House Bill 935 (AS PASSED HOUSE AND SENATE)

By: Representative Jenkins of the 8th

A BILL TO BE ENTITLED

AN ACT

To provide for a homestead exemption from City of Hiawassee ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead by more than 3 percent; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to allow such exemption to continue to be received by an unremarried surviving spouse or the child, children, grandchild, or grandchildren of the deceased spouse; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

(1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Hiawassee, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Base year" means the taxable year immediately preceding the taxable year in which the exemption under this Act is first granted to the most recent owner of such homestead; provided, however, that the governing authority of the city, or the designee thereof, shall adjust annually the base year assessed value by the lesser of 3 percent or the actual percentage increase in the actual assessed value.

(3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, with the additional qualification that it shall include not more than five contiguous acres of homestead property.

(b)(1) Each resident of the City of Hiawassee is granted an exemption on that person´s homestead from City of Hiawassee ad valorem taxes for municipal purposes in an amount

equal to the amount by which the current year assessed value of that homestead exceeds the adjusted base year assessed value of that homestead by more than 3 percent. This exemption shall not apply to taxes assessed on improvements to such homestead or additional land that is added to such homestead after January 1 of the base year. If any real property is removed from such homestead, the base year assessed value shall be adjusted to reflect such removal, and the exemption shall be recalculated accordingly. The value of that property in excess of such exempted amount shall remain subject to taxation.

(2) The unremarried surviving spouse or the child, children, grandchild, or grandchildren of the deceased spouse who have been granted the exemption provided for in paragraph (1) of this subsection shall continue to receive the exemption provided under paragraph (1) of this subsection so long as that unremarried surviving spouse or child, children, grandchild, or grandchildren of the deceased spouse continue to occupy the home as a residence and homestead.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person´s agent files an application with the governing authority of the City of Hiawassee, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Hiawassee, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such person for such exemption. The governing authority of the City of Hiawassee, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year as long as the person granted the homestead exemption under subsection (b) of this section occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Hiawassee, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2009.

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal election superintendent of the City of Hiawassee shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Hiawassee for approval or rejection. The municipal election superintendent shall conduct the election under this Act on the date of the November, 2008, state-wide general election. The municipal election superintendent shall issue the call and conduct such election as provided by general law. The municipal election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Towns County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which provides a homestead exemption from City of Hiawassee ad valorem taxes for municipal purposes in an amount equal ( ) NO to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead by more than 3 percent?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2009. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective, and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by the City of Hiawassee. It shall be the municipal election superintendent´s duty to certify the result thereof to the Secretary of State.

SECTION 3.

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

SECTION 4.

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