

House Bill 797 (AS PASSED HOUSE AND SENATE)

By: Representatives Gaines of the 117<sup>th</sup> and Wiedower of the 119<sup>th</sup>

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 (Ga. L. 1992,  
 5 p. 6241), as amended, so as to increase the existing general and senior homestead exemptions  
 6 and create a low-income base year assessed value homestead exemption from certain ad  
 7 valorem taxes levied by the Unified Government of Athens-Clarke County for unified  
 8 government purposes; to provide for definitions; to specify the terms and conditions of the  
 9 low-income base year assessed value homestead exemption and the procedures relating  
 10 thereto; to provide for applicability; to provide for compliance with constitutional  
 11 requirements; to provide for referendums, effective dates, and automatic repeal; to repeal  
 12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 An Act to grant to residents of Clarke County and the Clarke County School District, upon  
 16 their homesteads, an exemption of \$10,000.00 from certain ad valorem taxes levied by the

H. B. 797

17 Unified Government of Athens-Clarke County, Georgia, and levied by, for, or on behalf of  
18 the Clarke County School District, approved April 13, 1992 (Ga. L. 1992, p. 6241), as  
19 amended, is amended by revising Section 2 as follows:

20 "SECTION 2.

21 (a) In lieu of any other exemption from ad valorem taxes for Unified Government purposes  
22 except the exemption provided for in subsection (b) of this section, each resident of Clarke  
23 County who is eligible for the exemption from ad valorem taxes for county purposes  
24 pursuant to Code Section 48-5-44 of the O.C.G.A. is granted an exemption on that person's  
25 homestead from all ad valorem taxes for Unified Government purposes in the amount of  
26 \$25,000.00 of the assessed value of that homestead for all taxable years beginning after  
27 December 31, 2022. Any person who, as of January 1, 2023, has applied for and is eligible  
28 for that exemption granted by the general law referred to in this section shall be eligible  
29 without further application for the increased exemption granted by this subsection.

30 (b)(1) As used in this subsection, the term:

31 (A) 'Base year' means:

32 (i) Between the 2021 and 2022 taxable years, the lowest assessed value of the  
33 homestead, including any final determination of value on appeal pursuant to Code  
34 Section 48-5-311 of the O.C.G.A., as amended, with respect to an exemption pursuant  
35 to this Act which is first granted to a person on such person's homestead in the 2023  
36 taxable year or who thereafter reapplies for and is granted such exemption in the 2024  
37 taxable year, or thereafter, solely because of a change in ownership to a joint tenancy  
38 with right of survival; or

39 (ii) In all other cases, the taxable year immediately preceding the taxable year in  
40 which the exemption under this Act is first granted to the most recent owner of such  
41 homestead.

42 (B) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40  
43 of the O.C.G.A., with the additional qualification that it shall include only the primary  
44 residence and not more than three contiguous acres of land immediately surrounding  
45 such residence.

46 (C) 'Income' means federal adjusted gross income determined pursuant to the Internal  
47 Revenue Code of 1986, as amended, for federal income tax purposes.

48 (2) Each resident of Athens-Clarke County is granted an exemption on that person's  
49 homestead from ad valorem taxes for Unified Government purposes in an amount equal  
50 to the amount by which the current year assessed value of that homestead exceeds the  
51 base year assessed value of that homestead. This exemption shall not apply to taxes  
52 assessed on improvements to the homestead or additional land that is added to the  
53 homestead after January 1 of the base year. If any real property is removed from the  
54 homestead, the base year assessed value, including any final determination of value on  
55 appeal pursuant to Code Section 48-5-311 of the O.C.G.A., as amended, shall be adjusted  
56 to reflect such removal and the exemption shall be recalculated accordingly. The value  
57 of that property in excess of such exempted amount shall remain subject to taxation. The  
58 exemption under this subsection shall only be granted if that person's household income  
59 for the immediately preceding year does not exceed 200 percent of the income level  
60 corresponding to the household size of such person published by the United States  
61 Department of Health and Human Services as the 2022 United States Federal Poverty  
62 Guidelines for the 48 Contiguous States and the District of Columbia.

63 (3) The unremarried surviving spouse of the person who has been granted the exemption  
64 provided for in paragraph (2) of this subsection shall continue to receive the exemption  
65 provided under paragraph (2) of this subsection, so long as that unremarried surviving  
66 spouse continues to occupy the home as a residence and homestead.

67 (4) A person shall not receive the homestead exemption granted by paragraph (2) of this  
68 subsection unless the person or person's agent files an application with the tax

69 commissioner of Athens-Clarke County giving such information relative to receiving  
70 such exemption as will enable the tax commissioner, or his or her designee, to make a  
71 determination as to whether such owner is entitled to such exemption. The tax  
72 commissioner shall provide application forms for this purpose.

73 (5) The exemption granted by paragraph (2) of this subsection shall be claimed and  
74 returned as provided in Code Section 48-5-50.1 of the O.C.G.A. Said exemption shall  
75 be automatically renewed from year to year as long as the owner occupies the residence  
76 as a homestead and does not exceed the income limit in effect in accordance with  
77 paragraph (2) of this subsection. After a person has filed the proper application as  
78 provided in paragraph (4) of this subsection, it shall not be necessary to make application  
79 thereafter for any year and the exemption shall continue to be allowed to such person;  
80 provided, however, that such person shall be required to submit annually a copy of his  
81 or her federal income tax return for the prior calendar year, by a date to be provided by  
82 the tax commissioner of Athens-Clarke County, or such person's exemption granted by  
83 this subsection shall be suspended until such return or returns are submitted. If a person  
84 does not meet the eligibility requirements for the homestead exemption provided by  
85 paragraph (2) of this subsection during any given year, such person shall not receive the  
86 exemption, and if such person meets such eligibility requirements at a later date, the base  
87 year shall be recalculated as if the application were a new application. It shall be the duty  
88 of any person granted the homestead exemption under paragraph (2) of this subsection  
89 to notify the tax commissioner of Athens-Clarke County in the event that person for any  
90 reason becomes ineligible for that exemption.

91 (6) The exemption granted by paragraph (2) of this subsection shall not apply to or affect  
92 state ad valorem taxes or local school district ad valorem taxes for educational purposes.  
93 The exemption granted by paragraph (2) of this subsection shall be in addition to and not  
94 in lieu of any other homestead exemption applicable to ad valorem taxes for Unified  
95 Government purposes.

96 (7) The exemption granted by paragraph (2) of this subsection shall apply to all taxable  
97 years beginning on or after January 1, 2023."

98 **SECTION 2.**

99 Said Act is further amended by revising Section 4 as follows:

100 "SECTION 4.

101 In lieu of any other exemption from ad valorem taxes for Unified Government purposes, each  
102 resident of Clarke County who is 65 years of age or over is granted an exemption on that  
103 person's homestead from all ad valorem taxes for Unified Government purposes in the  
104 amount of \$25,000.00 of the assessed value of that homestead for each taxable year  
105 beginning after December 31, 2022. Any person who, as of January 1, 2023, has applied for  
106 and is eligible for that exemption from county ad valorem taxes granted by Code Section  
107 48-5-47 of the O.C.G.A. shall be eligible without further application for the increased  
108 exemption granted by this section."

109 **SECTION 3.**

110 Said Act is further amended by revising Section 7 as follows:

111 "SECTION 7.

112 Except as provided in subsection (b) of Section 2 of this Act, after any such resident has been  
113 allowed the exemptions provided in this Act, it shall not be necessary that such person make  
114 application and file such affidavit for any year thereafter and such exemptions shall continue  
115 to be allowed to such person. It shall be the duty of any resident of Clarke County or the  
116 Clarke County School District who has claimed the homestead exemptions provided for in  
117 this Act to notify the tax commissioner of Athens-Clarke County, Georgia, in the event that  
118 resident becomes ineligible for any reason to receive any such homestead exemption."

119 **SECTION 4.**

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

123 **SECTION 5.**

124 The election superintendent of Athens-Clarke County shall call and conduct an election as  
 125 provided in this section for the purpose of submitting this Act to the electors of the Unified  
 126 Government of Athens-Clarke County, Georgia, for approval or rejection. The election  
 127 superintendent shall conduct that election on November 8, 2022, and shall issue the call and  
 128 conduct that election as provided by general law. The election superintendent shall cause the  
 129 date and purpose of the election to be published once a week for two weeks immediately  
 130 preceding the date thereof in the official organ of Athens-Clarke County. The ballot shall  
 131 have written or printed thereon the words:

132 "( ) YES Shall the Act to increase the existing general and senior homestead  
 133 ( ) NO exemptions from \$10,000.00 to \$25,000.00 and create a low-income base  
 134 year assessed value homestead exemption from Athens-Clarke County ad  
 135 valorem taxes for unified government purposes be approved?"

136 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 137 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 138 such question are for approval of the Act, Section 1, Section 2, and Section 3 of this Act shall  
 139 become of full force and effect on January 1, 2023. If the Act is not so approved or if the  
 140 election is not conducted as provided in this section, Section 1, Section 2, and Section 3 of  
 141 this Act shall not become effective, and this Act shall be automatically repealed on the first  
 142 day of January immediately following that election date. The expense of such election shall  
 143 be borne by Athens-Clarke County. It shall be the election superintendent's duty to certify  
 144 the result thereof to the Secretary of State.

145 **SECTION 6.**

146 Except as otherwise provided in Section 5 of this Act, this Act shall become effective upon  
147 its approval by the Governor or upon its becoming law without such approval.

148 **SECTION 7.**

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