

Senate Bill 308 - Prefile

By: Senator Albers of the 56th

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a homestead exemption from Fulton County school district ad valorem taxes  
2 for educational purposes in an amount equal to the amount by which the current year  
3 assessed value of a homestead exceeds the adjusted base year assessed value of such  
4 homestead; to provide for definitions; to specify the terms and conditions of the exemption  
5 and the procedures relating thereto; to provide for related matters; to provide for  
6 applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal  
7 conflicting laws; 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 educational purposes" means all ad valorem taxes for  
12 educational purposes levied by, for, or on behalf of the Fulton County school district, but  
13 excluding any ad valorem taxes to pay interest on and to retire educational bonded  
14 indebtedness.

15 (2) "Base year" means:

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

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

23 provided, however, that the tax commissioner shall adjust the base year assessed value  
24 annually by the lesser of 3 percent or the percentage increase, if any, in the Consumer  
25 Price Index for all urban consumers, U.S. City Average, all items 1967-100, or a

26 successor index as reported by the United States Department of Labor Bureau of Labor  
27 Statistics.

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

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

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

48 (d) A person shall not receive the homestead exemption granted by subsection (b) of this  
49 section unless the person or person's agent files an application with the tax commissioner of  
50 Fulton County giving such information relative to receiving such exemption as will enable  
51 the tax commissioner to make a determination regarding the initial and continuing eligibility  
52 of such owner for such exemption. The tax commissioner of Fulton County shall provide  
53 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 tax commissioner of Fulton County in the event  
61 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, municipal ad valorem taxes for educational purposes, or county ad valorem  
 64 taxes for county purposes. The homestead exemption granted by subsection (b) of this  
 65 section shall be in addition to and not in lieu of any other homestead exemption applicable  
 66 to county ad valorem taxes for educational 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 county election superintendent of Fulton County shall call and conduct an election as  
 71 provided in this section for the purpose of submitting this Act to the electors within the  
 72 Fulton County school district for approval or rejection. The county election superintendent  
 73 shall conduct such election on May 22, 2018, and shall issue the call and conduct such  
 74 election as provided by general law. The county election superintendent shall cause the date  
 75 and purpose of the election to be published once a week for two weeks immediately  
 76 preceding the date thereof in the official organ of Fulton County. The ballot shall have  
 77 written or printed thereon the words:

78 " YES Shall the Act be approved which provides a homestead exemption from  
 79 Fulton County school district ad valorem taxes for educational purposes in  
 80  NO an amount equal to the amount by which the current year assessed value of  
 81 a homestead exceeds its adjusted base year assessed value, including any  
 82 final determination of value on appeal pursuant to Code Section 48-5-311  
 83 of the O.C.G.A., as amended, with the initial base year being the 2016  
 84 taxable 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 Fulton County school  
 95 district. It shall be the county election superintendent's duty to certify the result thereof to  
 96 the 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.