

Senate Bill 486

By: Senators Jordan of the 6th, Tate of the 38th, Williams of the 39th, Parent of the 42nd, Orrock of the 36th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To provide a homestead exemption from City of Atlanta independent school district ad  
2 valorem taxes for educational purposes in the amount of \$100,000.00 of the assessed value  
3 of the homestead for residents of that school district who are 65 years of age or older; to  
4 provide for definitions; to specify the terms and conditions of the exemption and the  
5 procedures relating thereto; to provide for applicability; to provide for a referendum,  
6 effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

8 **SECTION 1.**

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

10 (1) "Ad valorem taxes for educational purposes" means all ad valorem taxes for  
11 educational purposes levied by, for, or on behalf of the City of Atlanta independent  
12 school district, including, but not limited to, any ad valorem taxes to pay interest on and  
13 to retire independent school district bonded indebtedness.

14 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
15 the O.C.G.A., as amended.

16 (3) "Senior citizen" means a person who is 65 years of age or older on or before  
17 January 1 of the year in which application for the exemption under subsection (b) of this  
18 section is made.

19 (b)(1) Except as provided in paragraph (2) of this subsection, each resident of the City  
20 of Atlanta independent school district who is a senior citizen is granted an exemption on  
21 that person's homestead from all City of Atlanta independent school district ad valorem  
22 taxes for educational purposes in the amount of \$100,000.00 of the assessed value of that  
23 homestead. The value of that property in excess of such exempted amount shall remain  
24 subject to taxation.

25 (2) The maximum amount of homestead exemptions granted under this Act shall not  
26 exceed \$10 million in the aggregate. Upon the closing of the books for the filing of

27 homestead exemptions for each taxable year, the tax commissioner of Fulton County  
28 shall calculate the aggregate amount of homestead exemptions claimed under this Act.  
29 If such total is equal to or less than \$10 million in the aggregate, then each person  
30 claiming a homestead exemption under this Act shall receive the full value of such  
31 exemption. If the total exceeds \$10 million in the aggregate, such tax commissioner shall  
32 calculate the amount by which the total exceeds \$10 million and shall reduce the amount  
33 of homestead exemptions claimed by such senior citizens in an amount equal to such  
34 difference so that the total amount of homestead exemptions being claimed under this Act  
35 shall equal \$10 million. Such reduction shall be applied on proportionate basis.

36 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
37 section unless such person or person's agent files an application with the tax commissioner  
38 of Fulton County, giving the person's age and such additional information relative to  
39 receiving such exemption as will enable the tax commissioner of Fulton County to make a  
40 determination regarding the initial and continuing eligibility of such person for such  
41 exemption. The tax commissioner of Fulton County shall provide application forms for this  
42 purpose.

43 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
44 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
45 as long as the person granted the homestead exemption under subsection (b) of this section  
46 occupies the residence as a homestead. After a person has filed the proper application as  
47 provided in subsection (c) of this section, it shall not be necessary to make application  
48 thereafter for any year, and the exemption shall continue to be allowed to such person. It  
49 shall be the duty of any person granted the homestead exemption under subsection (b) of this  
50 section to notify the tax commissioner of Fulton County in the event that person for any  
51 reason becomes ineligible for that exemption.

52 (e) The exemption granted by subsection (b) of this section shall not apply to or affect any  
53 state ad valorem taxes, municipal ad valorem taxes for municipal purposes, county ad  
54 valorem taxes for county purposes, or county school district ad valorem taxes for educational  
55 purposes. The homestead exemption granted by subsection (b) of this section shall be in lieu  
56 of any other homestead exemption applicable to City of Atlanta independent school district  
57 ad valorem taxes for educational purposes.

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

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## SECTION 2.

61 The election superintendent of the City of Atlanta shall call and conduct an election as  
62 provided in this section for the purpose of submitting this Act to the electors of the City of

63 Atlanta independent school district for approval or rejection. The election superintendent  
 64 shall conduct that election on the Tuesday after the first Monday in November, 2018, and  
 65 shall issue the call and conduct that election as provided by general law. The election  
 66 superintendent shall cause the date and purpose of the election to be published once a week  
 67 for two weeks immediately preceding the date thereof in the official organ of Fulton County.  
 68 The ballot shall have written or printed thereon the words:

69 "( ) YES Shall the Act be approved which provides a homestead exemption from City  
 70 of Atlanta independent school district ad valorem taxes for educational  
 71 purposes in the amount of \$100,000.00 of the assessed value of the  
 72 ( ) NO homestead for residents of that school district who are 65 years of age or  
 73 older?"

74 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 75 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 76 such question are for approval of the Act, Section 1 of this Act shall become of full force and  
 77 effect on January 1, 2019. If the Act is not so approved or if the election is not conducted  
 78 as provided in this section, Section 1 of this Act shall not become effective, and this Act shall  
 79 be automatically repealed on the first day of January immediately following that election  
 80 date. The expense of such election shall be borne by the City of Atlanta. It shall be the  
 81 election superintendent's duty to certify the result thereof to the Secretary of State.

82 **SECTION 3.**

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

85 **SECTION 4.**

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