

House Bill 427

By: Representatives Cannon of the 58th, Beasley-Teague of the 65th, Gardner of the 57th,
Burnough of the 77th, Holcomb of the 81st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia
2 Annotated, relating to property tax exemptions, so as to exempt all real property owned by
3 tax exempt organizations if such real property is used exclusively for the purpose of rented
4 or leased multiple-family housing; to provide for a referendum; to provide for effective dates,
5 applicability, and automatic repeal; to provide for compliance with constitutional
6 requirements; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
11 relating to property tax exemptions, is amended in Code Section 48-5-41, relating to property
12 exempt from ad valorem taxation, by deleting "and" at the end of paragraph (14), by
13 replacing the period with "; and" at the end of paragraph (15), and by adding a new paragraph
14 to subsection (a), and by revising paragraph (2) of subsection (d) as follows:

15 "(16) All real property owned by an organization that is exempt from taxation under
16 Section 501(c)(3) of the federal Internal Revenue Code and which is used exclusively for
17 the purpose of multiple-family housing that is rented, leased, or otherwise used for the
18 purpose of securing an income thereon."

19 "(2)(A) With respect to paragraph (4) of subsection (a) of this Code section, a building
20 which is owned by a charitable institution that is otherwise qualified as a purely public
21 charity and that is exempt from taxation under Section 501(c)(3) of the federal Internal
22 Revenue Code and which building is used by such charitable institution exclusively for
23 the charitable purposes of such charitable institution, and not more than 15 acres of land
24 on which such building is located, may be used for the purpose of securing income so
25 long as such income is used exclusively for the operation of that charitable institution.

26 (B) With respect to paragraph (16) of subsection (a) of this Code section, real property
 27 owned by an organization that is exempt from taxation under Section 501(c)(3) of the
 28 federal Internal Revenue Code and which is used exclusively for the purpose of
 29 multiple-family housing may be used for the purpose of securing income."

30 **SECTION 2.**

31 The Secretary of State shall call and conduct an election as provided in this section for the
 32 purpose of submitting this Act to the electors of the entire state for approval or rejection. The
 33 Secretary of State shall conduct such election on the Tuesday next following the first
 34 Monday in November, 2020, and shall issue the call and conduct that election as provided
 35 by general law. The Secretary of State shall cause the date and purpose of the election to be
 36 published once a week for two weeks immediately preceding the date thereof in the official
 37 organ of each county in the state. The ballot shall have written or printed thereon the words:

38 "() YES Shall the Act be approved which provides an exemption from ad valorem
 39 () NO taxes for all real property owned by an organization that is exempt from
 40 taxation under Section 501(c)(3) of the federal Internal Revenue Code and
 41 which is used exclusively for the purpose of multiple-family housing that
 42 is rented, leased, or otherwise used for the purpose of securing an income
 43 thereon?"

44 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 45 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 46 such question are for approval of the Act, Section 1 of this Act shall become of full force and
 47 effect on January 1, 2021, and shall be applicable to all tax years beginning on or after such
 48 date. If the Act is not so approved or if the election is not conducted as provided in this
 49 section, Section 1 of this Act shall not become effective, and this Act shall be automatically
 50 repealed on the first day of January immediately following that election date. It shall be the
 51 duty of each county election superintendent to certify the result thereof to the Secretary of
 52 State.

53 **SECTION 3.**

54 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
 55 its approval by the Governor or upon its becoming law without such approval.

56 **SECTION 4.**

57 In accordance with the requirements of Article VII, Section II, Paragraph II(a)(1) of the
 58 Constitution of the State of Georgia, Section 1 of this Act shall not become law unless it

59 receives the requisite two-thirds' majority vote in both the Senate and the House of
60 Representatives.

61 **SECTION 5.**

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