Senate Bill 566

By: Senators Hufstetler of the 52nd, Anavitarte of the 31st, Albers of the 56th, Hickman of the 4th and Still of the 48th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to revise required information for bills and notices of assessment for ad valorem taxation of property; to revise definitions, limits, and procedures related to a state-wide base year homestead exemption; to provide for annual submissions and review of homestead information across the state; to expand the period of time within which taxpayers may apply for homestead exemptions; to provide for penalties for failing to report ineligibility for a homestead exemption; to make conforming changes; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended by revising Code Section 48-5-34, relating to tax bill and procedures and requirements, as follows:

"48-5-34.

~~(a)~~ In addition to any other requirements provided by law, the ad valorem property tax bill form shall be prepared annually by the county tax commissioner or collector and furnished to each taxpayer who owes state, county, or county school tax for the current tax year. The form shall provide for each given levying authority and recommending authority:

(1) The ~~the~~ total amount of such taxes levied on property owned by the taxpayer~~.~~;

(2) The ~~the~~ amount ~~of property tax credit granted by Act of the 1973 Session of Georgia's General Assembly, and~~ by which such taxes were reduced as a result of exemptions, credits, and preferential assessments that were applied to such property, if any; and

(3) The ~~the~~ net amount of such taxes due for the current tax year.

~~(b) In addition to the requirements of subsection (a) of this Code section, if the millage rate adopted by a taxing authority exceeds the estimated roll-back rate and such estimated roll-back rate was provided in the annual notice of assessment, such tax bill shall include a notice containing the name of such taxing authority and the following statement in bold print: 'The adopted millage rate exceeds the estimated roll-back rate as stated in the annual notice of assessment that you previously received for this taxable year, which will result in an increase in the amount of property tax that you will owe.'~~

~~(c)(1) If the governing authority of a county, consolidated government, municipality, or school district elected to opt out of the homestead exemption provided for in Code Section 48-5-44.2 and there is not in effect for such political subdivision a base year value homestead exemption or adjusted base year value homestead exemption that is generally applicable for homestead residents, each ad valorem property tax bill issued by such political subdivision for homestead properties shall contain a notice in bold print that corresponds with the following statement:~~

~~'[Name of the political subdivision] chose to opt out of property tax relief for homeowners related to HB 581 (2024). If you have concerns about that decision,~~

~~please call [the main telephone number for the levying or recommending authority of the political subdivision].'~~

~~(2) The provisions of paragraph (1) of this subsection shall not apply for any taxable year beginning after December 31, 2029.~~″

SECTION 2.

Said chapter is further amended in Code Section 48-5-44.2, relating to base year homestead exemption, by revising paragraphs (2), (3), and (7) of subsection (a) and revising subsections (d) and (e) as follows:

″(2) 'Adjusted base year assessed value' means the sum of:

(A) The previous adjusted base year assessed value;

(B) An amount equal to the difference between the current year assessed value of the homestead and the base year assessed value of the homestead, provided that such amount shall not exceed the total of the previous adjusted base year assessed value of the homestead multiplied by the inflation rate for the prior year; and

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

(3) 'Base year assessed value' means:

(A) With respect to an exemption under this Code section which is first granted to a person on such person's homestead for the 2025 taxable year, the assessed value for taxable year 2024, including any final determination of value on appeal pursuant to Code Section 48-5-311, of the homestead after adjustment due to any substantial property change which occurred during or after taxable year 2024, provided that no such adjustment shall be duplicated as to the same addition, improvement, or removal of real property; or

(B) In all other cases, the assessed value, including any final determination of value on appeal pursuant to Code Section 48-5-311, of the homestead from the taxable year immediately preceding the taxable year in which the exemption under this Code section is first granted to the applicant for such homestead after adjustment due to any substantial property change which occurred during or after the taxable year used to establish the base year assessed value for that homestead, provided that no such adjustment shall be duplicated as to the same addition, improvement, or removal of real property."

"(7) 'Substantial property change' means any increase or decrease in the assessed value of a homestead derived from additions or improvements to, or the removal of real property from, the homestead which occurred during or after the year ~~in which~~ used to establish the base year assessed value ~~is determined~~ for the homestead. The assessed value of the substantial property changes shall be established following any final determination of value on appeal pursuant to Code Section 48-5-311."

"(d) No person shall receive the exemption granted by subsection (b) of this Code section unless such person or person's agent files an application with the tax receiver or tax commissioner of his or her respective local government or governments charged with the duty of receiving returns of property for taxation giving such information relative to receiving such exemption as will enable such tax receiver or tax commissioner to make a determination regarding the initial and continuing eligibility of such person for such exemption; provided, however, that any person who had previously applied for a homestead exemption, was allowed such homestead exemption for the ~~2024~~ immediately preceding tax year, and remains eligible for a homestead exemption for that same homestead property in the ~~2025~~ current tax year shall be automatically allowed the exemption granted under subsection (b) of this Code section for that homestead without further application. Such tax receiver or tax commissioner shall provide application forms for this purpose.

(e)(1) The exemption granted by subsection (b) or (c) of this Code section shall be claimed and returned as provided in Code Section 48-5-50.1. Such exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person or a person's agent has filed the proper application or is automatically granted the homestead exemption as provided in subsection (d) of this Code section, it shall not be necessary for such person or such person's surviving spouse to make application thereafter for any year, and the exemption shall continue to be allowed to such person or such person's surviving spouse. It shall be the duty of any person granted the homestead exemption under subsection (b) or (c) of this Code section to notify the tax receiver or tax commissioner of the local government or governments in the event such person for any reason becomes ineligible for such exemption.

(2) In the event that an applicant becomes ineligible for the homestead exemption granted under subsection (b) or (c) of this Code section with respect to a particular homestead property and, thereafter, the applicant becomes eligible and applies for the homestead exemption on such property, the base year assessed value for such homestead shall be calculated in accordance with subparagraph (a)(3)(B) of this Code section as if the applicant were a new applicant who had not been previously granted an exemption under this Code section for such homestead."

SECTION 3.

Said chapter is further amended in Code Section 48-5-45, relating to application for homestead exemption and unlawful to solicit fee to file application for homestead for another, by revising subsections (a) and (b) as follows:

"(a)(1) An applicant seeking a homestead exemption as provided in Code Section 48-5-44 and qualifying under the provisions of Code Section 48-5-40 shall file a written application and schedule with the tax receiver or tax commissioner charged with the duty of receiving returns of property for taxation ~~at any time~~ during ~~the~~ a calendar year

subsequent to the property becoming the primary residence of the applicant at any time up to and including ~~the date for the closing of the books for the return of taxes for the calendar year, except that, in the case of a property which is subject to a reassessment by the board of tax assessors,~~ the final date to file an appeal of the annual notice of current assessment. Any such application and schedule may be filed in conjunction with or in lieu of an appeal of the reassessment.

(2) The failure to file properly the application and schedule on or before the ~~date for the closing of the books for the return of taxes of a calendar year in which the taxes are due~~ applicable deadline under paragraph (1) of this subsection shall constitute a waiver of the homestead exemption on the part of the applicant failing to make the application for such exemption for that year.

(b) The owner of a homestead which is actually occupied by the owner as a residence and homestead shall not have to apply for the exemption more than once so long as the owner remains in continuous occupation of the residence as a homestead. The exemption shall automatically be renewed from year to year so long as the owner continuously occupies the residence as a homestead. In the event any person granted the exemption becomes ineligible for such exemption, such person shall notify the tax receiver or tax commissioner charged with the duty of receiving returns of property for taxation on or before the final date to file an appeal of the annual notice of current assessment."

SECTION 4.

Said chapter is further amended by adding a new Code section to read as follows:

"48-5-51.1.

(a) For taxable years beginning on or after January 1, 2026, in the event that a person fails to report his or her ineligibility for any homestead exemption that is listed on the annual notice of current assessment for the property by the final date to file an appeal of such notice, the property shall be appropriately billed for all taxes and interest due and a penalty

146 shall be imposed in an amount equal to 50 percent of the amount by which the taxes were
147 to be reduced from exemptions and credits for which the taxpayer was ineligible.
148 (b) Each taxpayer shall be notified in writing at the taxpayer's last known address as it
149 appears on the latest records of the tax commissioner or tax collector of the reasons for the
150 denial or removal of a homestead exemption pursuant to this Code section. Any such
151 taxpayer shall be entitled to appeal the removal of the homestead exemption and the
152 application of penalties in the same manner provided in Code Section 48-5-311.
153 (c) The local tax receiver or tax commissioner shall collect and remit any tax, penalty, or
154 interest due under this Code section in the same manner as other taxes."

155 **SECTION 5.**

156 Said chapter is further amended by adding a new Code section to read as follows:
157 "48-5-57.
158 Recognizing the importance and value of properly granting and continually allowing
159 homestead exemptions, each local tax official charged by law with the duty of reviewing
160 applications for homestead exemptions shall submit to the department a list of taxpayers
161 that have been granted or denied a homestead exemption for property within its
162 jurisdiction. Such submissions shall be made annually for each taxing jurisdiction at the
163 same time as the county digest is submitted to the commissioner. The commissioner shall
164 maintain a list of homestead information throughout the state in a manner which allows
165 local tax officials access to review and ensure accuracy of their jurisdiction's properties
166 receiving homestead exemptions. Each such local tax official shall review said list prior
167 to approving a homestead exemption and on an annual basis prior to issuing the notices of
168 assessment for the taxing jurisdiction."

SECTION 6.

Said chapter is further amended in Code Section 48-5-306, relating to annual notice of current assessment, contents, posting notice, and new assessment description, by revising subsection (b) as follows:

"(b) Contents of notice.

(1) The annual notice of current assessment required to be given by the county board of tax assessors under subsection (a) of this Code section shall be dated and shall contain the name and last known address of the taxpayer pursuant to Code Section 48-5-10. The annual notice shall be given on the applicable state-wide assessment notice form which shall be established by the commissioner by rule and regulation and shall contain:

(A) The '(insert previous tax year) Value' which is the fair market value used for ~~amount of~~ the previous assessment following any final determination of value on appeal pursuant to Code Section 48-5-311;

(B) The '(insert current tax year) Value' which is the fair market value used for ~~amount of~~ the current assessment;

(C) The year for which the new assessment is applicable;

(D) A brief description of the assessed property broken down into real and personal property classifications;

(E) A brief description of any change in the taxable assessed value from the previous assessment.

(F) A list of each exemption, credit, and preferential assessment granted or allowed for the property as of the creation of the notice of assessment;

(G) ~~The fair market value of property of the taxpayer subject to taxation and the assessed value of the taxpayer's property subject to taxation after being reduced~~ The estimated tax savings from all exemptions, credits, and preferential assessments granted or allowed for the property calculated using the sum of all millage rates which were imposed on such property in the previous tax year;

~~(F)~~(H) A brief description of the methods and manner by which the taxpayer may appeal the current assessment;

(I) The name, phone number, and contact information of the person in the assessors' office who is administratively responsible for the handling of the appeal and who the taxpayer may contact if the taxpayer has questions about the reasons for the assessment change or the appeals process;

~~(G)~~(J) If available, the public website address of the office of the county board of tax assessors;

~~(H)~~(K) A statement that all documents and records used to determine the current value are available upon request; and

(L) Such other details as may be required by the department after consultation with the chairpersons of the House Committee on Ways and Means and the Senate Finance Committee.

~~(I)(i) The current year's estimated roll-back rate for each levying or recommending authority that certified its estimated roll-back rate for the current year to the county board of tax assessors and county tax commissioner by the date specified under Code Section 48-5-306.2; or~~

~~(ii) For each levying or recommending authority that did not certify its estimated roll-back rate to the county board of tax assessors and county tax commissioner by the date specified in Code Section 48-5-306.2, the millage rate that was actually levied by or on behalf of such authority for the previous tax year, and an estimate of the amount of ad valorem taxes due for the assessed property based on such millage rate and the amount of the current assessment.~~

(2) In addition to the items required under paragraph (1) of this subsection, the notice shall contain a statement of the taxpayer's right to an appeal and other information which shall be in substantially the following form:

~~'The amount of your ad valorem tax bill for this year will be based on the appraised and assessed values specified in this notice. You have the right to appeal these values to the county board of tax assessors.~~

~~At the time of filing your appeal you must select one of the following options:~~

~~(A) An appeal to the county board of equalization with appeal to the superior court;~~

~~(B) To arbitration without an appeal to the superior court; or~~

~~(C) For a parcel of nonhomestead property with a fair market value in excess of $500,000.00 as shown on the taxpayer's annual notice of current assessment under this Code section, or for one or more account numbers of wireless property as defined in subparagraph (e.1)(1)(B) of Code Section 48-5-311 with an aggregate fair market value in excess of $500,000.00 as shown on the taxpayer's annual notice of current assessment under this Code section, to a hearing officer with appeal to the superior court.~~

~~If you wish to file an appeal, you must do so in writing no later than 45 days after the date of this notice. If you do not file an appeal by this date, your right to file an appeal will be lost. For further information on the proper method for filing an appeal, you may contact the county board of tax assessors which is located at: (insert address) and which may be contacted by telephone at: (insert telephone number).~~

'You have the right to appeal the property values provided in this notice. You may also apply for homestead exemptions if your property was owned and occupied as your family's primary residence and homestead as of January 1 of (insert current tax year).

If you wish to appeal your (insert current tax year) property value or apply for homestead exemptions, you must do so in writing no later than 45 days after the

248 date of this notice. If you do not file an appeal or apply for homestead exemption
249 by this date, your right to do so for this year will be lost.
250 ***You are required by law to notify (insert name of appropriate local tax
251 official) if you become ineligible for any homestead exemption listed in this
252 notice and subject to penalties for failing to do so.***
253 For further information on filing appeals, applying for homestead exemptions, or
254 reporting your ineligibility for a homestead exemption, visit or contact (insert
255 name of appropriate local tax official, board, or office together with their
256 respective website, address, and telephone number or, in the event that one or
257 more local tax officials, boards, or offices is responsible for such duties, insert the
258 names and identify the responsibilities of the appropriate local tax officials,
259 boards, or offices together with their respective websites, addresses, and telephone
260 numbers).
261 Please note: Tax rates for counties, school districts, and cities will be established
262 by each local government later this year. If a local government intends to increase
263 revenue on existing properties, they must advertise and hold three public meetings
264 to do so.'
265 (3) The annual notice required under this Code section shall be mailed no later than July
266 1; provided, however, that the annual notice required under this Code section may be sent
267 later than July 1 for the purpose of notifying property owners of corrections and mapping
268 changes."

269 **SECTION 7.**

270 Said chapter is further amended by repealing Code Section 48-5-306.2, relating to annual
271 calculation and certification of estimated roll-back rate, in its entirety.

SECTION 8.

Said chapter is further amended in Code Section 48-5-2, relating to definitions, by repealing paragraph (2.1).

SECTION 9.

(a) This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) This Act shall be applicable to taxable years beginning on or after January 1, 2026.

SECTION 10.

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