

The House Committee on Ways and Means offers the following substitute to HB 92:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad  
2 valorem taxation of property, so as to provide for the required contents of property tax bills;  
3 to revise a state-wide base year homestead exemption; to clarify that a surviving spouse does  
4 not need to reapply for such exemption; to postpone the date by which local governing  
5 authorities are authorized to opt out of such exemption; to provide for hearing requirements;  
6 to provide for the applicability of an election to opt out; to provide for an additional period  
7 to apply for a homestead exemption in certain circumstances; to provide for the contents of  
8 annual notices of assessment; to provide for forms for such notices; to provide for  
9 requirements for calculating and certifying estimated roll-back rates; to revise definitions;  
10 to provide for related matters; to provide for an effective date and applicability; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem  
15 taxation of property, is amended in Code Section 48-5-2, relating to definitions, by revising  
16 paragraph (2.1) as follows:

H. B. 92 (SUB)

17 "(2.1) 'Estimated roll-back rate' means, for any given levying or recommending authority,  
 18 the current year's estimated millage rate minus the millage equivalent of the total net  
 19 assessed value added by reassessments:

20 ~~(A) As as calculated and certified to the tax commissioner by the levying or~~  
 21 ~~recommending authority pursuant to Code Section 48-5-306.2 for county and~~  
 22 ~~educational tax purposes; and~~

23 ~~(B) As calculated and certified to the collecting officer of the municipality by the~~  
 24 ~~levying authority for municipal tax purposes."~~

## 25 SECTION 2.

26 Said chapter is further amended in Code Section 48-5-34, relating to ad valorem property tax  
 27 bill form, by revising subsection (b) as follows:

28 "(b) In addition to the requirements of subsection (a) of this Code section, ~~regarding any~~  
 29 ~~ad valorem property tax bill where~~ if the millage rate adopted by a tax taxing authority  
 30 exceeds the estimated roll-back rate and such estimated roll-back rate was provided in the  
 31 annual notice of assessment, such tax bill shall include a notice containing the name of  
 32 such taxing authority and the following statement in bold print:

33 'The adopted millage rate exceeds the estimated roll-back rate as stated in the annual  
 34 notice of assessment that you previously received for this taxable year, which will  
 35 result in an increase in the amount of property tax that you will owe.'

## 36 SECTION 3.

37 Said chapter is further amended in Code Section 48-5-44.2, relating to base year homestead  
 38 exemption, by revising paragraph (4) of subsection (a) and subsections (e) and (i) as follows:

39 "(4) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40,  
 40 with the additional limitation that no more than five acres of the land immediately  
 41 surrounding the residence shall be included."

42 "(e) The exemption granted by subsection (b) of this Code section shall be claimed and  
 43 returned as provided in Code Section 48-5-50.1. Such exemption shall be automatically  
 44 renewed from year to year so long as the owner occupies the residence as a homestead.  
 45 After a person or a person's agent has filed the proper application or is automatically  
 46 granted the homestead exemption as provided in subsection (d) of this Code section, it shall  
 47 not be necessary for such person or such person's surviving spouse to make application  
 48 thereafter for any year, and the exemption shall continue to be allowed to such person or  
 49 such person's surviving spouse. It shall be the duty of any person granted the homestead  
 50 exemption under subsection (b) or (c) of this Code section to notify the tax receiver or tax  
 51 commissioner of the local government or governments in the event such person for any  
 52 reason becomes ineligible for such exemption."

53 "(i) The governing authority of any county, consolidated government, municipality, or  
 54 school district may elect to opt out of the homestead exemption otherwise granted by  
 55 subsection (b) of this Code section with respect to such political subdivision through the  
 56 adoption of a resolution to do the same by March ~~1, 2025~~, 31, 2029, after completing the  
 57 following steps:

58 (1) The governing authority shall advertise its intent to do so and shall conduct at least  
 59 three public hearings thereon, at least one of which shall commence between the hours  
 60 of 6:00 P.M. and 7:00 P.M., inclusive, on a business weekday, and at least one of which  
 61 shall be held no more than 30 days prior to the effective date of such resolution. The  
 62 governing authority shall place an advertisement in a newspaper of general circulation  
 63 serving the residents of the political subdivision and post such advertisement on its  
 64 website, which shall read as follows:

65 'INTENT TO OPT OUT OF HOMESTEAD EXEMPTION

66 The (name of governing authority) intends to opt out of the statewide adjusted base  
 67 year ad valorem homestead exemption for (name of the political subdivision).

68 All concerned citizens are invited to the public hearing on this matter to be held at  
69 (place of meeting) on (date and time).

70 Times and places of additional public hearings on this matter are at (place of meeting)  
71 on (date and time).'

72 Simultaneously with this notice the governing authority shall provide a press release to  
73 the local media.

74 (2) The advertisement required by paragraph (1) of this subsection shall appear at least  
75 one week prior to each hearing, be prominently displayed, be not less than 30 square  
76 inches, and not be placed in that section of the newspaper where legal notices appear and  
77 shall be posted on the appropriate website at least one week prior to each hearing. In  
78 addition to the advertisement specified under this paragraph, the levying or  
79 recommending authority may include in the notice reasons or explanations for its  
80 intention to opt out of the homestead exemption.

81 (3) No resolution to opt out of the homestead exemption shall:

82 (A) Become ~~become~~ effective with respect to a political subdivision unless the  
83 procedures and hearings required by this subsection are completed and a copy of such  
84 resolution is filed with the Secretary of State by ~~March 1, 2025~~ March 31, 2029; or

85 (B) Be applicable for the tax year for which such resolution was adopted unless the  
86 procedures and hearings required by this subsection are completed and a copy of such  
87 resolution is filed with the Secretary of State by March 31 of such tax year."

88 **SECTION 4.**

89 Said chapter is further amended in Code Section 48-5-45, relating to application for  
90 homestead exemption and unlawful to solicit fee to file application for homestead for  
91 another, by revising subsection (a) as follows:

92 "(a)(1) An applicant seeking a homestead exemption as provided in Code  
93 Section 48-5-44 and qualifying under the provisions of Code Section 48-5-40 shall file

94 a written application and schedule with the tax receiver or tax commissioner charged with  
 95 the duty of receiving returns of property for taxation at any time during the calendar year  
 96 subsequent to the property becoming the primary residence of the applicant up to and  
 97 including the date for the closing of the books for the return of taxes for the calendar year,  
 98 except that, in the case of a property which is subject to a reassessment by the board of  
 99 tax assessors, such application and schedule may be filed in conjunction with or in lieu  
 100 of an appeal of the reassessment.

101 (2) The failure to file properly the application and schedule on or before the date for the  
 102 closing of the books for the return of taxes of a calendar year in which the taxes are due  
 103 shall constitute a waiver of the homestead exemption on the part of the applicant failing  
 104 to make the application for such exemption for that year."

105 **SECTION 5.**

106 Said title is further amended in Code Section 48-5-306, relating to annual notice of current  
 107 assessment, contents, posting notice, and new assessment description, by revising  
 108 paragraph (1) of and by adding a new paragraph to subsection (b) to read as follows:

109 "(1) The annual notice of current assessment required to be given by the county board  
 110 of tax assessors under subsection (a) of this Code section shall be dated and shall contain  
 111 the name and last known address of the taxpayer. The annual notice shall ~~conform with~~  
 112 be given on the applicable state-wide uniform assessment notice form which shall be  
 113 established by the commissioner by rule and regulation and shall contain:

- 114 (A) The amount of the previous assessment;  
 115 (B) The amount of the current assessment;  
 116 (C) The year for which the new assessment is applicable;  
 117 (D) A brief description of the assessed property broken down into real and personal  
 118 property classifications;

- 119 (E) The fair market value of property of the taxpayer subject to taxation and the  
 120 assessed value of the taxpayer's property subject to taxation after being reduced;
- 121 (F) The name, phone number, and contact information of the person in the assessors'  
 122 office who is administratively responsible for the handling of the appeal and who the  
 123 taxpayer may contact if the taxpayer has questions about the reasons for the assessment  
 124 change or the appeals process;
- 125 (G) If available, the public internet website address of the office of the county board  
 126 of tax assessors;
- 127 (H) A statement that all documents and records used to determine the current value are  
 128 available upon request; and
- 129 (I)(i) For each levying or recommending authority that certified its estimated  
 130 roll-back rate to the board prior to the issuance of such notice, the ~~The~~ current year's  
 131 estimated roll-back rate for each such levying or recommending authority; or
- 132 (ii) For any levying or recommending authority that did not certify its estimated  
 133 roll-back rate to the board prior to the issuance of such notice, the estimated amount  
 134 of ad valorem taxes required to be paid on the assessed property in the current year  
 135 based on the previous year or the most applicable year's millage rate and the amount  
 136 of the current assessment."
- 137 "(2.1) The annual notice of assessment required under this subsection may state the  
 138 estimated amount of ad valorem taxes required to be paid on the assessed property in the  
 139 current year."

140 **SECTION 6.**

141 Said chapter is further amended by adding a new Code section to read as follows:

142 "48-5-306.2.

143 (a) The levying authority of each county shall annually calculate its estimated roll-back  
144 rate for the current year and shall certify such rate by March 31 to the county board of tax  
145 assessors and county tax commissioner.

146 (b) The levying authority of each municipality shall annually calculate its estimated  
147 roll-back rate for the current year and shall certify such rate by March 31 to the collecting  
148 officer of the municipality and the board or boards of tax assessors for the county or  
149 counties within which the municipality is located.

150 (c) The recommending authority of each school district shall annually calculate its  
151 estimated roll-back rate for the current year and shall certify such rate by March 31 to the  
152 collecting officer of the school district and the board or boards of tax assessors for the  
153 county or counties within which the school district is located."

154 **SECTION 7.**

155 This Act shall become effective upon its approval by the Governor or upon its becoming law  
156 without such approval and shall be applicable to taxable years beginning on or after  
157 January 1, 2025.

158 **SECTION 8.**

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