

House Bill 1147

By: Representatives Momtahan of the 17th, Kelley of the 16th, Smith of the 18th, New of the 64th, and Gullett of the 19th

A BILL TO BE ENTITLED
AN ACT

1 To provide for a new homestead exemption from Paulding County ad valorem taxes for
2 county purposes in an amount equal to the amount by which the current year assessed value
3 of a homestead exceeds the adjusted base year assessed value of such homestead; to provide
4 for definitions; to specify the terms and conditions of the exemption and the procedures
5 relating thereto; to provide for applicability; to provide for compliance with constitutional
6 requirements; to provide for a referendum, effective dates, automatic repeal, mandatory
7 execution of election, and judicial remedies regarding failure to comply; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

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

15 (2) "Base year" means:

16 (A) Between the 2020 and 2021 taxable years, the lowest assessed value of the
17 homestead, including any final determination of value on appeal pursuant to Code
18 Section 48-5-311 of the O.C.G.A., as amended, with respect to an exemption pursuant
19 to this Act which is first granted to a person on such person's homestead in the 2025
20 taxable year or who thereafter reapplies for and is granted such exemption in the 2026
21 taxable year, or thereafter, solely because of a change in ownership to a joint tenancy
22 with right of survival; or

23 (B) In all other cases, the taxable year immediately preceding the taxable year in which
24 the exemption under this Act is first granted to the most recent owner of such
25 homestead;

26 provided, however, that the tax commissioner shall adjust the base year assessed value
27 annually by no greater than 50 percent of the annual inflationary index rate determined
28 by the tax commissioner; provided, further, that, in any taxable year in which the assessed
29 value of the homestead is less than the base year assessed value for the prior year, such
30 year's lesser assessed value shall become the base year assessed value for the then-current
31 year. The tax commissioner shall establish a method for determining annual inflationary
32 index rates which reflect the effects of inflation and deflation on the cost of living for
33 residents of Paulding County for a given calendar year. Such method may utilize the
34 Consumer Price Index, as reported by the Bureau of Labor Statistics of the United States
35 Department of Labor or any other similar index established by the federal government,
36 if the tax commissioner determines that such federal index fairly reflects the effects of
37 inflation and deflation on the cost of living for residents of Paulding County. This
38 exemption shall apply to taxes assessed on improvements to the homestead or additional
39 land that is added to the homestead after January 1 of the base year, provided that the
40 base year for assessing the value of such improvements or additions shall be the taxable
41 year such improvements or additions were made. If any real property is removed from
42 the homestead, the base year assessed value, including any final determination of value

43 on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, shall be
44 adjusted to reflect such removal and the exemption shall be recalculated accordingly.
45 The value of that property in excess of such exempted amount shall remain subject to
46 taxation.

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

51 (b) Each resident of Paulding County is granted an exemption on that person's homestead
52 from Paulding County ad valorem taxes for county purposes in an amount equal to the
53 amount by which the current year assessed value of that homestead exceeds the adjusted base
54 year assessed value, including any final determination of value on appeal pursuant to Code
55 Section 48-5-311 of the O.C.G.A., as amended, of the homestead. This exemption shall not
56 apply to taxes assessed on improvements to the homestead or additional land that is added
57 to the homestead after January 1 of the base year. If any real property is removed from the
58 homestead, the base year assessed value, including any final determination of value on
59 appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, shall be adjusted to
60 reflect such removal and the exemption shall be recalculated accordingly. The value of that
61 property in excess of such exempted amount shall remain subject to taxation.

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

66 (d) A person shall not receive the homestead exemption granted by subsection (b) of this
67 section unless the person or person's agent files an application with the tax commissioner of
68 Paulding County, giving such information relative to receiving such exemption as will enable
69 the tax commissioner to make a determination regarding the initial and continuing eligibility

70 of such person for such exemption. The tax commissioner of Paulding County shall provide
71 application forms for this purpose.

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

80 (f) The exemption granted by subsection (b) of this section shall not apply to or affect state
81 ad valorem taxes, county or independent school district ad valorem taxes for educational
82 purposes, or municipal ad valorem taxes for municipal purposes. The homestead exemption
83 granted by subsection (b) of this section shall be in addition to and not in lieu of any other
84 homestead exemption applicable to Paulding County ad valorem taxes for county purposes.

85 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years
86 beginning on or after January 1, 2025.

87 **SECTION 2.**

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

91 **SECTION 3.**

92 The election superintendent of Paulding County shall call and conduct an election as
93 provided in this section for the purpose of submitting this Act to the electors of Paulding
94 County for approval or rejection. The election superintendent shall conduct such election on

95 the Tuesday after the first Monday in November, 2024, and shall issue the call and conduct
 96 such election as provided by general law. The election superintendent shall cause the date
 97 and purpose of the election to be published once a week for two weeks immediately
 98 preceding the date thereof in the official organ of Paulding County. The ballot shall have
 99 written or printed thereon the words:

100 "() YES Shall the Act be approved which provides a homestead exemption from
 101 () NO Paulding County ad valorem taxes for county purposes in an amount equal
 102 to the amount by which the current year assessed value, including any final
 103 determination of value on appeal pursuant to Code Section 48-5-311 of the
 104 O.C.G.A., as amended, of a homestead exceeds its adjusted base year
 105 assessed value, with the initial base year being the lowest assessed value
 106 between the 2020 and 2021 taxable years, provided that the base year
 107 assessed value, including any final determination of value on appeal
 108 pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of such
 109 homestead shall be adjusted annually by no greater than 50 percent of the
 110 annual inflationary index rate determined by the tax commissioner?"

111 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 112 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 113 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
 114 force and effect on January 1, 2025. If the Act is not so approved or if the election is not
 115 conducted as provided in this section, Section 1 of this Act shall not become effective, and
 116 this Act shall be automatically repealed on the first day of January immediately following
 117 that election date. The expense of such election shall be borne by Paulding County. It shall
 118 be the election superintendent's duty to certify the result thereof to the Secretary of State.
 119 The provisions of this section shall be mandatory upon the election superintendent and are
 120 not intended as directory. If the election superintendent fails or refuses to comply with this
 121 section, any elector of Paulding County may apply for a writ of mandamus to compel the

122 election superintendent to perform his or her duties under this section. If the court finds that
123 the election superintendent has not complied with this section, the court shall fashion
124 appropriate relief requiring the election superintendent to call and conduct such election on
125 the date required by this section or on the next date authorized for special elections provided
126 for in Code Section 21-2-540 of the O.C.G.A.

127 **SECTION 4.**

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

130 **SECTION 5.**

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