

House Bill 634

By: Representatives Crawford of the 84th, Oliver of the 82nd, Drenner of the 85th, and Evans of the 89th

A BILL TO BE ENTITLED
AN ACT

1 To provide for a new homestead exemption from City of Decatur ad valorem taxes for
2 municipal purposes in the amount of \$40,000.00 for each resident of the City of Decatur who
3 resides upon real property subject to a written lease having an initial term of not less than 99
4 years with a landlord that is an entity exempt from taxation under Section 501(c)(3) of the
5 federal Internal Revenue Code and who owns all improvements located on the real property;
6 to provide for definitions; to specify the terms and conditions of the exemption and the
7 procedures relating thereto; to provide for applicability; to provide for related matters; to
8 provide for compliance with constitutional requirements; to provide for a referendum,
9 effective dates, and automatic repeal, mandatory execution of election, and judicial remedies
10 regarding failure to comply; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 (a) As used in this Act, the term:

14 (1) "Property taxes for city purposes" means all ad valorem taxes for municipal purposes
15 levied by, for, or on behalf of the City of Decatur, but excluding any ad valorem taxes to
16 pay interest on and to retire municipal bonded indebtedness.

H. B. 634

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

21 (b) Each resident of the City of Decatur who resides upon real property subject to a written
22 lease having an initial term of not less than 99 years with a landlord that is an entity whose
23 primary mission is affordable housing and that is exempt from taxation under
24 Section 501(c)(3) of the federal Internal Revenue Code and who owns all improvements
25 located on the real property, subject to sale restrictions intended to preserve the
26 affordability of the residence, is granted an exemption on that person's homestead from
27 City of Decatur ad valorem taxes for municipal purposes in the amount of \$40,000.00 of
28 the assessed value of that homestead. The value of such property in excess of such
29 exempted amount shall remain subject to taxation.

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

33 (d) A person shall not receive the homestead exemption granted by subsection (b) of this
34 section unless the person or person's agent files an application with the governing authority,
35 or its designee, of the City of Decatur giving such information relative to receiving such
36 exemption as will enable the governing authority, or its designee, to make a determination
37 regarding the initial and continuing eligibility of such applicant for such exemption. The
38 governing authority, or its designee, of the City of Decatur shall provide application forms
39 for this purpose.

40 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1
41 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year
42 to year so long as the applicant occupies the residence as a homestead. After a person has
43 filed the proper application as provided in subsection (d) of this section, it shall not be

44 necessary to make application thereafter for any year and the exemption shall continue to
45 be allowed to such person. It shall be the duty of any person granted the homestead
46 exemption under subsection (b) of this section to notify the governing authority, or its
47 designee, of the municipality in the event that person for any reason becomes ineligible for
48 that exemption.

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

54 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years
55 beginning on or after the first day of January of the year immediately following the
56 approval of this exemption by the voters as provided for in Section 3 of this Act.

57 **SECTION 2.**

58 In accordance with the requirements of Article VII, Section II, Paragraph II of the
59 Constitution of the State of Georgia, this Act shall not become law unless it receives the
60 requisite two-thirds' majority vote in both the Senate and the House of Representatives.

61 **SECTION 3.**

62 The municipal election superintendent of the City of Decatur shall call and conduct an
63 election as provided in this section for the purpose of submitting this Act to the electors of
64 the City of Decatur for approval or rejection. The municipal election superintendent shall
65 conduct that election in concurrence with the municipal general election in November, 2023.
66 The municipal election superintendent shall cause the date and purpose of the election to be
67 published once a week for two weeks immediately preceding the date thereof in the official
68 organ of DeKalb County. The ballot shall have written or printed thereon the words:

69 " YES Shall the Act be approved which provides a new homestead exemption from
70 City of Decatur ad valorem taxes for municipal purposes in the amount of
71 NO \$40,000.00 for each resident of the City of Decatur who holds real property
72 subject to a written lease having an initial term of not less than 99 years
73 with a landlord that is an entity exempt from taxation under Section
74 501(c)(3) of the federal Internal Revenue Code and who owns all
75 improvements located on the real property, subject to sale restrictions
76 intended to preserve the affordability of the residence?"

77 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
78 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
79 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
80 force and effect on the first day of January of the year immediately following the approval
81 of this exemption by the voters as provided for in this section. If the Act is not so approved
82 or if the election is not conducted as provided in this section, Section 1 of this Act shall not
83 become effective and this Act shall be automatically repealed on July 1, 2024. The expense
84 of such election shall be borne by the City of Decatur. It shall be the municipal election
85 superintendent's duty to certify the result thereof to the Secretary of State. The provisions
86 of this section shall be mandatory upon the municipal election superintendent and are not
87 intended as directory. If the municipal election superintendent fails or refuses to comply
88 with this section, any elector of the City of Decatur may apply for a writ of mandamus to
89 compel the municipal election superintendent to perform his or her duties under this section.
90 If the court finds that the municipal election superintendent has not complied with this
91 section, the court shall fashion appropriate relief requiring the municipal election
92 superintendent to call and conduct such election on the date required by this section or on the
93 next date authorized for special elections provided for in Code Section 21-2-540 of the
94 O.C.G.A.

95 **SECTION 4.**

96 Except as otherwise provided in Section 3 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 5.**

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