

House Bill 843

By: Representative Holland of the 54<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,  
2 relating to property tax exemptions and deferral, so as to provide for a tax deferral based on  
3 low income for certain municipalities; to provide for procedures and requirements; to provide  
4 for conditions and limitations; to provide for penalties; to provide for related matters; to  
5 provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to  
9 property tax exemptions and deferral, is amended by adding a new part to read as follows:

10 "Part 3

11 48-5-90.

12 (a) Subject to the limitations contained in this Code section, or any other law, and  
13 consistent with the purposes set forth in this article, the governing authority of any  
14 municipality in this state in which a water and sewer projects and costs tax (MOST) has

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15 been approved in accordance with Code Section 48-8-200 has the authority to defer ad  
16 valorem taxes levied for municipal purposes on low-income individuals claiming a  
17 homestead exemption.

18 (b) No individual shall be eligible for the ad valorem tax deferral authorized by  
19 subsection (a) of this Code section during the same tax year that the individual elects to  
20 claim a deferral under Code Section 48-5-70.

21 (c) A municipality which duly enacts a tax deferral program under this Code section is  
22 authorized to allow the deferral of any amount of ad valorem taxes levied for municipal  
23 purposes in excess of a 15 percent increase from the previous tax year, excluding any  
24 improvements made to the home.

25 (d) No tax deferral authorized under this Code section shall be granted if the homestead  
26 for which the deferral is sought is subject to any lien, the terms of which are dictated by  
27 federal law, rule, or regulation prohibiting deferral of taxes.

28 (e) No tax deferral pursuant to this Code section shall be granted in any one year if the  
29 total amount of deferred taxes and interest plus the total amount of all other unsatisfied  
30 liens on the homestead exceeds 85 percent of the fair market value of the homestead as  
31 shown on the county tax digest for the immediately preceding tax year.

32 (f) No tax deferral authorized under this Code section shall be granted with respect to taxes  
33 levied to retire bonded indebtedness or for special assessments.

34 (g) Any application for deferral under this Code section shall comply with the terms of  
35 Code Section 48-5-74.

36 (h) With respect to a tax deferral granted under this Code section, the terms of Code  
37 Sections 48-5-75, 48-5-78, and 48-5-79 shall apply.

38 (i) Each year, at the time the tax bills are mailed, the appropriate tax official shall notify  
39 each property owner to whom a homestead tax deferral has been previously granted of the  
40 accumulated sum of deferred taxes and interest outstanding.

41 (j) The taxes and interest deferred pursuant to this part shall constitute a prior lien and shall  
42 attach as of the date and in the same manner and shall be collected as other liens for taxes,  
43 as provided for under this title, but the deferred taxes and interest shall only be due,  
44 payable, and delinquent as provided in this part.

45 (k) If any holder of a deed to secure debt or any mortgagee elects to pay the taxes of an  
46 applicant who qualifies for and receives a tax deferral, such election shall not give the  
47 holder of the deed or the mortgagee the right to foreclose.

48 (l) Subject to the limitations of this Code section, a municipality which duly enacts a tax  
49 deferral program under this Code section is authorized to establish qualifications and  
50 eligibility criteria for participation in the program, including the determination of income  
51 limits.

52 (m) It shall be the burden of each applicant for a deferral under this Code section to  
53 demonstrate affirmatively the applicant's compliance with this Code section and other  
54 provisions of this part.

55 (n) Any tax deferral program instituted under this Code section shall be authorized by a  
56 municipal governing authority by ordinance at a regularly scheduled meeting of the  
57 governing authority."

58 **SECTION 2.**

59 This Act shall become effective on July 1, 2021.

60 **SECTION 3.**

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