

House Bill 893

By: Representative Thomas of the 65<sup>th</sup>

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 exemptions relative to property tax exemptions and deferrals, so  
3 as to provide for a state-wide homestead exemption from ad valorem taxes for the full value  
4 of a homestead used for agricultural purposes under certain circumstances; 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 a short title; to provide for related matters;  
7 to provide for compliance with constitutional requirements; to provide for a referendum,  
8 effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Georgia Farmstead Exemption Act."

12 **SECTION 2.**

13 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,  
14 relating to tax exemptions relative to property tax exemptions and deferrals, is amended by  
15 adding a new Code section to read as follows:

H. B. 893

16 "48-5-44.2.

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

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

22 (2) 'Farming' means the practice of owning and operating a commercial agricultural or  
23 silvicultural business.

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

25 (4) 'Substantial property change' means any increase or decrease in the assessed value  
26 of a homestead derived from additions or improvements to, or the removal of real  
27 property from, the homestead which occurred after the year in which the base year  
28 assessed value is determined for the homestead. The assessed value of the substantial  
29 property changes shall be established following any final determination of value on  
30 appeal pursuant to Code Section 48-5-311.

31 (b)(1)(A) Each resident of this state meeting the conditions set forth in this paragraph  
32 is granted a three-year exemption on that person's homestead from ad valorem taxes in  
33 the amount of the full assessed value of that homestead, including any final  
34 determination of value on appeal pursuant to Code Section 48-5-311.

35 (B) To qualify for the exemption provided for in subparagraph (A) of this paragraph,  
36 the resident shall:

37 (i) Be currently engaged in farming on the homestead property;

38 (ii) Have been engaged in farming on the homestead property for no more than five  
39 years at the time of making initial application for the exemption; and

40 (iii) Be engaged in farming on no more than five acres of the homestead property.

41 (C) Any exemption granted pursuant to this Code section shall expire at the end of the  
42 twelfth calendar year following the calendar year of the initial grant of the exemption.

43 (D) Any person that ceases farming on his or her homestead property within ten years  
44 of the initial grant of the exemption shall within 90 days of such cessation remit to the  
45 local taxing authority an amount equal to the amount of ad valorem taxes that such  
46 person would have owed absent the exemption for each year that such person was  
47 granted the exemption.

48 (2) No exemption provided for in this subsection shall transfer to any subsequent owner  
49 of the property, and the assessed value of the property shall be as provided by law.

50 (c) No person shall receive the homestead exemption granted by subsection (b) of this  
51 Code section unless such person or person's agent files an application with the tax receiver  
52 or tax commissioner of his or her respective local government or governments charged with  
53 the duty of receiving returns of property for taxation giving such information relative to  
54 receiving such exemption as will enable such tax receiver or tax commissioner to make a  
55 determination regarding the initial and continuing eligibility of such person for such  
56 exemption or has already filed for and is receiving a homestead exemption and such  
57 existing application provides sufficient information to make such determination of  
58 eligibility. Such tax receiver or tax commissioner shall provide application forms for such  
59 purpose.

60 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1.  
61 Such exemption shall be automatically renewed annually for up to 12 years so long as the  
62 owner occupies the residence as a homestead. After a person or a person's agent has filed  
63 the proper application as provided in subsection (c) of this Code section, it shall not be  
64 necessary to make application thereafter annually for up to 12 years, and the exemption  
65 shall continue to be allowed to such person. It shall be the duty of any person granted the  
66 homestead exemption under subsection (b) of this Code section to notify the tax receiver  
67 or tax commissioner of the local government or governments in the event such person for  
68 any reason becomes ineligible for such exemption.

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

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

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

77 **SECTION 3.**

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

81 **SECTION 4.**

82 The Secretary of State shall call and conduct an election as provided in this section for the  
83 purpose of submitting this Act to the electors of the entire state for approval or rejection. The  
84 Secretary of State shall conduct such election no later than the Tuesday next following the  
85 first Monday in November, 2024, and shall issue the call and conduct such election as  
86 provided by general law. The Secretary of State shall cause the date and purpose of the  
87 election to be published once a week for two weeks immediately preceding the date thereof  
88 in the official organ of each county in the state. The ballot shall have written or printed  
89 thereon the words:

