

House Bill 1177

By: Representatives Stephens of the 164th, Washburn of the 144th, and Blackmon of the 146th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia
2 Annotated, relating to tax exemption, so as to provide for a statewide homestead exemption
3 from ad valorem taxes in an amount equal to any amount by which the current year assessed
4 value of a homestead exceeds the base year value of such homestead; to provide for
5 definitions; to specify the terms and conditions of the exemption and the procedures relating
6 thereto; to provide for applicability; to provide for approval by local governing authorities
7 and referenda; to provide for related matters; to provide for compliance with constitutional
8 requirements; to provide for a referendum, effective dates, and automatic repeal; to provide
9 for contingent repeal; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
13 relating to tax exemption, is amended by adding a new Code section to read as follows:

14 "48-5-44.2.

15 (a) For purposes of this Code section, the term:

16 (1) 'Ad valorem taxes' means all ad valorem taxes levied by, for, or on behalf of the state
17 or any county, consolidated government, municipality, or local school district in this
18 state, except for any ad valorem taxes levied to pay interest on and to retire bonded
19 indebtedness.

20 (2) 'Base year' means the taxable year immediately preceding the taxable year in which
21 the exemption under subsection (b) of this Code section is first granted to the most recent
22 owner of such homestead.

23 (3) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40.

24 (b)(1) Subject to local approval as provided for in paragraph (3) of this subsection, each
25 resident of this state is granted an exemption on that person's homestead from ad valorem
26 taxes in an amount equal to the amount by which the current year assessed value of that
27 homestead, including any final determination of value on appeal pursuant to Code
28 Section 48-5-311, exceeds its previous base year assessed value.

29 (2) Except as provided for in subsection (c) of this Code section, no exemption provided
30 for in this subsection shall transfer to any subsequent owner of the property, and the
31 assessed value of the property shall be as provided by law.

32 (3) The exemption provided for in paragraph (1) of this subsection shall not be
33 applicable to any county, consolidated government, municipality, or local school district
34 in this state until January 1 after the calendar year or years in which both:

35 (A) The governing authority of the county, consolidated government, municipality, or
36 local school district elects to approve of the exemption by ordinance or resolution; and

37 (B) Such ordinance or resolution is approved in a special election held in conformity
38 with the requirements for special elections pursuant to Title 21 by a majority of the
39 qualified voters voting of the county, consolidated government, municipality, or local
40 school district.

41 (b.1) Subsection (c) of Code Section 48-5-32.1 shall not apply to any county, consolidated
42 government, municipality, or local school district that meets the conditions provided for
43 in subparagraphs (b)(3)(A) and (b)(3)(B) of this Code section.

44 (c) The surviving spouse of the person who has been granted the exemption provided for
45 in subsection (b) of this Code section shall continue to receive the exemption provided
46 under subsection (b) of this Code section, so long as such surviving spouse continues to
47 occupy the residence as a homestead.

48 (d) A person shall not receive the homestead exemption granted by subsection (b) of this
49 Code section unless such person or person's agent files an application with the tax receiver
50 or tax commissioner of his or her respective local government or governments charged with
51 the duty of receiving returns of property for taxation giving such information relative to
52 receiving such exemption as will enable such tax receiver or tax commissioner to make a
53 determination regarding the initial and continuing eligibility of such person for such
54 exemption or has already filed for and is receiving a homestead exemption and such
55 existing application provides sufficient information to make such determination of
56 eligibility. Such tax receiver or tax commissioner shall provide application forms for this
57 purpose.

58 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1.
59 Such exemption shall be automatically renewed from year to year so long as the owner
60 occupies the residence as a homestead. After a person or a person's agent has filed the
61 proper application as provided in subsection (d) of this Code section, it shall not be
62 necessary to make application thereafter for any year, and the exemption shall continue to
63 be allowed to such person. It shall be the duty of any person granted the homestead
64 exemption under subsection (b) of this Code section to notify the tax receiver or tax
65 commissioner of the local government or governments in the event such person for any
66 reason becomes ineligible for such exemption.

67 (f)(1) Except as otherwise provided in paragraph (2) of this subsection, the homestead
68 exemption granted by subsection (b) of this Code section shall be in addition to and not
69 in lieu of any other homestead exemption applicable to ad valorem taxes.

70 (2) The homestead exemption granted by subsection (b) of this Code section shall be in
71 lieu of and not in addition to any other base year value homestead exemption provided
72 by local Act which is applicable to ad valorem taxes.

73 (g) For the purposes of this Code section, the commissioner shall promulgate a
74 standardized method for determining annual inflationary index rates which reflect the
75 effects of inflation and deflation on the cost of living for residents of this state for a given
76 calendar year. Such method may utilize the Consumer Price Index as reported by the
77 Bureau of Labor Statistics of the United States Department of Labor or any other similar
78 index established by the federal government if the commissioner determines that such
79 federal index fairly reflects the effects of inflation and deflation on residents of this state.

80 (h) The exemption granted by subsection (b) of this Code section shall apply to all taxable
81 years beginning on or after January 1, 2025."

82 **SECTION 2.**

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

86 **SECTION 3.**

87 The Secretary of State shall call and conduct an election as provided in this section for the
88 purpose of submitting this Act to the electors of the entire state for approval or rejection. The
89 Secretary of State shall conduct such election no later than the Tuesday next following the
90 first Monday in November, 2024, and shall issue the call and conduct such election as
91 provided by general law. The Secretary of State shall cause the date and purpose of the

92 election to be published once a week for two weeks immediately preceding the date thereof
 93 in the official organ of each county in the state. The ballot shall have written or printed
 94 thereon the words:

95 "() YES Shall the Act be approved which provides a statewide homestead exemption
 96 () NO from ad valorem taxes in an amount equal to the amount by which the
 97 current year assessed value of a homestead exceeds its base year assessed
 98 value, subject to approval of the applicable local governing authority and a
 99 local referendum?"

100 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 101 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 102 such question are for approval of the Act, Section 1 of this Act shall become of full force and
 103 effect on January 1, 2025, only if an amendment to the Constitution to provide for local
 104 governments to have the option to offer a state-wide homestead exemption from ad valorem
 105 taxes in an amount equal to any amount by which the current year assessed value of a
 106 homestead exceeds the base year value of such homestead as provided by general law is
 107 ratified by the voters at the November, 2024, state-wide general election. If such an
 108 amendment is not so ratified, then this Act shall not become effective and shall stand
 109 repealed on January 1, 2025. If the Act is not so approved, if the election is not conducted,
 110 or if the constitutional amendment is not ratified as provided in this section, Section 1 of this
 111 Act shall not become effective and this Act shall be automatically repealed on the first day
 112 of January immediately following such election date. It shall be the duty of each county
 113 election superintendent to certify the results thereof to the Secretary of State.

114 **SECTION 4.**

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

117

SECTION 5.

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