

The Senate Committee on Finance offered 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 require local governing authorities that opted out
5 of such exemption to follow the procedures to opt out each year for such opt out to remain
6 effective; to provide for procedures to rescind an election to opt out; to provide for an
7 additional period to apply for a homestead exemption in certain circumstances; to provide
8 for the contents of annual notices of assessment; to provide for forms for such notices; to
9 provide for requirements for calculating and certifying estimated roll-back rates; to revise
10 definitions; to provide for related matters; to provide for an effective date and applicability;
11 to repeal 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:

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) and by
 39 adding a new subsection to read as follows:

40 "(4) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40,
 41 with the additional limitation that it shall include:

42 (A) Only the primary residence and not more than five contiguous acres of land
 43 immediately surrounding such residence; or

44 (B) If the property is assessed pursuant to Code Section 48-5-7.4 or 48-5-7.7, only the
 45 primary residence and the portion of the underlying property that is excluded from the
 46 benefit of such assessment pursuant to subparagraph (a)(1)(B) of Code Section 48-5-7.4
 47 or subparagraph (b)(2)(B) of Code Section 48-5-7.7."

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

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

64 ~~(H)~~(A) The governing authority shall advertise its intent to do so and shall conduct at
 65 least three public hearings thereon, at least one of which shall commence between the
 66 hours of 6:00 P.M. and 7:00 P.M., inclusive, on a business weekday. The governing
 67 authority shall place an advertisement in a newspaper of general circulation serving the

68 residents of the political subdivision and post such advertisement on its website, which
69 shall read as follows:

70 **'INTENT TO OPT OUT OF HOMESTEAD EXEMPTION**

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

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

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

77 Simultaneously with this notice the governing authority shall provide a press release to
78 the local media; and

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

86 ~~(3)(2)(A)~~ No ~~resolution~~ election to opt out of the homestead exemption shall become
87 effective with respect to a political subdivision unless the procedures and hearings
88 required by paragraph (1) of this subsection are completed and a copy of such
89 resolution is filed with the Secretary of State by March 1, 2025.

90 (B) For the election to opt out of the homestead exemption otherwise granted by this
91 Code section to remain effective for a political subdivision after tax year 2025, the
92 governing authority shall comply with the same procedures and hearings required
93 pursuant to paragraph (1) of this subsection and shall file a copy of the resolution with
94 the Secretary of State by March 1 of each year.

95 (3) The governing authority of any county, consolidated government, municipality, or
96 school district that has elected to opt out pursuant to this subsection may rescind such
97 election at any time by adopting a resolution to do so and filing a copy of such resolution
98 with the Secretary of State; provided, however, that such resolution to rescind the election
99 to opt out shall only be effective for a tax year if a copy of the resolution is filed with the
100 Secretary of State by March 1 of the such tax year."

101

SECTION 4.

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

105 "(a)(1) An applicant seeking a homestead exemption as provided in Code
106 Section 48-5-44 and qualifying under the provisions of Code Section 48-5-40 shall file
107 a written application and schedule with the tax receiver or tax commissioner charged with
108 the duty of receiving returns of property for taxation at any time during the calendar year
109 subsequent to the property becoming the primary residence of the applicant up to and
110 including the date for the closing of the books for the return of taxes for the calendar year,
111 except that, in the case of a property which is subject to a reassessment by the board of
112 tax assessors, such application and schedule may be filed in conjunction with or in lieu
113 of an appeal of the reassessment.

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

118

SECTION 5.

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

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

127 (A) The amount of the previous assessment;

128 (B) The amount of the current assessment;

129 (C) The year for which the new assessment is applicable;

130 (D) A brief description of the assessed property broken down into real and personal
131 property classifications;

132 (E) The fair market value of property of the taxpayer subject to taxation and the
133 assessed value of the taxpayer's property subject to taxation after being reduced;

134 (F) The name, phone number, and contact information of the person in the assessors'
135 office who is administratively responsible for the handling of the appeal and who the
136 taxpayer may contact if the taxpayer has questions about the reasons for the assessment
137 change or the appeals process;

138 (G) If available, the public internet website address of the office of the county board
139 of tax assessors;

140 (H) A statement that all documents and records used to determine the current value are
141 available upon request; and

142 (I)(i) The current year's estimated roll-back rate for each levying or recommending
143 authority that certified its estimated general maintenance and operations roll-back rate

144 for the current year to the county board of tax assessors and county tax commissioner
145 by the date specified under Code Section 48-5-306.2; or
146 (ii) For each levying or recommending authority that did not certify its estimated
147 general maintenance and operations roll-back rate to the county board of tax assessors
148 and county tax commissioner by the date specified in Code Section 48-5-306.2, the
149 previous year's millage rate levied by the authority."

150 **SECTION 6.**

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

152 "48-5-306.2.

153 Each levying and recommending authority, in accordance with the procedures specified
154 under Code Section 48-5-32.1, shall annually calculate its estimated general maintenance
155 and operations roll-back rate for the current year and shall certify such rate to the county
156 board of tax assessors and county tax commissioner no less than 15 days prior to the
157 postmark of the annual notice of assessment."

158 **SECTION 7.**

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

162 **SECTION 8.**

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