

Senate Bill 631

By: Senators Cowsert of the 46th and Ginn of the 47th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act to grant to residents of Clarke County and the Clarke County School
2 District, upon their homesteads, an exemption of \$10,000.00 from certain ad valorem taxes
3 levied by the Unified Government of Athens-Clarke County, Georgia, and levied by, for, or
4 on behalf of the Clarke County School District, approved April 13, 1992
5 (Ga. L. 1992, p. 6241), as amended, so as to provide base year homestead exemption freezes
6 regarding certain ad valorem taxes levied by the Unified Government of Athens-Clarke
7 County for unified government purposes and by the Clarke County School District for
8 educational purposes; to provide for compliance with constitutional requirements; to provide
9 definitions; to provide for a referendum, effective dates, and automatic repeal; to repeal
10 conflicting laws; and for other purposes.

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

12 **SECTION 1.**

13 An Act to grant to residents of Clarke County and the Clarke County School District, upon
14 their homesteads, an exemption of \$10,000.00 from certain ad valorem taxes levied by the
15 Unified Government of Athens-Clarke County, Georgia, and levied by, for, or on behalf of

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16 the Clarke County School District, approved April 13, 1992 (Ga. L. 1992, p. 6241), as
17 amended, is amended by adding new sections to read as follows:

18 "SECTION 5.1.

19 (a) As used in this section, the term:

20 (1) 'Base year' means:

21 (A) The 2021 taxable year with respect to an exemption under this Act which is first
22 granted to a person on that person's homestead in the 2023 taxable year; or

23 (B) In all other cases, the taxable year immediately preceding the taxable year in which
24 the exemption under this Act is first granted to the most recent owner of such
25 homestead; provided, however, that the tax commissioner shall adjust the base year
26 assessed value annually by the annual inflationary index rate determined by the tax
27 commissioner. The tax commissioner shall establish a method for determining annual
28 inflationary index rates which reflect the effects of inflation and deflation on
29 cost-of-living for residents of Athens-Clarke County for a given calendar year. Such
30 method may utilize the Consumer Price Index as reported by the Bureau of Labor
31 Statistics of the United States Department of Labor or any other similar index
32 established by the federal government, if the tax commissioner determines that such
33 federal index fairly reflects the effects of inflation and deflation on residents of
34 Athens-Clarke County.

35 (2) 'First time homeowner' means an individual residing in a residential structure who
36 holds title to such residential structure and has not previously held title to another
37 residential structure.

38 (3) 'Low-income' means any client or beneficiary of the department, the Department of
39 Human Services, or the Department of Behavioral Health and Developmental Disabilities
40 who voluntarily chooses to participate in a program offered or approved by the
41 department, the Department of Human Services, or the Department of Behavioral Health

42 and Developmental Disabilities and meets the program eligibility guidelines of the
43 department, the Department of Human Services, or the Department of Behavioral Health
44 and Developmental Disabilities whose family income does not exceed 200 percent of the
45 federal poverty level as defined annually by the federal Office of Management and
46 Budget.

47 (b) In lieu of any other exemption from ad valorem taxes for unified government purposes,
48 each low-income resident of Athens-Clarke County is granted an exemption on that
49 person's homestead from Athens-Clarke County ad valorem taxes for unified government
50 purposes in an amount equal to the amount by which the current year assessed value of that
51 homestead exceeds the adjusted base year assessed value, including any final determination
52 of value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of the
53 homestead for each taxable year beginning after December 31, 2022. This exemption shall
54 not apply to taxes assessed on improvements to the homestead or additional land that is
55 added to the homestead after January 1 of the base year. If any real property is removed
56 from the homestead, the base year assessed value, including any final determination of
57 value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, shall be
58 adjusted to reflect such removal and the exemption shall be recalculated accordingly. The
59 value of that property in excess of such exempted amount shall remain subject to taxation.
60 Any person who, as of January 1, 2023, has applied for and is eligible for that exemption
61 from county ad valorem taxes granted by Code Section 48-5-47 of the O.C.G.A. shall be
62 eligible without further application for the increased exemption granted by this section.

63 (c) In lieu of any other exemption from ad valorem taxes for unified government purposes,
64 each resident of Athens-Clarke County who is a first time home owner is granted an
65 exemption on that person's homestead from Athens-Clarke County ad valorem taxes for
66 unified government purposes in an amount equal to the amount by which the current year
67 assessed value of that homestead exceeds the adjusted base year assessed value, including
68 any final determination of value on appeal pursuant to Code Section 48-5-311 of the

69 O.C.G.A., as amended, of the homestead for each taxable year beginning after
70 December 31, 2022. This exemption shall not apply to taxes assessed on improvements
71 to the homestead or additional land that is added to the homestead after January 1 of the
72 base year. If any real property is removed from the homestead, the base year assessed
73 value, including any final determination of value on appeal pursuant to Code Section
74 48-5-311 of the O.C.G.A., as amended, shall be adjusted to reflect such removal and the
75 exemption shall be recalculated accordingly. The value of that property in excess of such
76 exempted amount shall remain subject to taxation. Any person who, as of January 1, 2023,
77 has applied for and is eligible for that exemption from county ad valorem taxes granted by
78 Code Section 48-5-47 of the O.C.G.A. shall be eligible without further application for the
79 increased exemption granted by this section.

80 (d) In lieu of any other exemption from ad valorem taxes for unified government purposes,
81 each resident of Athens-Clarke County who is 65 years of age or over is granted an
82 exemption on that person's homestead from Athens-Clarke County ad valorem taxes for
83 unified government purposes in an amount equal to the amount by which the current year
84 assessed value of that homestead exceeds the adjusted base year assessed value, including
85 any final determination of value on appeal pursuant to Code Section 48-5-311 of the
86 O.C.G.A., as amended, of the homestead for each taxable year beginning after
87 December 31, 2022. This exemption shall not apply to taxes assessed on improvements
88 to the homestead or additional land that is added to the homestead after January 1 of the
89 base year. If any real property is removed from the homestead, the base year assessed
90 value, including any final determination of value on appeal pursuant to Code Section
91 48-5-311 of the O.C.G.A., as amended, shall be adjusted to reflect such removal and the
92 exemption shall be recalculated accordingly. The value of that property in excess of such
93 exempted amount shall remain subject to taxation. Any person who, as of January 1, 2023,
94 has applied for and is eligible for that exemption from county ad valorem taxes granted by

95 Code Section 48-5-47 of the O.C.G.A. shall be eligible without further application for the
96 increased exemption granted by this section.

97 SECTION 5.2.

98 (a) As used in this section, the term:

99 (1) 'Base year' means:

100 (A) The 2021 taxable year with respect to an exemption under this Act which is first
101 granted to a person on that person's homestead in the 2023 taxable year; or

102 (B) In all other cases, the taxable year immediately preceding the taxable year in which
103 the exemption under this Act is first granted to the most recent owner of such
104 homestead; provided, however, that the tax commissioner shall adjust the base year
105 assessed value annually by the annual inflationary index rate determined by the tax
106 commissioner. The tax commissioner shall establish a method for determining annual
107 inflationary index rates which reflect the effects of inflation and deflation on
108 cost-of-living for residents of Athens-Clarke County for a given calendar year. Such
109 method may utilize the Consumer Price Index as reported by the Bureau of Labor
110 Statistics of the United States Department of Labor or any other similar index
111 established by the federal government, if the tax commissioner determines that such
112 federal index fairly reflects the effects of inflation and deflation on residents of
113 Athens-Clarke County.

114 (2) 'First time homeowner' means an individual residing in a residential structure who
115 holds title to such residential structure and has not previously held title to another
116 residential structure.

117 (3) 'Low-income' means any client or beneficiary of the department, the Department of
118 Human Services, or the Department of Behavioral Health and Developmental Disabilities
119 who voluntarily chooses to participate in a program offered or approved by the
120 department, the Department of Human Services, or the Department of Behavioral Health

121 and Developmental Disabilities and meets the program eligibility guidelines of the
122 department, the Department of Human Services, or the Department of Behavioral Health
123 and Developmental Disabilities whose family income does not exceed 200 percent of the
124 federal poverty level as defined annually by the federal Office of Management and
125 Budget.

126 (b) In lieu of any other exemption from ad valorem taxes for educational purposes, each
127 low-income resident of Athens-Clarke County is granted an exemption on that person's
128 homestead from Athens-Clarke County ad valorem taxes for educational purposes in an
129 amount equal to the amount by which the current year assessed value of that homestead
130 exceeds the adjusted base year assessed value, including any final determination of value
131 on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of the
132 homestead for each taxable year beginning after December 31, 2022. This exemption shall
133 not apply to taxes assessed on improvements to the homestead or additional land that is
134 added to the homestead after January 1 of the base year. If any real property is removed
135 from the homestead, the base year assessed value, including any final determination of
136 value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, shall be
137 adjusted to reflect such removal and the exemption shall be recalculated accordingly. The
138 value of that property in excess of such exempted amount shall remain subject to taxation.
139 Any person who, as of January 1, 2023, has applied for and is eligible for that exemption
140 from county ad valorem taxes granted by Code Section 48-5-47 of the O.C.G.A. shall be
141 eligible without further application for the increased exemption granted by this section.

142 (c) In lieu of any other exemption from ad valorem taxes for educational purposes, each
143 resident of Athens-Clarke County who is a first time home owner is granted an exemption
144 on that person's homestead from Athens-Clarke County ad valorem taxes for educational
145 purposes in an amount equal to the amount by which the current year assessed value of that
146 homestead exceeds the adjusted base year assessed value, including any final determination
147 of value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of the

148 homestead for each taxable year beginning after December 31, 2022. This exemption shall
149 not apply to taxes assessed on improvements to the homestead or additional land that is
150 added to the homestead after January 1 of the base year. If any real property is removed
151 from the homestead, the base year assessed value, including any final determination of
152 value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, shall be
153 adjusted to reflect such removal and the exemption shall be recalculated accordingly. The
154 value of that property in excess of such exempted amount shall remain subject to taxation.
155 Any person who, as of January 1, 2023, has applied for and is eligible for that exemption
156 from county ad valorem taxes granted by Code Section 48-5-47 of the O.C.G.A. shall be
157 eligible without further application for the increased exemption granted by this section.

158 (d) In lieu of any other exemption from ad valorem taxes for educational purposes, each
159 resident of Athens-Clarke County who is 65 years of age or over is granted an exemption
160 on that person's homestead from Athens-Clarke County ad valorem taxes for educational
161 purposes in an amount equal to the amount by which the current year assessed value of that
162 homestead exceeds the adjusted base year assessed value, including any final determination
163 of value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, of the
164 homestead for each taxable year beginning after December 31, 2022. This exemption shall
165 not apply to taxes assessed on improvements to the homestead or additional land that is
166 added to the homestead after January 1 of the base year. If any real property is removed
167 from the homestead, the base year assessed value, including any final determination of
168 value on appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, shall be
169 adjusted to reflect such removal and the exemption shall be recalculated accordingly. The
170 value of that property in excess of such exempted amount shall remain subject to taxation.
171 Any person who, as of January 1, 2023, has applied for and is eligible for that exemption
172 from county ad valorem taxes granted by Code Section 48-5-47 of the O.C.G.A. shall be
173 eligible without further application for the increased exemption granted by this section."

174

SECTION 2.

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

178

SECTION 3.

179 The election superintendent of Athens-Clarke County shall call and conduct an election as
 180 provided in this section for the purpose of submitting this Act to the electors of the Unified
 181 Government of Athens-Clarke County, Georgia, and the Clarke County School District for
 182 approval or rejection. The election superintendent shall conduct that election on the Tuesday
 183 immediately following the first Monday in November, 2022, and shall issue the call and
 184 conduct that election as provided by general law. The election superintendent shall cause the
 185 date and purpose of the election to be published once a week for two weeks immediately
 186 preceding the date thereof in the official organ of Athens-Clarke County. The ballot shall
 187 have written or printed thereon the words:

188 "() YES Shall the Act to provide base year homestead exemption freezes to
 189 () NO low-income residents, first time homeowners, and seniors, regarding
 190 Athens-Clarke County ad valorem taxes for unified government purposes
 191 and Clarke County School District taxes for educational purposes, be
 192 approved?"

193 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 194 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 195 such question are for approval of the Act, Section 1 and Section 2 of this Act shall become
 196 of full force and effect on January 1, 2023. If the Act is not so approved or if the election is
 197 not conducted as provided in this section, Section 1 and Section 2 of this Act shall not
 198 become effective, and this Act shall be automatically repealed on the first day of January
 199 immediately following that election date. The expense of such election shall be borne by

200 Athens-Clarke County. It shall be the election superintendent's duty to certify the result
201 thereof to the Secretary of State.

202 **SECTION 4.**

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

205 **SECTION 5.**

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