

House Bill 1269 (AS PASSED HOUSE AND SENATE)

By: Representatives Hawkins of the 27th, Dunahoo of the 31st, Dubnik of the 29th, McCollum of the 30th, Clark of the 100th, and others

A BILL TO BE ENTITLED
AN ACT

1 To provide for a new homestead exemption from City of Gainesville ad valorem taxes for
2 municipal purposes in an amount equal to the amount by which the current year assessed
3 value of a homestead exceeds the adjusted base year assessed value of such homestead; to
4 provide for definitions; to specify the terms and conditions of the exemption and the
5 procedures relating thereto; to provide for applicability; to provide for compliance with
6 constitutional requirements; to provide for a referendum, effective dates, and automatic
7 repeal; to provide for mandatory execution of election and judicial remedies regarding failure
8 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) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
13 purposes levied by, for, or on behalf of the City of Gainesville, except for any ad valorem
14 taxes levied to pay interest on and to retire bonded indebtedness.

15 (2) "Adjusted base year assessed value" means the sum of:

16 (A) The previous adjusted base year assessed value;

17 (B) An amount equal to the difference between the current year assessed value of the
18 homestead and the base year assessed value of the homestead, provided that such
19 amount shall not exceed 3 percent of the previous adjusted base year assessed value of
20 the homestead; and

21 (C) The value of any substantial property change, provided that no such value added
22 improvements to the homestead shall be duplicated as to the same addition or
23 improvement.

24 (3) "Base year assessed value" means:

25 (A) With respect to an exemption under this section which is first granted to a person
26 on such person's homestead for the 2025 taxable year, the assessed value for taxable
27 year 2023, including any final determination of value on appeal pursuant to Code
28 Section 48-5-311, of the homestead; or

29 (B) In all other cases, the assessed value, including any final determination of value on
30 appeal pursuant to Code Section 48-5-311, of the homestead from the taxable year
31 immediately preceding the taxable year in which the exemption under this section is
32 first granted to the applicant.

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

35 (5) "Previous adjusted base year assessed value" means:

36 (A) With respect to the year for which the exemption under this section is first granted
37 to a person on such person's homestead, the base year assessed value; or

38 (B) In all other cases, the adjusted base year assessed value of the homestead as
39 calculated in the taxable year immediately preceding the current year, including any
40 final determination of value on appeal pursuant to Code Section 48-5-311.

41 (6) "Substantial property change" means any increase or decrease in the assessed value
42 of a homestead derived from additions or improvements to, or the removal of real
43 property from, the homestead which occurred after the year in which the base year

44 assessed value is determined for the homestead. The assessed value of the substantial
45 property changes shall be established following any final determination of value on
46 appeal pursuant to Code Section 48-5-311.

47 (b)(1) Each resident of the City of Gainesville is granted an exemption on that person's
48 homestead from City of Gainesville ad valorem taxes for municipal purposes in an
49 amount equal to the amount by which the current year assessed value of that homestead,
50 including any final determination of value on appeal pursuant to Code Section 48-5-311
51 of the O.C.G.A., exceeds its previous adjusted base year assessed value.

52 (2) Except as provided for in subsection (c) of this section, no exemption provided for
53 in this subsection shall transfer to any subsequent owner of the property, and the assessed
54 value of the property shall be as provided by law.

55 (c) The surviving spouse of the person who has been granted the exemption provided for
56 in subsection (b) of this section shall continue to receive the exemption provided under
57 subsection (b) of this section, so long as such surviving spouse continues to occupy the
58 residence as a homestead.

59 (d) A person shall not receive the homestead exemption granted by subsection (b) of this
60 section unless such person or person's agent files an application with the governing
61 authority of the City of Gainesville or the designee thereof giving such information relative
62 to receiving such exemption as will enable the governing authority of the City of
63 Gainesville or the designee thereof to make a determination regarding the initial and
64 continuing eligibility of such person for such exemption or such person has already filed
65 for and is receiving a homestead exemption and such existing application provides
66 sufficient information to make such determination of eligibility. The governing authority
67 of the City of Gainesville or the designee thereof shall provide application forms for this
68 purpose.

69 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1
70 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year

71 to year so long as the owner occupies the residence as a homestead. After a person has
72 filed the proper application as provided in subsection (d) of this section, it shall not be
73 necessary to make application thereafter for any year and the exemption shall continue to
74 be allowed to such person. It shall be the duty of any person granted the homestead
75 exemption under subsection (b) of this section to notify the governing authority of the City
76 of Gainesville or the designee thereof in the event that such person for any reason becomes
77 ineligible for that exemption.

78 (f)(1) The exemption granted by subsection (b) of this section shall not apply to or affect
79 state or county ad valorem taxes or county or independent school district ad valorem
80 taxes for educational purposes.

81 (2) Except as otherwise provided in paragraph (3) of this subsection, the homestead
82 exemption granted by subsection (b) of this section shall be in addition to and not in lieu
83 of any other homestead exemption applicable to ad valorem taxes.

84 (3) The homestead exemption granted by subsection (b) of this section shall be in lieu
85 of and not in addition to any other base year value or adjusted base year value homestead
86 exemption provided by local Act which is applicable to City of Gainesville ad valorem
87 taxes for municipal purposes.

88 (g) The exemption granted by this Act shall be applicable to all taxable years beginning
89 on or after January 1, 2025.

90 **SECTION 2.**

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

SECTION 3.

94

95 (a) The election superintendent of the City of Gainesville shall call and conduct an election
 96 as provided in this section for the purpose of submitting this Act to the electors of the City
 97 of Gainesville for approval or rejection. The municipal election superintendent shall
 98 conduct such election on the Tuesday after the first Monday in November, 2024, and shall
 99 issue the call and conduct such election as provided by general law. The municipal
 100 election superintendent shall cause the date and purpose of the election to be published
 101 once a week for two weeks immediately preceding the date thereof in the official organ of
 102 Hall County. The ballot shall have written or printed thereon the words:

103 "() YES Shall the Act be approved which provides a homestead exemption from City
 104 of Gainesville ad valorem taxes for municipal purposes in an amount equal
 105 () NO to the amount by which the current year assessed value of a homestead
 106 exceeds its base year assessed value, provided that the base year assessed
 107 value of such homestead shall be subject to annual increases of up to 3
 108 percent?"

109 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 110 desiring to vote for rejection of the Act shall vote "No."

111 (b) If more than one-half of the votes cast on such question are for approval of the Act,
 112 Section 1 of this Act shall become of full force and effect on January 1, 2025. If the Act
 113 is not so approved or if the election is not conducted as provided in this section, Section 1
 114 of this Act shall not become effective and this Act shall be automatically repealed on the
 115 first day of July immediately following that election date.

116 (c) The expense of such election shall be borne by the City of Gainesville. It shall be the
 117 municipal election superintendent's duty to certify the result thereof to the Secretary of
 118 State.

119 (d) The provisions of this section shall be mandatory upon the municipal election
 120 superintendent and are not intended as directory. If the municipal election superintendent

121 fails or refuses to comply with this section, any elector of the City of Gainesville may apply
122 for a writ of mandamus to compel the election superintendent to perform his or her duties
123 under this section. If the court finds that the municipal election superintendent has not
124 complied with this section, the court shall fashion appropriate relief requiring the municipal
125 election superintendent to call and conduct such election on the date required by this
126 section or on the next date authorized for special elections provided for in Code Section
127 21-2-540 of the O.C.G.A.

128 **SECTION 4.**

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

131 **SECTION 5.**

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