

House Bill 1602 (AS PASSED HOUSE AND SENATE)

By: Representatives Dubnik of the 29th, Hawkins of the 27th, Cox of the 28th, and McCollum of the 30th

A BILL TO BE ENTITLED
AN ACT

1 To provide a homestead exemption from City of Gainesville independent school district ad
2 valorem taxes for educational purposes in the amount of \$10,000.00 of the assessed value of
3 the homestead for residents of that school district; to provide for definitions; to specify the
4 terms and conditions of the exemption and the procedures relating thereto; to provide for
5 applicability; to provide for compliance with constitutional requirements; to provide for a
6 referendum, effective dates, automatic repeal, mandatory execution of election, and judicial
7 remedies regarding failure to comply; to provide for related matters; to repeal conflicting
8 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 City of Gainesville independent
14 school district, including, but not limited to, any ad valorem taxes to pay interest on and
15 to retire independent school district bonded indebtedness.

16 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
17 the O.C.G.A., as amended.

18 (b) Each resident of the City of Gainesville independent school district is granted an
19 exemption on such person's homestead from City of Gainesville independent school district
20 ad valorem taxes for educational purposes in the amount of \$10,000.00 of the assessed value
21 of such homestead. The value of that property in excess of such exempted amount shall
22 remain subject to taxation.

23 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
24 section unless such person or person's agent files an application with the governing authority
25 of the City of Gainesville, or the designee thereof, giving such information relative to
26 receiving such exemption as will enable the governing authority of the City of Gainesville,
27 or the designee thereof, to make a determination regarding the initial and continuing
28 eligibility of such person for such exemption. The governing authority of the City of
29 Gainesville, or the designee thereof, shall provide application forms for this purpose.

30 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
31 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
32 so long as the person granted the homestead exemption under subsection (b) of this section
33 occupies the residence as a homestead. After a person has filed the proper application as
34 provided in subsection (c) of this section, it shall not be necessary to make application
35 thereafter for any year, and such exemption shall continue to be allowed to such person. It
36 shall be the duty of any person granted the homestead exemption under subsection (b) of this
37 section to notify the governing authority of the City of Gainesville, or the designee thereof,
38 in the event that such person for any reason becomes ineligible for such exemption.

39 (e) The exemption granted by subsection (b) of this section shall not apply to or affect any
40 state ad valorem taxes, county ad valorem taxes for county purposes, municipal ad valorem
41 taxes for municipal purposes, or county school district ad valorem taxes for educational
42 purposes. The homestead exemption granted by subsection (b) of this section shall be in

43 addition to and not in lieu of any other homestead exemption applicable to City of
44 Gainesville independent school district ad valorem taxes for educational purposes.

45 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
46 beginning on or after January 1, 2027.

47 **SECTION 2.**

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

51 **SECTION 3.**

52 The municipal election superintendent of the City of Gainesville shall call and conduct an
53 election as provided in this section for the purpose of submitting this Act to the electors of
54 the City of Gainesville independent school district for approval or rejection. The municipal
55 election superintendent shall conduct that election on Tuesday following the first Monday
56 in November, 2026, and shall issue the call and conduct that election as provided by general
57 law. The municipal election superintendent shall cause the date and purpose of the election
58 to be published once a week for two weeks immediately preceding the date thereof in the
59 official organ of Hall County. The ballot shall have written or printed thereon the words:

60 "() YES Shall the Act be approved which provides a homestead exemption from City
61 of Gainesville independent school district ad valorem taxes for educational
62 () NO purposes in the amount of \$10,000.00 of the assessed value of the
63 homestead for residents of that school district?"

64 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
65 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
66 such question are for approval of the Act, Section 1 of this Act shall become of full force and
67 effect on January 1, 2027. If the Act is not so approved or if the election is not conducted as

68 provided in this section, Section 1 of this Act shall not become effective, and this Act shall
69 be automatically repealed on the 365th calendar day following the election date provided for
70 in this section. The expense of such election shall be borne by the City of Gainesville. It
71 shall be the municipal election superintendent's duty to certify the result thereof to the
72 Secretary of State. The provisions of this section shall be mandatory upon the municipal
73 election superintendent and are not intended as directory. If the municipal election
74 superintendent fails or refuses to comply with this section, any elector of the City of
75 Gainesville independent school district may apply for a writ of mandamus to compel the
76 municipal election superintendent to perform his or her duties under this section. If the court
77 finds that the municipal election superintendent has not complied with this section, the court
78 shall fashion appropriate relief requiring the municipal election superintendent to call and
79 conduct such election on the date required by this section or on the next date authorized for
80 special elections provided for in Code Section 21-2-540 of the O.C.G.A.

81 **SECTION 4.**

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

84 **SECTION 5.**

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