

House Bill 870

By: Representatives Neal of the 79<sup>th</sup>, Bell of the 75<sup>th</sup>, Scott of the 76<sup>th</sup>, Douglas of the 78<sup>th</sup>,  
Flournoy of the 74<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To provide a homestead exemption from Clayton County ad valorem taxes for county  
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 for residents of that  
4 county who are disabled veterans, senior citizens, unremarried surviving spouses of a peace  
5 officer or firefighter killed in the line of duty, or 100 percent disabled; to provide for  
6 definitions; to specify the terms and conditions of the exemption and the procedures relating  
7 thereto; to provide for applicability and a sunset; to provide for compliance with  
8 constitutional requirements; to provide for a referendum, effective dates, automatic repeal,  
9 mandatory execution of election, and judicial remedies regarding failure to comply; to  
10 provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

14 (1) "Ad valorem taxes for county purposes" means all ad valorem taxes for county  
15 purposes levied by, for, or on behalf of Clayton County, except for any ad valorem taxes  
16 to pay interest on and to retire county bonded indebtedness.

H. B. 870

- 17 (2) "Adjusted base year assessed value" means the sum of:
- 18 (A) The previous adjusted base year assessed value;
- 19 (B) An amount equal to the difference between the current year assessed value of the
- 20 homestead and the base year assessed value of the homestead, provided that such
- 21 amount shall not exceed the total of the previous adjusted base year assessed value of
- 22 the homestead multiplied by the inflation rate for the prior year; and
- 23 (C) The value of any substantial property change, provided that no such value added
- 24 improvements to the homestead shall be duplicated as to the same addition or
- 25 improvement.
- 26 (3) "Base year assessed value" means:
- 27 (A) With respect to an exemption under this Act which is first granted to a person on
- 28 such person's homestead for the 2026 taxable year, the assessed value for taxable year
- 29 2025, including any final determination of value on appeal pursuant to Code Section
- 30 48-5-311 of the O.C.G.A., as amended, of the homestead; or
- 31 (B) In all other cases, the assessed value, including any final determination of value on
- 32 appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of the
- 33 homestead from the taxable year immediately preceding the taxable year in which the
- 34 exemption under this Act is first granted to the applicant.
- 35 (4) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
- 36 the O.C.G.A., as amended, with the additional qualification that it shall include not more
- 37 than five contiguous acres of homestead property.
- 38 (5) "Inflation rate" means the annual inflationary index rate as determined for a given
- 39 year by the commissioner of revenue in accordance with subsection (f) of this section.
- 40 (6) "Previous adjusted base year assessed value" means:
- 41 (A) With respect to the year for which the exemption under this Act is first granted to
- 42 a person on such person's homestead, the base year assessed value; or

43 (B) In all other cases, the adjusted base year assessed value of the homestead as  
44 calculated in the taxable year immediately preceding the current year, including any  
45 final determination of value on appeal pursuant to Code Section 48-5-311 of the  
46 O.C.G.A., as amended.

47 (7) "Substantial property change" means any increase or decrease in the assessed value  
48 of a homestead derived from additions or improvements to, or the removal of real  
49 property from, the homestead which occurred after the year in which the base year  
50 assessed value is determined for the homestead. The assessed value of the substantial  
51 property changes shall be established following any final determination of value on  
52 appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended.

53 (b)(1) Subject to the limitations provided in this Act, each resident of Clayton County  
54 who meets the terms for an exemption pursuant to Code Section 48-5-48, 48-5-48.3, or  
55 48-5-48.4 of the O.C.G.A., as amended, or who is 100 percent disabled is granted an  
56 exemption on that person's homestead from ad valorem taxes in an amount equal to the  
57 amount by which the current year assessed value of that homestead, including any final  
58 determination of value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as  
59 amended, exceeds its previous adjusted base year assessed value.

60 (2) Except as provided for in subsection (b.1) of this section, no exemption provided for  
61 in this subsection shall transfer to any subsequent owner of the property, and the assessed  
62 value of the property shall be as provided by law.

63 (b.1) The surviving spouse of the person who has been granted the exemption provided for  
64 in subsection (b) of this section shall continue to receive the exemption provided under  
65 subsection (b) of this section, so long as such surviving spouse continues to occupy the  
66 residence as a homestead.

67 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section  
68 as being 100 percent disabled, the person claiming such exemption shall be required to  
69 obtain a certificate from not more than three physicians licensed to practice medicine

70 under Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion  
71 of such physician or physicians, such person is mentally or physically incapacitated to the  
72 extent that such person is unable to be gainfully employed and that such incapacity is  
73 likely to be permanent. Such certificate or certificates shall constitute part of and be  
74 submitted with the application provided for in paragraph (2) of this subsection.

75 (2) A person shall not receive the homestead exemption granted by subsection (b) of this  
76 section unless such person or person's agent files an application with the tax  
77 commissioner of Clayton County, giving such person's age and such additional  
78 information relative to receiving such exemption as will enable the tax commissioner of  
79 Clayton County to make a determination regarding the initial and continuing eligibility  
80 of such person for such exemption. The tax commissioner of Clayton County shall  
81 provide application forms for this purpose.

82 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
83 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
84 so long as the person granted the homestead exemption under subsection (b) of this section  
85 occupies the residence as a homestead. After such person has filed the proper application as  
86 provided in subsection (c) of this section, it shall not be necessary to make application  
87 thereafter for any year, and such exemption shall continue to be allowed to such person. It  
88 shall be the duty of any such person granted the homestead exemption under subsection (b)  
89 of this section to notify the tax commissioner of Clayton County in the event that such person  
90 for any reason becomes ineligible for such exemption.

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

94 (e.1)(1) Except as otherwise provided in paragraph (2) of this subsection, the homestead  
95 exemption granted by subsection (b) of this section shall be in addition to and not in lieu  
96 of any other homestead exemption applicable to ad valorem taxes.

97 (2) The homestead exemption granted by subsection (b) of this section shall not be  
98 applied in addition to any other base year value homestead exemption provided by law  
99 with respect to Clayton County. In any such event, the tax commissioner of Clayton  
100 County shall apply only the base year value homestead exemption that is larger or more  
101 beneficial for the taxpayer to which more than one base year value homestead exemption  
102 applies.

103 (f) For the purposes of this section, the commissioner of revenue shall promulgate a  
104 standardized method for determining annual inflationary index rates which reflect the effects  
105 of inflation and deflation on the cost of living for residents of this state for a given calendar  
106 year. Such method may utilize the Consumer Price Index as reported by the Bureau of Labor  
107 Statistics of the United States Department of Labor or any other similar index established by  
108 the federal government if the commissioner of revenue determines that such federal index  
109 fairly reflects the effects of inflation and deflation on residents of this state.

110 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years  
111 beginning on or after January 1, 2026, and shall end on December 31, 2030.

112 **SECTION 2.**

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

116 **SECTION 3.**

117 The election superintendent of Clayton County shall call and conduct an election as provided  
118 in this section for the purpose of submitting this Act to the electors of Clayton County for  
119 approval or rejection. The election superintendent shall conduct that election on the Tuesday  
120 following the first Monday in November of 2025 and shall issue the call and conduct that  
121 election as provided by general law. The election superintendent shall cause the date and

122 purpose of the election to be published once a week for two weeks immediately preceding  
123 the date thereof in the official organ of Clayton County. The ballot shall have written or  
124 printed thereon the words:

125     " YES    Shall the Act be approved which provides a homestead exemption from  
126                        Clayton County ad valorem taxes for disabled veterans, senior citizens,  
127      NO    unremarried surviving spouses of a peace officer or firefighter killed in the  
128                        line of duty, and 100 percent disabled residents, to begin on January 1,  
129                        2026, and end on December 31, 2030?"

130 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
131 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
132 such question are for approval of the Act, Section 1 of this Act shall become of full force and  
133 effect on January 1, 2026. If the Act is not so approved or if the election is not conducted  
134 as provided in this section, Section 1 of this Act shall not become effective, and this Act shall  
135 be automatically repealed on the 365th calendar day following the election date provided for  
136 in this section. The expense of such election shall be borne by Clayton County. It shall be  
137 the election superintendent's duty to certify the result thereof to the Secretary of State. The  
138 provisions of this section shall be mandatory upon the election superintendent and are not  
139 intended as directory. If the election superintendent fails or refuses to comply with this  
140 section, any elector of Clayton County may apply for a writ of mandamus to compel the  
141 election superintendent to perform his or her duties under this section. If the court finds that  
142 the election superintendent has not complied with this section, the court shall fashion  
143 appropriate relief requiring the election superintendent to call and conduct such election on  
144 the date required by this section or on the next date authorized for special elections provided  
145 for in Code Section 21-2-540 of the O.C.G.A.

146 **SECTION 4.**

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

149 **SECTION 5.**

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