

House Bill 252

By: Representatives Smith of the 70th and Bonner of the 73rd

A BILL TO BE ENTITLED
AN ACT

1 To provide a homestead exemption from City of Newnan 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 provide for
8 related matters; to repeal conflicting 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 Newnan, except for any ad valorem
14 taxes to pay interest on and to retire municipal bonded indebtedness.

15 (2) "Base year" means the taxable year immediately preceding the taxable year in which
16 the exemption under subsection (b) of this section is first granted to the most recent
17 owner of such homestead.

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

21 (b) Each resident of the City of Newnan is granted an exemption on such person's homestead
22 from City of Newnan ad valorem taxes for municipal purposes in an amount equal to the
23 amount by which the current year assessed value of such homestead exceeds the base year
24 assessed value of such homestead. This exemption shall not apply to taxes assessed on
25 improvements to such homestead or additional land that is added to such homestead after
26 January 1 of the base year. If any real property is removed from such homestead, the base
27 year assessed value shall be adjusted to reflect such removal, and the exemption shall be
28 recalculated accordingly. The value of that property in excess of such exempted amount
29 shall remain subject to taxation.

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

37 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
38 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
39 so long as the person granted the homestead exemption under subsection (b) of this section
40 occupies the residence as a homestead. After such person has filed the proper application as
41 provided in subsection (c) of this section, it shall not be necessary to make application

42 thereafter for any year, and such exemption shall continue to be allowed to such person. It
43 shall be the duty of any such person granted the homestead exemption under subsection (b)
44 of this section to notify the governing authority of the City of Newnan, or the designee
45 thereof, in the event that such person for any reason becomes ineligible for such exemption.

46 (e)(1) The exemption granted by subsection (b) of this section shall not apply to or affect
47 any state ad valorem taxes, county ad valorem taxes for county purposes, or county or
48 independent school district ad valorem taxes for educational purposes.

49 (2) Except as otherwise provided in paragraph (3) of this subsection, the homestead
50 exemption granted by subsection (b) of this Code section shall be in addition to and not
51 in lieu of any other homestead exemption applicable to ad valorem taxes.

52 (3) The homestead exemption granted by subsection (b) of this section shall not be
53 applied in addition to any other base year value homestead exemption provided by law
54 with respect to the given taxing jurisdiction to which the such law applies. In any such
55 event, the tax receiver or tax commissioner of the taxpayer's respective local government
56 or governments charged with the duty of receiving returns of property taxation shall
57 apply only the base year value homestead exemption that is larger or more beneficial for
58 the taxpayer with respect to the particular taxing jurisdictions to which more than one
59 base year value homestead exemption applies.

60 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
61 beginning on or after January 1, 2026.

62 **SECTION 2.**

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

66

SECTION 3.

67 The municipal election superintendent of the City of Newnan shall call and conduct an
68 election as provided in this section for the purpose of submitting this Act to the electors of
69 the City of Newnan for approval or rejection. The municipal election superintendent shall
70 conduct that election on the Tuesday after the first Monday in November and shall issue the
71 call and conduct that election as provided by general law. The municipal election
72 superintendent shall cause the date and purpose of the election to be published once a week
73 for two weeks immediately preceding the date thereof in the official organ of Coweta
74 County. The ballot shall have written or printed thereon the words:

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

79 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
80 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
81 such question are for approval of the Act, Section 1 of this Act shall become of full force and
82 effect on January 1, 2026. If the Act is not so approved or if the election is not conducted
83 as provided in this section, Section 1 of this Act shall not become effective, and this Act shall
84 be automatically repealed on the 365th calendar day following the election date provided for
85 in this section. The expense of such election shall be borne by the City of Newnan. It shall
86 be the municipal election superintendent's duty to certify the result thereof to the Secretary
87 of State. The provisions of this section shall be mandatory upon the municipal election
88 superintendent and are not intended as directory. If the municipal election superintendent
89 fails or refuses to comply with this section, any elector of the City of Newnan may apply for
90 a writ of mandamus to compel the municipal election superintendent to perform his or her
91 duties under this section. If the court finds that the municipal election superintendent has not
92 complied with this section, the court shall fashion appropriate relief requiring the municipal

93 election superintendent to call and conduct such election on the date required by this section
94 or on the next date authorized for special elections provided for in Code Section 21-2-540
95 of the O.C.G.A.

96 **SECTION 4.**

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

99 **SECTION 5.**

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