

House Bill 634 (AS PASSED HOUSE AND SENATE)

By: Representatives Crawford of the 84<sup>th</sup>, Oliver of the 82<sup>nd</sup>, Drenner of the 85<sup>th</sup>, and Evans of the 89<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a new homestead exemption from City of Decatur ad valorem taxes for  
2 municipal purposes in the amount of \$40,000.00 for each resident of the City of Decatur who  
3 resides upon real property subject to a written lease having an initial term of not less than 99  
4 years with a landlord that is an entity exempt from taxation under Section 501(c)(3) of the  
5 federal Internal Revenue Code and who owns all improvements located on the real property;  
6 to provide for definitions; to specify the terms and conditions of the exemption and the  
7 procedures relating thereto; to provide for applicability; to provide for related matters; to  
8 provide for compliance with constitutional requirements; to provide for a referendum,  
9 effective dates, and automatic repeal, mandatory execution of election, and judicial remedies  
10 regarding failure to comply; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

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

14 (1) "Property taxes for city purposes" means all ad valorem taxes for municipal purposes  
15 levied by, for, or on behalf of the City of Decatur, but excluding any ad valorem taxes to  
16 pay interest on and to retire municipal bonded indebtedness.

H. B. 634

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

21 (b) Each resident of the City of Decatur who resides upon real property subject to a written  
22 lease having an initial term of not less than 99 years with a landlord that is an entity whose  
23 primary mission is affordable housing and that is exempt from taxation under  
24 Section 501(c)(3) of the federal Internal Revenue Code and who owns all improvements  
25 located on the real property, subject to sale restrictions intended to preserve the  
26 affordability of the residence, is granted an exemption on that person's homestead from  
27 City of Decatur ad valorem taxes for municipal purposes in the amount of \$40,000.00 of  
28 the assessed value of that homestead. The value of such property in excess of such  
29 exempted amount shall remain subject to taxation.

30 (c) The surviving spouse of the person who has been granted the exemption provided for  
31 in subsection (b) of this section shall continue to receive such exemption, so long as that  
32 surviving spouse continues to occupy the home as a residence and homestead.

33 (d) A person shall not receive the homestead exemption granted by subsection (b) of this  
34 section unless the person or person's agent files an application with the governing authority,  
35 or its designee, of the City of Decatur giving such information relative to receiving such  
36 exemption as will enable the governing authority, or its designee, to make a determination  
37 regarding the initial and continuing eligibility of such applicant for such exemption. The  
38 governing authority, or its designee, of the City of Decatur shall provide application forms  
39 for this purpose.

40 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1  
41 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year  
42 to year so long as the applicant occupies the residence as a homestead. After a person has  
43 filed the proper application as provided in subsection (d) of this section, it shall not be

44 necessary to make application thereafter for any year and the exemption shall continue to  
45 be allowed to such person. It shall be the duty of any person granted the homestead  
46 exemption under subsection (b) of this section to notify the governing authority, or its  
47 designee, of the municipality in the event that person for any reason becomes ineligible for  
48 that exemption.

49 (f) The exemption granted by subsection (b) of this section shall not apply to or affect state  
50 ad valorem taxes, county or independent school district ad valorem taxes for educational  
51 purposes, or county ad valorem taxes for county purposes. The homestead exemption  
52 granted by subsection (b) of this section shall be in addition to and not in lieu of any other  
53 homestead exemption applicable to property taxes for city purposes.

54 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years  
55 beginning on or after the first day of January of the year immediately following the  
56 approval of this exemption by the voters as provided for in Section 3 of this Act.

57 **SECTION 2.**

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

61 **SECTION 3.**

62 The municipal election superintendent of the City of Decatur shall call and conduct an  
63 election as provided in this section for the purpose of submitting this Act to the electors of  
64 the City of Decatur for approval or rejection. The municipal election superintendent shall  
65 conduct that election in concurrence with the municipal general election in November, 2023.  
66 The municipal election superintendent shall cause the date and purpose of the election to be  
67 published once a week for two weeks immediately preceding the date thereof in the official  
68 organ of DeKalb County. The ballot shall have written or printed thereon the words:

69     " YES    Shall the Act be approved which provides a new homestead exemption from  
70                                    City of Decatur ad valorem taxes for municipal purposes in the amount of  
71      NO     \$40,000.00 for each resident of the City of Decatur who holds real property  
72                                    subject to a written lease having an initial term of not less than 99 years  
73                                    with a landlord that is an entity exempt from taxation under Section  
74                                    501(c)(3) of the federal Internal Revenue Code and who owns all  
75                                    improvements located on the real property, subject to sale restrictions  
76                                    intended to preserve the affordability of the residence?"

77    All persons desiring to vote for approval of the Act shall vote "Yes," and those persons  
78    desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes  
79    cast on such question are for approval of the Act, Section 1 of this Act shall become of full  
80    force and effect on the first day of January of the year immediately following the approval  
81    of this exemption by the voters as provided for in this section. If the Act is not so approved  
82    or if the election is not conducted as provided in this section, Section 1 of this Act shall not  
83    become effective and this Act shall be automatically repealed on July 1, 2024. The expense  
84    of such election shall be borne by the City of Decatur. It shall be the municipal election  
85    superintendent's duty to certify the result thereof to the Secretary of State. The provisions  
86    of this section shall be mandatory upon the municipal election superintendent and are not  
87    intended as directory. If the municipal election superintendent fails or refuses to comply  
88    with this section, any elector of the City of Decatur may apply for a writ of mandamus to  
89    compel the municipal election superintendent to perform his or her duties under this section.  
90    If the court finds that the municipal election superintendent has not complied with this  
91    section, the court shall fashion appropriate relief requiring the municipal election  
92    superintendent to call and conduct such election on the date required by this section or on the  
93    next date authorized for special elections provided for in Code Section 21-2-540 of the  
94    O.C.G.A.

95 **SECTION 4.**

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

98 **SECTION 5.**

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