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6,
 229 for the first ten years in which the property is classified as brownfield property, or as
 230 this period of preferential assessment may be extended pursuant to subsection (o) of
 231 Code Section 48-5-7.6, the value equal to the lesser of the acquisition cost of the
 232 property or the appraised fair market value of the property as recorded in the county
 233 tax digest at the time application was made to the Environmental Protection Division
 234 of the Department of Natural Resources for participation under Article 9 of Chapter
 235 8 of Title 12, the 'Georgia Brownfield Act,' as amended; and

236 (ii) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6,
 237 for the eleventh and following years, or at the end of any extension of this period of
 238 preferential assessment pursuant to subsection (o) of Code Section 48-5-7.6, the fair
 239 market value of such property as determined by the provisions of this paragraph,
 240 excluding the provisions of this subparagraph.

241 ~~(G)~~(I) Fair market value of 'qualified timberland property' means the fair market value
 242 determined in accordance with Article 13 of this chapter.

243 ~~(4)~~(8) 'Foreign merchandise in transit' means personal property of any description which
 244 has been or will be moved by waterborne commerce through any port located in this state
 245 and:

246 (A) Which has entered the export stream, although temporarily stored or warehoused
 247 in the county where the port of export is located; or

248 (B) Which was shipped from a point of origin located outside the customs territory of
 249 the United States and on which United States customs duties are paid at or through any
 250 customs district or port located in this state, although stored or warehoused in the
 251 county where the port of entry is located while in transit to a final destination.

252 ~~(5)~~(9) 'Forest land conservation use value' of forest land conservation use property means
 253 the amount determined in accordance with the specifications and criteria provided for in
 254 Code Section 48-5-271 and Article VII, Section I, Paragraph III(f) of the Constitution.

255 ~~(6)~~(10) 'Forest land fair market value' means the fair market value of the forest land
 256 determined in accordance with Article VII, Section I, Paragraph III(f) of the
 257 Constitution."

258 **SECTION 7.**

259 Said title is further amended by revising subsections (c), (c.1), and (c.4) of Code
 260 Section 48-5-7, relating to assessment of tangible property, as follows:

261 "(c) Tangible real property which qualifies as rehabilitated historic property pursuant to
 262 the provisions of Code Section 48-5-7.2 shall be assessed at 40 percent of its fair market
 263 value and shall be taxed on a levy made by each respective tax jurisdiction according to 40
 264 percent of the property's fair market value. For the purposes of this subsection, the term
 265 'fair market value' shall mean the fair market value of rehabilitated historic property
 266 pursuant to the provisions of subparagraph ~~(C)~~(E) of paragraph ~~(3)~~(7) of Code
 267 Section 48-5-2.

268 (c.1) Tangible real property which qualifies as landmark historic property pursuant to the
 269 provisions of Code Section 48-5-7.3 shall be assessed at 40 percent of its fair market value
 270 and shall be taxed on a levy made by each respective tax jurisdiction according to 40
 271 percent of the property's fair market value. For the purposes of this subsection, the term
 272 'fair market value' shall mean the fair market value of landmark historic property pursuant
 273 to the provisions of subparagraph ~~(D)~~(F) of paragraph ~~(3)~~(7) of Code Section 48-5-2."

274 "(c.4) Tangible real property which qualifies as brownfield property pursuant to the
 275 provisions of Code Section 48-5-7.6 shall be assessed at 40 percent of its fair market value
 276 and shall be taxed on a levy made by each respective tax jurisdiction according to 40
 277 percent of the property's fair market value. For the purposes of this subsection, the term

278 'fair market value' shall mean the fair market value of brownfield property pursuant to the
 279 provisions of subparagraph ~~(F)~~(H) of paragraph ~~(3)~~(7) of Code Section 48-5-2."

280 **SECTION 8.**

281 Said title is further amended by revising Code Section 48-5-7.2, relating to certification as
 282 rehabilitated historic property for purposes of preferential assessment, as follows:

283 "48-5-7.2.

284 (a)(1) For the purposes of this article, 'rehabilitated historic property' means tangible real
 285 property which:

286 (A) Qualifies for listing on the Georgia Register of Historic Places as provided in
 287 Part 1 of Article 3 of Chapter 3 of Title 12;

288 (B) Is in the process of or has been substantially rehabilitated, provided that in the case
 289 of owner occupied residential real property the rehabilitation has increased the fair
 290 market value of the building or structure by not less than 50 percent, or, in the case of
 291 income-producing real property, the rehabilitation has increased the fair market value
 292 of the building or structure by not less than 100 percent, or, in the case of real property
 293 used primarily as residential property but partially as income-producing property, the
 294 rehabilitation has increased the fair market value of the building or structure by not less
 295 than 75 percent, provided that the exact percentage of such increase in the fair market
 296 value to be required shall be determined by rules and regulations promulgated by the
 297 Board of Natural Resources. For the purposes of this subparagraph, the term 'fair
 298 market value' shall mean the fair market value of the property, excluding the provisions
 299 of subparagraph ~~(E)~~(E) of paragraph ~~(3)~~(7) of Code Section 48-5-2;

300 (C) The rehabilitation of which meets the rehabilitation standards as provided in
 301 regulations promulgated by the Department of Natural Resources; and

302 (D) Has been certified by the Department of Natural Resources as rehabilitated historic
 303 property eligible for preferential assessment.

304 (2) The preferential classification and assessment of rehabilitated historic property
 305 provided for in this Code section shall apply to the building or structure which is the
 306 subject of the rehabilitation, the real property on which the building or structure is
 307 located, and not more than two acres of real property surrounding the building or
 308 structure. The remaining property shall be assessed for tax purposes as otherwise
 309 provided by law.

310 (3) Property may qualify as historic property only if substantial rehabilitation of such
 311 property was initiated after January 1, 1989, and only property which has been certified
 312 as rehabilitated historic property by the Department of Natural Resources after July 1,
 313 1989, may qualify for preferential assessment.

314 (b) In order for property to qualify for preferential assessment as provided for in
315 subsection (c) of Code Section 48-5-7, the property must receive certification as
316 rehabilitated historic property as defined in paragraph (1) of subsection (a) of this Code
317 section and pursuant to regulations promulgated by the Department of Natural Resources.
318 Applications for certification of such property shall be accompanied by a fee specified by
319 rules and regulations of the Board of Natural Resources. The Department of Natural
320 Resources may, at its discretion, delegate its responsibilities conferred under
321 subparagraph (a)(1)(C) of this Code section.

322 (c) Upon a property owner's receiving preliminary certification pursuant to the provisions
323 of subsection (b) of this Code section, such property owner shall submit a copy of such
324 preliminary certification to the county board of tax assessors. A property owner shall have
325 24 months from the date that preliminary certification is received pursuant to subsection (b)
326 of this Code section in which to complete the rehabilitation of such property in conformity
327 with the application approved by the Department of Natural Resources. After receiving the
328 preliminary certification from the property owner, the county board of tax assessors shall
329 not increase the assessed value of such property during the period of rehabilitation of such
330 property, not to exceed two years. During such period of rehabilitation of the property, the
331 county tax receiver or tax commissioner shall enter upon the tax digest a notation that the
332 property is subject to preferential assessment and shall also enter an assessment of the fair
333 market value of the property, excluding the preferential assessment authorized by this Code
334 section. Any taxes not paid on the property as a result of the preliminary certification and
335 frozen assessed value of the property shall be considered deferred until a final
336 determination is made as to whether such property qualifies for preferential assessment as
337 provided in this Code section.

338 (d) Upon the completion of the rehabilitation of such property, the property owner shall
339 submit a request in writing for final certification to the Department of Natural Resources.
340 The Department of Natural Resources shall determine whether such property as
341 rehabilitated constitutes historic property which will be listed on the Georgia Register of
342 Historic Places and which qualifies for preferential assessment. The Department of Natural
343 Resources shall issue to the property owner a final certification if such property so
344 qualifies.

345 (e) Upon receipt of final certification from the Department of Natural Resources, a
346 property owner desiring classification of any such historic property as rehabilitated historic
347 property in order to receive the preferential assessment shall make application to the county
348 board of tax assessors and include the order of final certification with such application.
349 The county board of tax assessors shall determine if the value of the building or structure
350 has been increased in accordance with the provisions of subparagraph (a)(1)(B) of this

351 Code section; provided, however, that, if the property owner can document expenditures
 352 on rehabilitation of owner occupied property of not less than 50 percent of the fair market
 353 value of the building or structure at the time of the preliminary certification of the property,
 354 or, in the case of income-producing property, expenditures on rehabilitation of such
 355 property of not less than 100 percent of the fair market value of the building or structure
 356 at the time of preliminary certification of the property, or, in the case of real property used
 357 primarily as residential property but partially as income-producing property, expenditures
 358 on rehabilitation of such property of not less than 75 percent of the fair market value of the
 359 building or structure at the time of preliminary certification of the property, the county
 360 board of tax assessors shall be required to grant preferential assessment to such property.
 361 For the purposes of this subsection, the term 'fair market value' shall mean the fair market
 362 value of the building or structure, excluding the provisions of subparagraph ~~(C)~~(E) of
 363 paragraph ~~(3)~~(7) of Code Section 48-5-2; and such rehabilitation expenditures shall also
 364 include expenditures incurred in preserving specimen trees upon not more than two acres
 365 of real property surrounding the building or structure. As used in this Code section, the
 366 term 'specimen tree' means any tree having a trunk diameter of 30 inches or more. The
 367 county board of tax assessors shall make the determination within 30 days after receiving
 368 the application and shall notify the applicant in the same manner that notices of assessment
 369 are given pursuant to Code Section 48-5-306. Appeals from the denial of an application
 370 for preferential assessment by the board of tax assessors shall be made in the same manner
 371 that other property tax appeals are made pursuant to Code Section 48-5-311.

372 (f) A property owner who fails to have property classified as rehabilitated historic property
 373 and listed on the Georgia Register of Historic Places for the preferential assessment shall
 374 be required to pay the difference between the amount of taxes on the property during the
 375 period that the assessment was frozen pursuant to the provisions of subsection (c) of this
 376 Code section and the amount of taxes which would have been due had the property been
 377 assessed at the regular fair market value, plus interest at the rate prescribed in Code
 378 Section 48-2-40.

379 (g)(1) Property which has been classified by the county board of tax assessors as
 380 rehabilitated historic property shall be eligible for the preferential assessment provided
 381 for in subsection (c) of Code Section 48-5-7; provided, however, that, for the purposes
 382 of determining the years of eligibility for preferential assessment, the tax year following
 383 the year in which the preliminary certification was filed with the county board of tax
 384 assessors pursuant to subsection (c) of this Code section shall be considered and counted
 385 as the first year of eligibility.

386 (2) Property which is subject to preferential assessment shall be separately classified
 387 from all other property on the tax digest; and such separate classification shall be such

388 as will enable any person examining the tax digest to ascertain readily that the property
389 is subject to preferential assessment.

390 (3) The county tax receiver or tax commissioner shall enter upon the tax digest as the
391 basis or value of a parcel of rehabilitated historic property a value equal to the greater of
392 the acquisition cost of the property or the assessment of the fair market value of the
393 property as recorded in the county tax digest at the time preliminary certification on such
394 property was received by the county board of tax assessors pursuant to subsection (c) of
395 this Code section. Property classified as rehabilitated historic property shall be recorded
396 upon the tax digest as provided in this Code section for nine consecutive assessment
397 years, and the notation 'rehabilitated historic property' shall be entered on the tax digest
398 adjacent to the valuation of such property to indicate that the property is being
399 preferentially assessed. The tax commissioner or tax receiver shall also enter upon the
400 tax digest an assessment of the fair market value of the property each year, excluding the
401 provisions of subparagraph ~~(E)~~(E) of paragraph ~~(3)~~(7) of Code Section 48-5-2.

402 (h) When property has once been classified and assessed as rehabilitated historic property,
403 it shall remain so classified and be granted the special assessment until the property
404 becomes disqualified by any one of the following:

405 (1) Written notice by the taxpayer to the county tax commissioner or receiver to remove
406 the preferential classification and assessment;

407 (2) Sale or transfer of ownership making the property exempt from property taxation;

408 (3) Decertification of such property by the Department of Natural Resources. The
409 Department of Natural Resources has the authority to decertify any property which no
410 longer possesses the qualities and features which made it eligible for the Georgia Register
411 of Historic Places or which has been altered through inappropriate rehabilitation as
412 determined by the Department of Natural Resources. The sale or transfer to a new owner
413 shall not operate to disqualify the property from preferential classification and assessment
414 so long as the property continues to qualify as rehabilitated historic property. When for
415 any reason the property or any portion thereof ceases to qualify as rehabilitated historic
416 property, the owner at the time of change shall notify the Department of Natural
417 Resources and the county board of tax assessors prior to the next January; or

418 (4) The expiration of nine years during which the property was classified and assessed
419 as rehabilitated historic property; provided, however, that any such property may qualify
420 thereafter as rehabilitated historic property if such property is subject to subsequent
421 rehabilitation and qualifies under the provisions of this Code section.

422 (i) Any person who is aggrieved or adversely affected by any order or action of the
423 Department of Natural Resources pursuant to this Code section shall, upon petition within
424 30 days after the issuance of such order or taking of such action, have a right to a hearing

425 before an administrative law judge appointed by the Board of Natural Resources. The
 426 hearing before the administrative law judge shall be conducted in accordance with
 427 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The decision of the
 428 administrative law judge shall constitute the final decision of the board and any party to the
 429 hearing, including the Department of Natural Resources, shall have the right of judicial
 430 review thereof in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
 431 Procedure Act.'

432 (j)(1) The taxes and interest deferred pursuant to this Code section shall constitute a prior
 433 lien and shall attach as of the date and in the same manner and shall be collected as are
 434 other liens for taxes, as provided for under this title, but the deferred taxes and interest
 435 shall only be due, payable, and delinquent as provided in this Code section.

436 (2) Liens for taxes deferred under this Code section, except for any lien covering the then
 437 current tax year, shall not be divested by an award for year's support authorized pursuant
 438 to former Chapter 5 of Title 53 as such existed on December 31, 1997, if applicable, or
 439 Chapter 3 of Title 53."

440 **SECTION 9.**

441 Said title is further amended by revising paragraph (3) of subsection (d) of Code
 442 Section 48-5-7.3, relating to landmark historic property, as follows:

443 "(3) The county tax receiver or tax commissioner shall enter upon the tax digest as the
 444 basis or value of a parcel of landmark historic property a value equal to the greater of the
 445 acquisition cost of the property or the assessment of the fair market value of the property
 446 as recorded in the county tax digest at the time certification on such property was
 447 received by the county board of tax assessors pursuant to subsection (c) of this Code
 448 section. Property classified as landmark historic property shall be recorded upon the tax
 449 digest as provided in this Code section for nine consecutive assessment years, and the
 450 notation 'landmark historic property' shall be entered on the tax digest adjacent to the
 451 valuation of such property to indicate that the property is being preferentially assessed.
 452 The tax commissioner or tax receiver shall also enter upon the tax digest an assessment
 453 of the fair market value of the property each year, excluding the provisions of
 454 subparagraph ~~(D)~~(F) of paragraph ~~(3)~~(7) of Code Section 48-5-2."

455 **SECTION 10.**

456 Said title is further amended by revising paragraph (6) of subsection (a) and paragraph (3)
 457 of subsection (d) of Code Section 48-5-7.6, relating to "brownfield property" defined, related
 458 definitions, qualifying for preferential assessment, disqualification of property receiving

459 preferential assessment, responsibilities of owners, transfers of property, costs, appeals,
460 creation of lien against property, and extension of preferential assessment, as follows:

461 "(6) 'Taxable base' means a value assigned to the brownfield property pursuant to the
462 provisions of subparagraph ~~(F)~~(H) of paragraph ~~(3)~~(7) of Code Section 48-5-2."

463 "(3) The local taxing authority shall enter upon the tax digest as the basis or value of a
464 parcel of brownfield property a value equal to the lesser of the acquisition cost of the
465 property or the assessment of the fair market value of the property as recorded in the
466 county tax digest at the time application for participation in the program was submitted
467 to the Environmental Protection Division of the Department of Natural Resources under
468 Article 9 of Chapter 8 of Title 12, the 'Georgia Brownfield ~~Act,~~' as amended: Act.
469 Property classified as brownfield property shall be recorded upon the tax digest as
470 provided in this Code section for ten consecutive assessment years, or as extended
471 pursuant to subsection (o) of this Code section, unless sooner disqualified pursuant to
472 subsection (e) of this Code section, and the notation 'brownfield property' shall be entered
473 on the tax digest adjacent to the valuation of such property to indicate that the property
474 is being preferentially assessed. The local taxing authority shall also enter upon the tax
475 digest an assessment of the fair market value of the property each year, excluding the
476 provisions of subparagraph ~~(F)~~(H) of paragraph ~~(3)~~(7) of Code Section 48-5-2."

477 **SECTION 11.**

478 Said title is further amended by revising Code Section 48-5-32, relating to publication by
479 county of ad valorem tax rate, as follows:

480 "48-5-32.

481 (a) This Code section shall be known and may be cited as the 'Property Taxpayers' Bill of
482 Rights.'

483 ~~(a)~~(b) As used in this Code section, the term:

484 (1) 'Ad valorem tax' or 'property tax' means a tax imposed upon the assessed value of real
485 property.

486 (2) 'Break-even rate' means the previous year's millage rate minus the millage equivalent
487 of the total net assessed value added by reassessments:

488 (A) As calculated and certified to the commissioner by the tax commissioner for
489 county and educational tax purposes; and

490 (B) As calculated by the collecting officer of the municipality for municipal tax
491 purposes.

492 (3) 'Certified tax digest' means the total net assessed value on the annual property tax
493 digest certified by the tax commissioner of a taxing jurisdiction to the department and
494 authorized by the commissioner for the collection of taxes, or, in the case where the

495 governing authority of a county whose digest has not been approved by the commissioner
 496 has petitioned the superior court of the county for an order authorizing the immediate and
 497 temporary collection of taxes, the temporary digest so authorized.

498 ~~(4)~~(4) 'Levying authority' means a county, a municipality, or a consolidated city-county
 499 governing authority or other governing authority of a political subdivision of this state
 500 that exercises the power to levy ad valorem taxes to carry out the governing authority's
 501 purposes.

502 (5) 'Mill' means one one-thousandth of a United States dollar.

503 (6) 'Millage' or 'millage rate' means the levy, in mills, which is established by the
 504 governing authority for purposes of financing, in whole or in part, the taxing jurisdiction's
 505 expenses for its fiscal year.

506 (7) 'Millage equivalent' means the number of mills which would result when the total net
 507 assessed value added by reassessments is divided by the certified tax digest and the result
 508 is multiplied by the previous year's millage rate.

509 (8) 'Net assessed value' means the taxable assessed value of property after all
 510 exemptions.

511 ~~(2)~~(9) 'Recommending authority' means a county, independent, or area school board of
 512 education that exercises the power to cause the levying authority to levy ad valorem taxes
 513 to carry out the ~~board's~~ purposes of such board of education.

514 ~~(3)~~(10) 'Taxing jurisdiction' means all the ~~tangible real~~ property subject to the levy of a
 515 specific levying authority or the recommended levy of a specific recommending
 516 authority.

517 (11) 'Total net assessed value added by reassessments' means the total net assessed value
 518 added to the certified tax digest as a result of revaluation of existing real property that has
 519 not been improved since the previous tax digest year.

520 ~~(b)~~(c)(1) Each levying authority and each recommending authority shall cause a report
 521 to be published in a newspaper of general circulation throughout the county and posted
 522 on such authority's website, if available:

523 (A) At least ~~one week~~ two weeks prior to the certification of any recommending
 524 authority to the levying authority of such recommending authority's recommended
 525 school tax for the support and maintenance of education pursuant to Article VIII,
 526 Section VI, Paragraph I of the Constitution; and

527 (B) At least ~~one week~~ two weeks prior to the establishment by each levying authority
 528 of the millage rates for ad valorem taxes for educational purposes and ad valorem taxes
 529 for purposes other than educational purposes for the current calendar year.

530 (2) Such reports shall be in a prominent location in such newspaper and shall not be
 531 included with legal advertisements, and such reports shall be posted in a prominent

532 location on such authority's website, if available. The size and location of the
533 advertisements shall not be grounds for contesting the validity of the levy.

534 (3) If the levying authority or recommending authority maintains an email list for
535 dissemination of information to the public, such authority shall also send via email to all
536 such subscribers of such mailing list a copy of the notices required by this subsection at
537 least two weeks prior to the establishment of the millage rate. The subject line of the
538 email shall be 'Notice of Ad Valorem Tax Report for (name of levying authority or
539 recommending authority or unit of local government).'

540 (4) It is the intent of the General Assembly that each levying authority or recommending
541 authority which imposes more than one school tax or millage rate for ad valorem taxes
542 shall cause the reports required by this subsection to be combined into a single report.

543 ~~(c)~~(d) The reports required under subsection ~~(b)~~(c) of this Code section shall contain the
544 following:

545 (1) For levying authorities, the assessed taxable value of all property, by class and in
546 total, which is within the levying authority's taxing jurisdiction and the proposed millage
547 rate for the levying authority's purposes for the current calendar year and such assessed
548 taxable values and the millage rates for each of the immediately preceding five calendar
549 years, as well as the proposed total dollar amount of ad valorem taxes to be levied for the
550 levying authority's purposes for the current calendar year and the total dollar amount of
551 ad valorem taxes levied for the levying authority's purposes for each of the immediately
552 preceding five calendar years. The information required for each year specified in this
553 paragraph shall also indicate the percentage increase and total dollar increase with respect
554 to the immediately preceding calendar year. In the event the rate levied in the
555 unincorporated area is different from the rate levied in the incorporated area, the report
556 shall also indicate all required information with respect to the incorporated area,
557 unincorporated area, and a combination of incorporated and unincorporated areas;

558 (2) For recommending authorities, the assessed taxable value of all property, by class and
559 in total, which is within the recommending authority's taxing jurisdiction and the
560 proposed millage rate for the recommending authority's purposes for the current calendar
561 year and such assessed taxable values and the millage rates for each of the immediately
562 preceding five calendar years, as well as the proposed total dollar amount of ad valorem
563 taxes to be recommended for the recommending authority's purposes for the current
564 calendar year and the total dollar amount of ad valorem taxes levied for the
565 recommending authority's purposes for each of the immediately preceding five calendar
566 years. The information required for each year specified in this paragraph shall also
567 indicate the percentage increase and total dollar increase with respect to the immediately
568 preceding calendar year; and

569 (3) The date, time, and place where the levying or recommending authority will be
570 setting its millage rate for such authority's purposes.

571 (e) At the time of certification of the digest, the tax receiver or tax commissioner shall also
572 certify to the recommending authority and levying authority of each taxing jurisdiction the
573 total net assessed value added by reassessments contained in the certified tax digest for that
574 tax digest year of the taxing jurisdiction.

575 (f)(1) Whenever a recommending authority or levying authority shall propose to adopt
576 a millage rate which does not exceed the break-even rate, it shall adopt that millage rate
577 at an advertised public meeting and at a time and place which is convenient to the
578 taxpayers of the taxing jurisdiction, in accordance with the procedures specified under
579 this Code section.

580 (2) In those instances in which the recommending authority or levying authority
581 proposes to establish any millage rate which would require increases beyond the
582 break-even rate, the recommending authority or levying authority shall advertise its intent
583 to do so and shall conduct at least three public hearings thereon. The recommending
584 authority or levying authority shall place an advertisement in a newspaper of general
585 circulation serving the residents of the unit of local government and post such
586 advertisement on the website of the recommending or levying authority, which shall read
587 as follows:

588 'NOTICE OF PROPERTY TAX INCREASE

589 The (name of recommending authority or levying authority) has tentatively adopted a
590 millage rate which will require an increase in property taxes by (percentage increase
591 over break-even rate) percent.

592 All concerned citizens are invited to the public hearing on this tax increase to be held
593 at (place of meeting) on (date and time).

594 Times and places of additional public hearings on this tax increase are at (place of
595 meeting) on (date and time).

596 This tentative increase will result in a millage rate of (proposed millage rate) mills, an
597 increase of (millage rate increase above the break-even rate) mills. Without this
598 tentative tax increase, the millage rate will be no more than (break-even millage rate)
599 mills. The proposed tax increase for a home with a fair market value of (average home
600 value from previous year's digest rounded to the nearest \$25,000.00) is approximately
601 \$(increase) and the proposed tax increase for nonhomestead property with a fair market

602 value of (average nonhomestead property value from previous year's digest rounded to
 603 nearest \$25,000.00) is approximately \$(increase).

604 This tentative increase will contribute to a total ad valorem tax levy of approximately
 605 \$(total estimated amount of proposed ad valorem taxes) as compared to the
 606 immediately preceding year tax levy of \$(total amount of ad valorem taxes for the
 607 immediately preceding year).'

608 Simultaneously with this notice the recommending authority or levying authority shall
 609 provide a press release to the local media.

610 (3) The advertisement shall appear at least one week prior to each hearing, be
 611 prominently displayed, not be less than 30 square inches, and not be placed in that section
 612 of the newspaper where legal notices appear and shall be posted on the appropriate
 613 website at least one week prior to each hearing.

614 (4) No recommending authority shall recommend and no levying authority shall levy a
 615 millage rate in excess of the proposed millage rate as established pursuant to
 616 paragraph (2) of this subsection without beginning anew the procedures and hearings
 617 required by this Code section.

618 (5) The public hearings required by paragraph (2) of this subsection shall not be held
 619 within the same calendar week. One such hearing shall commence between the hours of
 620 6:00 P.M. and 7:00 P.M., inclusive, on a business weekday, and one such hearing shall
 621 commence between the hours of 1:00 P.M. and 2:00 P.M., inclusive, on a Saturday.

622 (6) If the levying authority or recommending authority or its agents maintains an email
 623 list to which members of the general public are allowed to subscribe, then simultaneously
 624 with the notice required by paragraph (2) of this subsection, such notice shall be sent via
 625 email to all such subscribers. In addition, the subject line of any email sent pursuant to
 626 this paragraph shall read as follows: 'NOTICE OF PROPERTY TAX INCREASE FOR
 627 (name of levying authority or recommending authority or unit of local government).'

628 (7) Any notice or hearing required under this subsection may be combined with any
 629 notice or hearing required under Article 1 of Chapter 81 of Title 36 or subsections (c)
 630 and (d) of this Code section, provided that any such combined notice transmitted by email
 631 shall contain the subject line required by paragraph (6) of this subsection.

632 (g) Nothing contained in this Code section shall serve to extend or authorize any millage
 633 rate in excess of the maximum millage rate permitted by law or to prevent the reduction of
 634 the millage rate.

635 (h) The commissioner shall not accept a digest for review or issue an order authorizing the
 636 collection of taxes of any recommending authority, levying authority, municipal governing

637 authority, or county that has established a millage rate that is in excess of the correct
 638 break-even rate without complying fully with the procedures required by this Code section.
 639 In the event a digest is not accepted for review by the commissioner pursuant to this
 640 subsection, it shall be accepted for review upon satisfactory submission by such authorities
 641 of such evidence. The levies of each of the levying authorities shall be invalid and
 642 unenforceable until such time as the provisions of this Code section have been met.
 643 ~~(d)~~(i) The commissioner shall not accept for review the digest of any recommending
 644 authority, levying authority, municipal governing authority, or county which does not
 645 submit simultaneously a copy of such published reports ~~for the county governing authority~~
 646 ~~and the county board of education~~ required by this Code section for such authority with
 647 such digest. In the event a digest is not accepted for review by the commissioner pursuant
 648 to this subsection, it shall be accepted for review upon satisfactory submission by such
 649 ~~county~~ authority of a copy of such published reports. The levies of each of the levying
 650 authorities ~~other than the county governing authority~~ shall be invalid and unenforceable
 651 until such time as the provisions of this Code section have been met.
 652 (j) The commissioner shall promulgate such rules and regulations as may be necessary for
 653 the administration of this Code section."

654 **SECTION 12.**

655 Said title is further amended by repealing Code Section 48-5-32.1, relating to certification
 656 of assessed taxable value of property and method of computation, resolution or ordinance
 657 required for millage rate, and advertisement of intent to increase property tax, in its entirety.

658 **SECTION 13.**

659 Said title is further amended by repealing subsection (h) of Code Section 48-5-44.1, relating
 660 to homestead exemption for resident residing in a municipal corporation that is located in
 661 more than one county, application required, and renewal.

662 **SECTION 14.**

663 Said title is further amended by revising subsection (c) of Code Section 48-5-274, relating
 664 to establishment of equalized adjusted property tax digest, establishment and use of average
 665 ratio, information to be furnished by state auditor, grievance procedure, and information to
 666 be furnished by commissioner, as follows:

667 "(c) The assessment ratio of assessed value to fair market value of county property to be
 668 established by the state auditor for the purposes of paragraph (8) of subsection (b) of this
 669 Code section shall be established through the use of personnel of the Department of Audits
 670 and Accounts who have sufficient competence and expertise by way of education, training,

671 and experience in the fields of property evaluation and appraisal techniques. The
 672 Department of Audits and Accounts shall use the Standard on Assessment-Ratio Studies
 673 published by the International Association of Assessing Officers or its successors to
 674 determine the valid transactions necessary to establish accurately the measure of central
 675 tendency described in paragraph (8) of subsection (b) of this Code section; provided,
 676 however, that standard shall only be used to the extent it does not conflict with criteria
 677 enumerated in subparagraph (B) of paragraph ~~(3)~~(7) of Code Section 48-5-2."

678 **SECTION 15.**

679 Said title is further amended by revising subsection (d) of Code Section 48-5-295.2, relating
 680 to independent performance review board, written report, and withholding of funds, as
 681 follows:

682 "(d) The findings of the report of the review board under subsection (c) of this Code
 683 section or of any audit performed by the Department of Revenue or the Department of
 684 Audits and Accounts shall be grounds for the state to withhold local assistance grants
 685 pursuant to Code Section 48-5A-3; provided, however, that any portion of a local
 686 assistance grant designated for use by a board of education of any political subdivision
 687 shall not be withheld pursuant to this subsection. If the findings in the report of the
 688 performance review board indicate that the provisions of paragraph ~~(6)~~(10) of Code Section
 689 48-5-2 have been knowingly violated by a local government in order to receive a larger
 690 local assistance grant than allowed by law, then the most recent local assistance grant
 691 requested by the local government shall be withheld by the Department of Revenue. For
 692 a second or subsequent offense, the next two requests for local assistance grants shall be
 693 withheld by the Department of Revenue."

694 **SECTION 16.**

695 Said title is further amended by revising paragraphs (5) and (6) of Code Section 48-5A-1,
 696 relating to definitions, as follows:

697 "(5) 'Forest land conservation use value' means the same as such term is defined in
 698 paragraph ~~(5)~~(9) of Code Section 48-5-2 and shall not include the value of standing
 699 timber on such property.

700 (6) 'Forest land fair market value' means the same as such term is defined in
 701 paragraph ~~(6)~~(10) of Code Section 48-5-2."

702 **SECTION 17.**

703 Article 5 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
 704 state records management, is amended by adding a new subsection to Code

705 Section 50-18-99, relating to records management programs for local governments, to read
706 as follows:
707 "(h) All notices and reports prepared and submitted pursuant to Code Sections 48-4-8 and
708 48-5-32 shall be retained permanently by the governing body."

709 **SECTION 18.**

710 This section and Sections 1, 2, 3, 4, 5, 11, 12, 13, 17, and 19 of this Act shall become
711 effective upon its approval by the Governor or upon its becoming law without such approval.
712 The remaining sections of this Act shall become effective on January 1, 2021.

713 **SECTION 19.**

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