

House Bill 708

By: Representatives Raffensperger of the 50th, Hilton of the 95th, Jones of the 25th, Martin of the 49th, and Willard of the 51st

A BILL TO BE ENTITLED
AN ACT

To provide for a new homestead exemption from City of Johns Creek 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; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for related matters; 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) "Property taxes for city purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek, but excluding any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Base year" means:

(A) The 2016 taxable year with respect to an exemption under this Act which is first granted to a person on that person's homestead in the 2019 taxable year or who reapplies for and is granted such exemption in the 2020 taxable year solely because of a change in ownership to a joint tenancy with right of survival; or

(B) In all other cases, 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 tax commissioner shall adjust the base year assessed value annually by the lesser of 3 percent or the percentage increase, if any, in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967-100, or a successor index as reported by the United States Department of Labor Bureau of Labor Statistics.

(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 only the primary residence and not more than five contiguous acres of land immediately surrounding such residence.

(4) "Inflation rate" means the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967-100, or a successor index as reported by the United States Department of Labor Bureau of Labor statistics.

(b) Each resident of the City of Johns Creek is granted an exemption on that person's homestead from City of Johns Creek property taxes for city 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, including any final determination of value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of the homestead. This exemption shall not apply to taxes assessed on improvements to the homestead or additional land that is added to the homestead after January 1 of the base year. If any real property is removed from the homestead, the base year assessed value, including any final determination of value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, 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.

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

(d) 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, or its designee, of the City of Johns Creek giving such information relative to receiving such exemption as will enable the governing authority, or its designee, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority, or its designee, of the City of Johns Creek shall provide application forms for this purpose.

(e) 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 so long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (d) 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, or its designee, of the municipality in the event that person for any reason becomes ineligible for that exemption.

(f) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county or independent school district ad valorem taxes for educational purposes, or county ad valorem taxes for county 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 property taxes for city purposes.

(g) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2019.

SECTION 2.

The municipal election superintendent of the City of Johns Creek 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 Johns Creek for approval or rejection. The municipal election superintendent shall conduct such election on November 6, 2018, and 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 the City of Johns Creek. The ballot shall have written or printed thereon the words:

"() YES Do you approve the Act which provides a new homestead exemption from City of Johns Creek property taxes for city purposes in the amount of the difference between the current year assessed value of a home and its 2016 base year assessed value, provided the base year assessed value shall be adjusted each year by the lesser of 3 percent or any percentage increase in the inflation rate?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those 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, 2019. 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 Johns Creek. 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.

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SECTION 4.

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