

House Bill 1145

By: Representatives Paris of the 142nd, Oliver of the 84th, Holcomb of the 101st, Frye of the 122nd, Leverett of the 123rd, and others

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 tax exemptions, so as to provide for a state-wide homestead exemption
3 for certain public service employees from ad valorem taxes in an amount equal to the amount
4 by which the current year assessed value of a homestead exceeds the base year value of such
5 homestead; to provide for definitions; to specify the terms and conditions of the exemption
6 and the procedures relating thereto; to provide for applicability; to provide for related
7 matters; to provide for compliance with constitutional requirements; to provide for a
8 referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
13 relating to tax exemptions, is amended by adding a new Code section to read as follows:

14 "48-5-57.

15 (a) For purposes of this Code section, the term:

16 (1) 'Ad valorem taxes' means all ad valorem taxes levied by, for, or on behalf of the state
17 or any county, consolidated government, municipality, or local school district in this
18 state, except for any ad valorem taxes levied to pay interest on and to retire bonded
19 indebtedness.

20 (2) 'Area median income' means the median income for the area in which a person
21 resides as determined by the Department of Revenue.

22 (3) 'Base year' means the taxable year immediately preceding the taxable year in which
23 the exemption under subsection (b) of this Code section is first granted to the most recent
24 owner of such homestead.

25 (4) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40.

26 (5) 'Qualifying public service employee' means a person whose gross income, as defined
27 in the United States Internal Revenue Code of 1986, is 150 percent or less of the area
28 median income for the area in which he or she resides and, on or before January 1 of the
29 year in which an application for the exemption under subsection (b) of this Code section
30 is made, is a:

31 (A) Firefighter, paramedic, certified peace officer, or other law enforcement officer
32 employed by the government of the United States or any department, agency, authority,
33 or bureau thereof or by the State of Georgia or any county, municipality, special
34 district, county or independent school system, or other political subdivision thereof;

35 (B) Teacher, paraprofessional, administrator, or other person employed by an
36 educational institution in this state; or

37 (C) Person employed by or holding staff privileges at a hospital located in this state.

38 (b)(1) Each qualifying public service employee is granted an exemption on that person's
39 homestead from ad valorem taxes in an amount equal to the amount by which the current
40 year assessed value of that homestead, including any final determination of value on
41 appeal pursuant to Code Section 48-5-311, exceeds its base year assessed value. This
42 exemption shall not apply to taxes assessed on improvements to such homestead or

43 additional land that is added to such homestead after January 1 of the base year. If any
44 real property is removed from such homestead, the base year assessed value, including
45 any final determination of value on appeal pursuant to Code Section 48-5-311, shall be
46 adjusted to reflect such removal, and the exemption shall be recalculated accordingly.
47 The value of that property in excess of such exempted amount shall remain subject to
48 taxation.

49 (2) No exemption provided for in this subsection shall transfer to any subsequent owner
50 of the property, and the assessed value of the property shall be as provided by law.

51 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
52 Code section unless such person or person's agent files an application with the tax receiver
53 or tax commissioner of his or her respective local government or governments charged with
54 the duty of receiving returns of property for taxation giving such information relative to
55 receiving such exemption as will enable such tax receiver or tax commissioner to make a
56 determination regarding the initial and continuing eligibility of such person for such
57 exemption or has already filed for and is receiving a homestead exemption and such
58 existing application provides sufficient information to make such determination of
59 eligibility. Such tax receiver or tax commissioner shall provide application forms for this
60 purpose.

61 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1.
62 Such exemption shall be automatically renewed from year to year so long as the owner
63 occupies the residence as a homestead. After a person or a person's agent has filed the
64 proper application as provided in subsection (c) of this Code section, it shall not be
65 necessary to make application thereafter for any year, and the exemption shall continue to
66 be allowed to such person. It shall be the duty of any person granted the homestead
67 exemption under subsection (b) of this Code section to notify the tax receiver or tax
68 commissioner of the local government or governments in the event such person for any
69 reason becomes ineligible for such exemption.

70 (e) The homestead exemption granted by subsection (b) of this Code section shall be in
 71 lieu of and not in addition to any other homestead exemption applicable to ad valorem
 72 taxes.

73 (f) The exemption granted by subsection (b) of this Code section shall apply to all taxable
 74 years beginning on or after January 1, 2027."

75 **SECTION 2.**

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

79 **SECTION 3.**

80 The Secretary of State shall call and conduct an election as provided in this section for the
 81 purpose of submitting this Act to the electors of the entire state for approval or rejection. The
 82 Secretary of State shall conduct such election no later than the Tuesday next following the
 83 first Monday in November, 2026, and shall issue the call and conduct such election as
 84 provided by general law. The Secretary of State shall cause the date and purpose of the
 85 election to be published once a week for two weeks immediately preceding the date thereof
 86 in the official organ of each county in the state. The ballot shall have written or printed
 87 thereon the words:

88 "() YES Shall the Act be approved which provides a state-wide homestead
 89 () NO exemption to certain public service employees from ad valorem taxes in an
 90 amount equal to the amount by which the current year assessed value of a
 91 homestead exceeds its base year assessed value?"

92 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 93 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 94 such question are for approval of the Act, Section 1 of this Act shall become of full force and

95 effect on January 1, 2027. If the Act is not so approved or if the election is not conducted
96 as provided in this section, Section 1 of this Act shall not become effective and this Act shall
97 be automatically repealed on the first day of January immediately following such election
98 date. It shall be the duty of each county election superintendent to certify the results thereof
99 to the Secretary of State.

100 **SECTION 4.**

101 Except as otherwise provided in Section 3 of this Act, this Act shall become effective upon
102 its approval by the Governor or upon its becoming law without such approval.

103 **SECTION 5.**

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