

Senate Bill 407

By: Senators Dickerson of the 21st, Albers of the 56th and Kirkpatrick of the 32nd

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a homestead exemption from Cherokee County school district ad valorem  
2 taxes for educational purposes, through tax year 2031, in an amount equal to the amount by  
3 which the current year assessed value of a homestead exceeds the adjusted base year assessed  
4 value of such homestead; to provide for definitions; to specify the terms and conditions of  
5 the exemption and the procedures relating thereto; to provide for related matters; to provide  
6 for applicability; to provide for compliance with constitutional requirements; to provide for  
7 a referendum, effective dates, automatic repeal, mandatory execution of election, and judicial  
8 remedies regarding failure to comply; 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 educational purposes" means all ad valorem taxes for  
13 educational purposes levied by, for, or on behalf of the Cherokee County school district,  
14 but excluding any ad valorem taxes to pay interest on and to retire educational bonded  
15 indebtedness.

16 (2) "Base year" means the taxable year immediately preceding the taxable year in which  
17 the exemption under this Act is first granted to the most recent owner of such homestead;  
18 provided, however, that the tax commissioner shall adjust the base year assessed value  
19 annually by no more than 4 percent.

20 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
21 the O.C.G.A., as amended, with the additional qualification that it shall include only the  
22 primary residence and not more than five contiguous acres of land immediately  
23 surrounding such residence.

24 (b) Each resident within the Cherokee County school district is granted an exemption on that  
25 person's homestead from Cherokee County school district ad valorem taxes for educational  
26 purposes in an amount equal to the amount by which the current year assessed value of that  
27 homestead exceeds the adjusted base year assessed value, including any final determination  
28 of value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of the  
29 homestead. This exemption shall apply to taxes assessed on improvements to the homestead  
30 or additional land that is added to the homestead after January 1 of the base year, provided  
31 that the base year for assessing the value of such improvements or additions shall be the  
32 taxable year such improvements or additions were made. If any real property is removed  
33 from the homestead, the base year assessed value, including any final determination of value  
34 on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, shall be adjusted  
35 to reflect such removal and the exemption shall be recalculated accordingly. The value of  
36 that property in excess of such exempted amount shall remain subject to taxation.

37 (c) The surviving spouse of the person who has been granted the exemption provided for in  
38 subsection (b) of this section shall continue to receive the exemption provided under  
39 subsection (b) of this section, so long as that surviving spouse continues to occupy the home  
40 as a residence and homestead.

41 (d) A person shall not receive the homestead exemption granted by subsection (b) of this  
42 section unless the person or person's agent files an application with the tax commissioner of

43 Cherokee County giving such information relative to receiving such exemption as will enable  
44 the tax commissioner to make a determination regarding the initial and continuing eligibility  
45 of such owner for such exemption. The tax commissioner of Cherokee County shall provide  
46 application forms for this purpose.

47 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
48 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
49 so long as the owner occupies the residence as a homestead. After a person has filed the  
50 proper application as provided in subsection (d) of this section, it shall not be necessary to  
51 make application thereafter for any year and the exemption shall continue to be allowed to  
52 such person. It shall be the duty of any person granted the homestead exemption under  
53 subsection (b) of this section to notify the tax commissioner of Cherokee County in the event  
54 that person for any reason becomes ineligible for that exemption.

55 (f) The exemption granted by subsection (b) of this section shall not apply to or affect state  
56 ad valorem taxes, municipal ad valorem taxes for municipal purposes, municipal ad valorem  
57 taxes for educational purposes, or county ad valorem taxes for county purposes. The  
58 homestead exemption granted by subsection (b) of this section shall be in addition to and not  
59 in lieu of any other homestead exemption applicable to county ad valorem taxes for  
60 educational purposes.

61 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years  
62 beginning on or after January 1, 2027, through the tax year ending on December 31, 2031.

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## **SECTION 2.**

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

67

**SECTION 3.**

68 The county election superintendent of Cherokee County shall call and conduct an election  
 69 as provided in this section for the purpose of submitting this Act to the electors within the  
 70 Cherokee County school district for approval or rejection. The county election  
 71 superintendent shall set the date of such election on the Tuesday next following the first  
 72 Monday in November, 2026. The county election superintendent shall issue the call and  
 73 conduct such election as provided by general law. The county election superintendent shall  
 74 cause the date and purpose of the election to be published once a week for two weeks  
 75 immediately preceding the date thereof in the official organ of Cherokee County. The ballot  
 76 shall have written or printed thereon the words:

77 " YES Shall the Act be approved which provides a homestead exemption from  
 78  NO Cherokee County school district ad valorem taxes for educational purposes,  
 79 through tax year 2031, in an amount equal to the amount by which the  
 80 current year assessed value of a homestead exceeds its adjusted base year  
 81 assessed value, provided that the base year assessed value of such  
 82 homestead shall be adjusted annually by no more than 4 percent?"

83 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons  
 84 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes  
 85 cast on such question are for approval of the Act, Section 1 of this Act shall become of full  
 86 force and effect on the first day of January, 2027. If the Act is not so approved or if the  
 87 election is not conducted as provided in this section, Section 1 of this Act shall not become  
 88 effective and this Act shall be automatically repealed on the 365th calendar day following  
 89 the election date provided for in this section. The expense of such election shall be borne by  
 90 Cherokee County. It shall be the county election superintendent's duty to certify the result  
 91 thereof to the Secretary of State. The provisions of this section shall be mandatory upon the  
 92 county election superintendent and are not intended as directory. If the county election  
 93 superintendent fails or refuses to comply with this section, any elector of the Cherokee

94 County school district may apply for a writ of mandamus to compel the county election  
95 superintendent to perform his or her duties under this section. If the court finds that the  
96 county election superintendent has not complied with this section, the court shall fashion  
97 appropriate relief requiring the county election superintendent to call and conduct such  
98 election by the date required by this section or on the next date authorized for special  
99 elections provided for in Code Section 21-2-540 of the O.C.G.A.

100

**SECTION 4.**

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

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**SECTION 5.**

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