

Senate Bill 506

By: Senator Unterman of the 45th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To provide for a homestead exemption from City of Buford ad valorem taxes for municipal
2 purposes in an amount equal to the amount by which the current year assessed value of that
3 homestead exceeds the base year assessed value of that homestead; to provide for definitions;
4 to specify the terms and conditions of the exemption and the procedures relating thereto; to
5 provide for applicability; to provide for related matters; to provide for compliance with
6 constitutional requirements; to provide for a referendum, effective dates, and automatic
7 repeal; to repeal 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 city purposes" means all ad valorem taxes for city purposes
12 levied by, for, or on behalf of the City of Buford, including, but not limited to, any ad
13 valorem taxes for special district purposes and any taxes to pay interest on and to retire
14 city bonded indebtedness.

15 (2) "Base year" means the taxable year immediately preceding the taxable year in which
16 the exemption under this Act is first granted to the most recent owner of such homestead.

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

21 (b) Each resident of the City of Buford is granted an exemption on that person's homestead
22 from all City of Buford ad valorem taxes for city purposes in an amount equal to the
23 amount by which the current year assessed value of that homestead exceeds the base year
24 assessed value of that homestead. This exemption shall not apply to taxes assessed on
25 improvements to the homestead or additional land that is added to the homestead after
26 January 1 of the base year. If any real property is removed from the homestead, the base

27 year assessed value shall be adjusted to reflect such removal and the exemption shall be
 28 recalculated accordingly. The value of that property in excess of such exempted amount
 29 shall remain subject to taxation.

30 (c) Any person that owns and occupies their property as their primary residence and has
 31 qualified and received a homestead exemption from either Gwinnett County or Hall County
 32 shall receive the exemption granted by subsection (b) of this section without any additional
 33 act required.

34 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1
 35 of the O.C.G.A. The exemption shall be automatically renewed from year to year as long
 36 as the owner occupies the residence as a homestead. It shall be the duty of any person
 37 granted the homestead exemption under subsection (b) of this section to notify the tax
 38 commissioner of the county or the designee thereof in the event that person for any reason
 39 becomes ineligible for that exemption.

40 (e) The exemption granted by this Act shall not apply to or affect state ad valorem taxes
 41 or Gwinnett County or Hall County ad valorem taxes. The homestead exemption granted
 42 by subsection (b) of this section shall be in addition to and not in lieu of any other
 43 homestead exemption applicable to City of Buford ad valorem taxes for city purposes.

44 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 45 beginning on or after January 1, 2021.

46 **SECTION 2.**

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

50 **SECTION 3.**

51 The municipal election superintendent of the City of Buford shall call and conduct an
 52 election as provided in this section for the purpose of submitting this Act to the electors of
 53 the City of Buford for approval or rejection. The municipal election superintendent shall
 54 conduct that election on the next possible date for holding special elections in the State of
 55 Georgia upon approval of this Act and shall issue the call and conduct that election as
 56 provided by general law. The municipal election superintendent shall cause the date and
 57 purpose of the election to be published once a week for two weeks immediately preceding
 58 the date thereof in the official organ of Gwinnett County. The ballot shall have written or
 59 printed thereon the words:

60 " () YES Shall the Act be approved which provides a homestead exemption from
 61 () NO certain City of Buford ad valorem taxes for city purposes in an amount
 62 equal to the amount by which the current year assessed value of that
 63 homestead exceeds the base year assessed value of that homestead?"

64 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 65 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 66 such question are for approval of the Act, Section 1 of this Act shall become of full force and
 67 effect on January 1, 2021. If the Act is not so approved or if the election is not conducted
 68 as provided in this section, Section 1 of this Act shall not become effective and this Act shall
 69 be automatically repealed on the first day of January immediately following that election
 70 date. The expense of such election shall be borne by the City of Buford. It shall be the
 71 municipal election superintendent's duty to certify the result thereof to the Secretary of State.

72 **SECTION 4.**

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

75 **SECTION 5.**

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