

Senate Bill 364

By: Senators Albers of the 56th, Hufstetler of the 52nd, Summers of the 13th, Still of the 48th and Anavitarte of the 31st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad
2 valorem taxation of property, so as to provide for a statewide homestead exemption from ad
3 valorem taxes in an amount equal to any amount by which the current year assessed value
4 of a homestead exceeds the lesser of 3 percent or the inflation rate from the adjusted base
5 year value of such homestead; to provide for definitions; to provide for determination of the
6 inflation rate by the commissioner; to specify the terms and conditions of the exemption and
7 the procedures relating thereto; to provide for applicability; to provide for a four-year freeze
8 in the fair market value of certain properties following the successful appeal as to value after
9 rejection by the board of tax assessors of a certified appraisal provided by the taxpayer; to
10 revise the required contents of notices of tax assessment; to provide for the consideration of
11 certified appraisals submitted by the taxpayer; to provide for a short title; to provide for
12 compliance with constitutional requirements; to provide for a referendum, effective dates,
13 applicability and automatic repeal; to provide for related matters; to repeal conflicting laws;
14 and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 364

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16

PART I

17

SECTION 1-1.

18 This Act shall be known and may be cited as the "Property Tax Relief Act of 2024."

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PART II

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SECTION 2-1.

21 Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem
22 taxation of property, is amended by adding a new Code section to read as follows:

23 "48-5-44.2.

24 (a) For purposes of this Code section, the term:

25 (1) 'Ad valorem taxes' means all ad valorem taxes levied by, for, or on behalf of the state
26 or any county, consolidated government, municipality, or local school district in this
27 state, except for any ad valorem taxes levied to pay interest on and to retire bonded
28 indebtedness.

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

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

31 (B) An amount equal to the difference between the current year assessed value of the
32 homestead and the base year assessed value of the homestead, provided that such
33 amount shall not exceed the total of the previous adjusted base year assessed value of
34 the homestead multiplied by the lesser of 3 percent or the inflation rate for the prior
35 year; and

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

39 (3) 'Base year assessed value' means:

40 (A) With respect to an exemption under this Code section which is first granted to a
41 person on such person's homestead for the 2025 taxable year, the lowest assessed value
42 of the homestead among taxable years 2020, 2021, and 2022, including any final
43 determination of value on appeal pursuant to Code Section 48-5-311; or

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

48 (4) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40.

49 (5) 'Inflation rate' means the annual inflationary index rate as determined for a given
50 year by the commissioner in accordance with subsection (g) of this Code section.

51 (6) 'Previous adjusted base year assessed value' means:

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

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

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

63 (b)(1) Each resident of this state is granted an exemption on that person's homestead
64 from ad valorem taxes in an amount equal to the amount by which the current year
65 assessed value of that homestead, including any final determination of value on appeal

66 pursuant to Code Section 48-5-311, exceeds its previous adjusted base year assessed
67 value.

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

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

75 (d) A person shall not receive the homestead exemption granted by subsection (b) of this
76 Code section unless such person or person's agent files an application with the tax receiver
77 or tax commissioner of his or her respective local government or governments charged with
78 the duty of receiving returns of property for taxation giving such information relative to
79 receiving such exemption as will enable such tax receiver or tax commissioner to make a
80 determination regarding the initial and continuing eligibility of such person for such
81 exemption or has already filed for and is receiving a homestead exemption and such
82 existing application provides sufficient information to make such determination of
83 eligibility. Such tax receiver or tax commissioner shall provide application forms for this
84 purpose.

85 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1.
86 Such exemption shall be automatically renewed from year to year so long as the owner
87 occupies the residence as a homestead. After a person or a person's agent has filed the
88 proper application as provided in subsection (d) of this Code section, it shall not be
89 necessary to make application thereafter for any year, and the exemption shall continue to
90 be allowed to such person. It shall be the duty of any person granted the homestead
91 exemption under subsection (b) of this Code section to notify the tax receiver or tax

92 commissioner of the local government or governments in the event such person for any
93 reason becomes ineligible for such exemption.

94 (f)(1) Except as otherwise provided in paragraph (2) of this subsection, the homestead
95 exemption granted by subsection (b) of this Code section shall be in addition to and not
96 in lieu of any other homestead exemption applicable to ad valorem taxes.

97 (2) The homestead exemption granted by subsection (b) of this Code section shall not
98 be applied in addition to any other base year value homestead exemption provided by law
99 with respect to the given taxing jurisdiction to which the such law applies. In any such
100 event, the tax receiver or tax commissioner of the taxpayer's respective local government
101 or governments charged with the duty of receiving returns of property for taxation shall
102 apply only the base year value homestead exemption that is larger or more beneficial for
103 the taxpayer with respect to the particular taxing jurisdictions to which more than one
104 base year value homestead exemption applies.

105 (g) For the purposes of this Code section, the commissioner shall promulgate a
106 standardized method for determining annual inflationary index rates which reflect the
107 effects of inflation and deflation on the cost of living for residents of this state for a given
108 calendar year. Such method may utilize the Consumer Price Index as reported by the
109 Bureau of Labor Statistics of the United States Department of Labor or any other similar
110 index established by the federal government, if the commissioner determines that such
111 federal index fairly reflects the effects of inflation and deflation on residents of this state.

112 (h) Any homestead exemption allowed by subsection (b) of this Code section to a taxpayer
113 shall be shown on the property tax assessment for the homestead in a manner to be
114 determined by the commissioner, which shows the calculation and application of such
115 homestead exemption.

116 (i) The exemption granted by subsection (b) of this Code section shall apply to all taxable
117 years beginning on or after January 1, 2025."

118

SECTION 2-2.

119 The Secretary of State shall call and conduct an election as provided in this section for the
120 purpose of submitting this part to the electors of the entire state for approval or rejection.
121 The Secretary of State shall conduct such election no later than the Tuesday next following
122 the first Monday in November, 2024, and shall issue the call and conduct such election as
123 provided by general law. The Secretary of State shall cause the date and purpose of the
124 election to be published once a week for two weeks immediately preceding the date thereof
125 in the official organ of each county in the state. The ballot shall have written or printed
126 thereon the words:

127 " YES Shall the Act be approved which provides a statewide homestead exemption
128 NO from ad valorem taxes in an amount equal to any amount by which the
129 current year assessed value of a homestead exceeds its base year assessed
130 value, provided that the base year assessed value of such homestead shall
131 be subject to annual increases of up to 3 percent?"

132 All persons desiring to vote for approval of Section 2-1 of this Act shall vote "Yes," and all
133 persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the
134 votes cast on such question are for approval of Section 2-1 of this Act, then this Act shall
135 become of full force and effect on January 1, 2025. If Section 2-1 of this Act is not so
136 approved or if the election is not conducted as provided in this section, Section 2-1 of this
137 Act shall not become effective and this Act shall be automatically repealed on the first day
138 of January immediately following such election date. It shall be the duty of each county
139 election superintendent to certify the results thereof to the Secretary of State.

PART III
SECTION 3-1.

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142 Said chapter is further amended by revising subsection (c) of Code Section 48-5-299, relating
143 to ascertainment of taxable property, assessments against unreturned personal property,
144 penalty for unreturned property, and changing real property values established by appeal in
145 prior year or stipulated by agreement, as follows:

146 "(c) When the value of real property is reduced or is unchanged from the value on the
147 initial annual notice of assessment or a corrected annual notice of assessment issued by the
148 board of tax assessors and such valuation has been established as the result of an appeal
149 decision rendered by the board of equalization, hearing officer, arbitrator, or superior court
150 pursuant to Code Section 48-5-311 or stipulated by written agreement signed by the board
151 of tax assessors and taxpayer or taxpayer's authorized representative, the new valuation so
152 established by appeal decision or agreement may not be increased by the board of tax
153 assessors during the next two successive years, or the next four successive years, as
154 provided in subparagraph (e)(4)(B) of Code Section 48-5-311, unless otherwise agreed in
155 writing by both parties, subject to the following exceptions:

156 (1) This subsection shall not apply to a valuation established by an appeal decision if the
157 taxpayer or his or her authorized representative failed to attend the appeal hearing or
158 provide the board of equalization, hearing officer, or arbitrator with some written
159 evidence supporting the taxpayer's opinion of value;

160 (2) This subsection shall not apply to a valuation established by an appeal decision or
161 agreement if the taxpayer files a return at a different valuation during the next two
162 successive years;

163 (3) Unless otherwise agreed in writing by both parties, if the taxpayer files an appeal
164 pursuant to Code Section 48-5-311 during the next two successive years, the board of tax
165 assessors, the board of equalization, hearing officer, or arbitrator may increase or

166 decrease the value of the real property based on the evidence presented by the taxpayer
 167 during the appeal process; and

168 (4) The board of tax assessors may increase or decrease the value of the real property if,
 169 after a visual on-site inspection of the property, it is found that there have been substantial
 170 additions, deletions, or improvements to such property or that there are errors in the board
 171 of tax assessors' records as to the description or characterization of the property, or the
 172 board of tax assessors finds an occurrence of other material factors that substantially
 173 affect the current fair market value of such property."

174 **SECTION 3-2.**

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

178 "(b) **Contents of notice.**

179 (1) The annual notice of current assessment required to be given by the county board of
 180 tax assessors under subsection (a) of this Code section shall be dated and shall contain
 181 the name and last known address of the taxpayer. The annual notice shall conform with
 182 the state-wide uniform assessment notice which shall be established by the commissioner
 183 by rule and regulation and shall contain:

184 (A) The amount of the previous assessment;

185 (B) The amount of the current assessment;

186 (B.1) The amount of taxes assessed on the property in the prior three taxable years for
 187 each county, municipality, and school district for which the notice of assessment
 188 relates;

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

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

192 (E) The fair market value of property of the taxpayer subject to taxation and the
193 assessed value of the taxpayer's property subject to taxation after being reduced;

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

198 (G) If available, the website address of the office of the county board of tax assessors;
199 and

200 (H) A statement that all documents and records used to determine the current value are
201 available upon request.

202 (2)(A) In addition to the items required under paragraph (1) of this subsection, the
203 notice shall contain a statement of the taxpayer's right to an appeal and an estimate of
204 the current year's taxes for all levying authorities which shall be in substantially the
205 following form:

206 'The amount of your ad valorem tax bill for this year will be based on the appraised and
207 assessed values specified in this notice. You have the right to appeal these values to the
208 county board of tax assessors. At the time of filing your appeal you must select one of
209 the following options:

210 (i) An appeal to the county board of equalization with appeal to the superior court;

211 (ii) To arbitration without an appeal to the superior court; or

212 (iii) For a parcel of nonhomestead property with a fair market value in excess of
213 \$500,000.00 as shown on the taxpayer's annual notice of current assessment under this
214 Code section, or for one or more account numbers of wireless property as defined in
215 subparagraph (e.1)(1)(B) of Code Section 48-5-311 with an aggregate fair market
216 value in excess of \$500,000.00 as shown on the taxpayer's annual notice of current
217 assessment under this Code section, to a hearing officer with appeal to the superior
218 court.

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

224 (B) The notice shall also contain the following statements in bold print:

225 'The estimate of your ad valorem tax bill for the current year is based on the previous
226 or most applicable year's millage rate and the fair market value contained in this
227 notice. The actual tax bill you receive may be more or less than this estimate. This
228 estimate may not include all eligible exemptions.'

229 (3) The annual notice required under this Code section shall be mailed no later than
230 July 1; provided, however, that the annual notice required under this Code section may
231 be sent later than July 1 for the purpose of notifying property owners of corrections and
232 mapping changes."

233

SECTION 3-3.

234 Said chapter is further amended by revising subparagraph (e)(1)(B.1) and paragraph (4) of
235 subsection (e) of Code Section 48-5-311, relating to creation of county boards of
236 equalization, duties, review of assessments, and appeals, as follows:

237 "(B.1) The taxpayer or his or her agent or representative may submit in support of his
238 or her appeal an appraisal given, signed, and certified as such by a real property
239 appraiser as classified by the Georgia Real Estate Commission and the Georgia Real
240 Estate Appraisers Board which was performed not later than nine months prior to the
241 date of assessment. The board of tax assessors shall consider the appraisal upon
242 request. Within 45 days of the receipt of the taxpayer's appraisal, the board of tax
243 assessors shall notify the taxpayer or his or her agent or representative of acceptance
244 of the appraisal or shall notify the taxpayer or his or her agent or representative of the

245 reasons for rejection. Rejection of such certified appraisal shall serve as a basis for a
246 freeze in the increase in the value of the property as provided in subparagraph (B) of
247 paragraph (4) of this subsection."

248 "(4)(A) The determination by the county board of tax assessors of questions of factual
249 characteristics of the property under appeal, as opposed to questions of value, shall be
250 prima-facie correct in any appeal to the county board of equalization. However, the
251 board of tax assessors shall have the burden of proving its opinions of value and the
252 validity of its proposed assessment by a preponderance of evidence.

253 (B) If any certified appraisal has been submitted to the board of tax assessors in
254 accordance with subparagraph (B.1) of paragraph (1) of this subsection, such certified
255 appraisal shall become part of the record on appeal and considered by the county board
256 of equalization alongside any value set forth by the board of tax assessors with respect
257 to the same property on appeal. In the event that the county board of equalization
258 determines that such certified appraisal is more accurate as to fair market value, and
259 such amount is at least 5 percent below the value which the board of tax assessors
260 sought to prove, the final value determined by the board of equalization shall not be
261 increased in the next four successive years, provided that the property would otherwise
262 be eligible for a freeze for the two next successive years pursuant to subsection (c) of
263 Code Section 48-5-209."

264

PART IV

265

SECTION 4-1.

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

269

SECTION 4-2.

270 Except as otherwise provided in Section 2-2 of this Act, this Act shall become effective upon
271 its approval by the Governor or upon its becoming law without such approval and shall be
272 applicable to taxable years beginning on or after January 1, 2025.

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SECTION 4-3.

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