

Senate Bill 306

By: Senator Albers of the 56th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To provide for a homestead exemption from City of Mountain Park ad valorem taxes for  
 2 municipal purposes in an amount equal to the amount by which the current year assessed  
 3 value of a homestead exceeds the adjusted base year assessed value of such homestead; to  
 4 provide for definitions; to specify the terms and conditions of the exemption and the  
 5 procedures relating thereto; to provide for related matters; to provide for applicability; to  
 6 provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws;  
 7 and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

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

11 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
 12 purposes levied by, for, or on behalf of the City of Mountain Park, but excluding any ad  
 13 valorem taxes to pay interest on and to retire municipal bonded indebtedness.

14 (2) "Base year" means:

15 (A) The 2016 taxable year with respect to an exemption under this Act which is first  
 16 granted to a person on that person's homestead in the 2019 taxable year or who  
 17 reapplies for and is granted such exemption in the 2020 taxable year solely because of  
 18 a change in ownership to a joint tenancy with right of survival; or

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

22 provided, however, that the tax commissioner shall adjust the base year assessed value  
 23 annually by the lesser of 3 percent or the percentage increase, if any, in the Consumer  
 24 Price Index for all urban consumers, U.S. City Average, all items 1967-100, or a  
 25 successor index as reported by the United States Department of Labor Bureau of Labor  
 26 Statistics.

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

31 (b) Each resident of the City of Mountain Park is granted an exemption on that person's  
32 homestead from City of Mountain Park ad valorem taxes for municipal purposes in an  
33 amount equal to the amount by which the current year assessed value of that homestead  
34 exceeds the adjusted base year assessed value, including any final determination of value on  
35 appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of the homestead.  
36 This exemption shall not apply to taxes assessed on improvements to the homestead or  
37 additional land that is added to the homestead after January 1 of the base year. If any real  
38 property is removed from the homestead, the base year assessed value, including any final  
39 determination of value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as  
40 amended, shall be adjusted to reflect such removal and the exemption shall be recalculated  
41 accordingly. The value of that property in excess of such exempted amount shall remain  
42 subject to taxation.

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

47 (d) A person shall not receive the homestead exemption granted by subsection (b) of this  
48 section unless the person or person's agent files an application with the governing authority,  
49 or its designee, of the City of Mountain Park giving such information relative to receiving  
50 such exemption as will enable the governing authority, or its designee, to make a  
51 determination regarding the initial and continuing eligibility of such owner for such  
52 exemption. The governing authority, or its designee, of the City of Mountain Park shall  
53 provide application forms for this purpose.

54 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
55 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
56 so long as the owner occupies the residence as a homestead. After a person has filed the  
57 proper application as provided in subsection (d) of this section, it shall not be necessary to  
58 make application thereafter for any year and the exemption shall continue to be allowed to  
59 such person. It shall be the duty of any person granted the homestead exemption under  
60 subsection (b) of this section to notify the governing authority, or its designee, of the City of  
61 Mountain Park in the event that person for any reason becomes ineligible for that exemption.

62 (f) The exemption granted by subsection (b) of this section shall not apply to or affect state  
63 ad valorem taxes, county or independent school district ad valorem taxes for educational

64 purposes, or county ad valorem taxes for county purposes. The homestead exemption  
 65 granted by subsection (b) of this section shall be in addition to and not in lieu of any other  
 66 homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

67 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years  
 68 beginning on or after January 1, 2019.

69 **SECTION 2.**

70 The municipal election superintendent of the City of Mountain Park shall call and conduct  
 71 an election as provided in this section for the purpose of submitting this Act to the electors  
 72 of the City of Mountain Park for approval or rejection. The municipal election  
 73 superintendent shall conduct such election on May 22, 2018, and shall issue the call and  
 74 conduct such election as provided by general law. The municipal election superintendent  
 75 shall cause the date and purpose of the election to be published once a week for two weeks  
 76 immediately preceding the date thereof in the official organ of the City of Mountain Park.  
 77 The ballot shall have written or printed thereon the words:

78 "( ) YES Shall the Act be approved which provides a homestead exemption from City  
 79 of Mountain Park ad valorem taxes for municipal purposes in an amount  
 80 ( ) NO equal to the amount by which the current year assessed value of a  
 81 homestead exceeds its adjusted base year assessed value, including any final  
 82 determination of value on appeal pursuant to Code Section 48-5-311 of the  
 83 O.C.G.A., as amended, with the initial base year being the 2016 taxable  
 84 year, provided that the base year assessed value, including any final  
 85 determination of value on appeal pursuant to Code Section 48-5-311 of the  
 86 O.C.G.A., as amended, of such homestead shall be adjusted annually by the  
 87 lesser of 3 percent or any percentage increase in a consumer price index?"

88 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons  
 89 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes  
 90 cast on such question are for approval of the Act, Section 1 of this Act shall become of full  
 91 force and effect on January 1, 2019. If the Act is not so approved or if the election is not  
 92 conducted as provided in this section, Section 1 of this Act shall not become effective and  
 93 this Act shall be automatically repealed on the first day of January immediately following  
 94 that election date. The expense of such election shall be borne by the City of Mountain Park.  
 95 It shall be the municipal election superintendent's duty to certify the result thereof to the  
 96 Secretary of State.

97 **SECTION 3.**

98 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon  
99 its approval by the Governor or upon its becoming law without such approval.

100 **SECTION 4.**

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