

House Bill 761 (AS PASSED HOUSE AND SENATE)

By: Representatives Carpenter of the 4th, Tarvin of the 2nd, and Ridley of the 6th

A BILL TO BE ENTITLED
AN ACT

1 To provide for a new homestead exemption from City of Tunnel Hill ad valorem taxes for
2 municipal purposes in the amount of \$60,000.00 for each resident of the City of Tunnel Hill
3 who is 65 years of age or older and whose income does not exceed \$40,000.00; to provide
4 for definitions; to specify the terms and conditions of the exemption and the procedures
5 relating thereto; to provide for applicability; to provide for related matters; to provide for
6 compliance with constitutional requirements; to provide for a referendum, effective dates,
7 and automatic repeal, mandatory execution of election, and judicial remedies regarding
8 failure to comply; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

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

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

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17 (3) "Income" means the resident's net income together with the income of the resident's
18 spouse who also occupies and resides at such homestead, as net income is defined by
19 Georgia income tax law.

20 (b) Each resident of the City of Tunnel Hill who is 65 years of age or older is granted an
21 exemption on that person's homestead from City of Tunnel Hill ad valorem taxes for
22 municipal purposes in the amount of \$60,000.00 of the assessed value of that homestead.
23 The exemption under this subsection shall only be granted if that person's income, together
24 with the income of the spouse and all other members of the family who also occupy and
25 reside at such homestead, does not exceed \$40,000.00 for the immediately preceding year.
26 The value of that property in excess of such exempted amount shall remain subject to
27 taxation.

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

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

38 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
39 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
40 so long as the owner occupies the residence as a homestead. After a person has filed the
41 proper application as provided in subsection (d) of this section, it shall not be necessary to
42 make application thereafter for any year and the exemption shall continue to be allowed to
43 such person. It shall be the duty of any person granted the homestead exemption under

44 subsection (b) of this section to notify the governing authority, or its designee, of the
45 municipality in the event that person for any reason becomes ineligible for that exemption.

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

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

54 **SECTION 2.**

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

58 **SECTION 3.**

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

66 " YES Shall the Act be approved which provides a new homestead exemption from
67 City of Tunnel Hill ad valorem taxes for municipal purposes in the amount
68 NO of \$60,000.00 of the assessed value of the homestead for each resident of
69 that city who is 65 years of age or older and whose federal adjusted gross
70 income, as well as the federal adjusted gross income of the spouse of such
71 resident and all other members of the family who also reside at such
72 homestead, does not exceed \$40,000.00?"

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

91 **SECTION 4.**

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

94 **SECTION 5.**

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