

Senate Bill 309

By: Senators Jones of the 10th and Strickland of the 17th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To provide a homestead exemption from City of Hampton ad valorem taxes for municipal
2 purposes in an amount equal to the amount by which the current year assessed value of a
3 homestead exceeds the base year assessed value of such homestead; to provide for
4 definitions; to specify the terms and conditions of the exemption and the procedures relating
5 thereto; to provide for applicability; to provide for compliance with constitutional
6 requirements; to provide for a referendum, effective dates, automatic repeal, mandatory
7 execution of election, and judicial remedies regarding failure to comply; to repeal conflicting
8 laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

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

12 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
13 purposes levied by, for, or on behalf of the City of Hampton, including, but not limited
14 to, any 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 subsection (b) of this section is first granted to the most recent owner of such homestead.

(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) Each resident of the City of Hampton is granted an exemption on that person's homestead from City of Hampton 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 base year assessed value of that homestead. 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.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless such person or person's agent files an application with the governing authority of the City of Hampton, or the designee thereof, providing such information relative to receiving such exemption as will enable the governing authority of the City of Hampton, 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 Hampton, 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 so 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 Hampton, or the designee thereof, in the event that such person for any reason becomes ineligible for such exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect any 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 City of Hampton 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, 2024.

SECTION 2.

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

SECTION 3.

The municipal election superintendent of the City of Hampton 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 Hampton for approval or rejection. The municipal election superintendent shall conduct that election in conjunction with the November, 2023, municipal general election and shall issue the call and conduct that 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 Henry County. The ballot shall have written or printed thereon the words:

67 "() YES Shall the Act be approved which provides a homestead exemption from City
68 of Hampton ad valorem taxes for municipal purposes in an amount equal
69 () NO to the amount by which the current year assessed value of a homestead
 exceeds the base year assessed value of such homestead?"

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

87 **SECTION 4.**

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

90

SECTION 5.

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