

House Bill 755 (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 \$100,000.00 for each resident of the City of Tunnel Hill
3 who is 70 years of age or older; to provide for definitions; to specify the terms and conditions
4 of the exemption and the procedures relating thereto; to provide for applicability; to provide
5 for related matters; to provide for compliance with constitutional requirements; to provide
6 for a referendum, effective dates, and automatic repeal, mandatory execution of election, and
7 judicial remedies regarding failure to comply; to repeal conflicting laws; and for other
8 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 (b) Each resident of the City of Tunnel Hill who is 70 years of age or older is granted an
18 exemption on that person's homestead from City of Tunnel Hill ad valorem taxes for
19 municipal purposes in the amount of \$100,000.00 of the assessed value of that homestead.
20 The value of that property in excess of such exempted amount shall remain subject to
21 taxation.

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

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

32 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
33 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
34 so long as the owner occupies the residence as a homestead. After a person has filed the
35 proper application as provided in subsection (d) of this section, it shall not be necessary to
36 make application thereafter for any year and the exemption shall continue to be allowed to
37 such person. It shall be the duty of any person granted the homestead exemption under
38 subsection (b) of this section to notify the governing authority, or its designee, of the
39 municipality in the event that person for any reason becomes ineligible for that exemption.

40 (f) The exemption granted by subsection (b) of this section shall not apply to or affect state
41 ad valorem taxes, county or independent school district ad valorem taxes for educational
42 purposes, or county ad valorem taxes for county purposes. The homestead exemption

43 granted by subsection (b) of this section shall be in lieu of and not in addition to any other
44 homestead exemption applicable to property taxes for city purposes.

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

48 **SECTION 2.**

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

52 **SECTION 3.**

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

60 " YES Shall the Act be approved which provides a new homestead exemption from
61 City of Tunnel Hill ad valorem taxes for municipal purposes in the amount
62 NO of \$100,000.00 of the assessed value of the homestead for each resident of
63 that city who is 70 years of age or older?"

64 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
65 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
66 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
67 force and effect on the first day of January of the year immediately following the approval

68 of this exemption by the voters as provided in this section. If the Act is not so approved or
69 if the election is not conducted as provided in this section, Section 1 of this Act shall not
70 become effective, and this Act shall be automatically repealed on January 1, 2024. The
71 expense of such election shall be borne by the City of Tunnel Hill. It shall be the municipal
72 election superintendent's duty to certify the result thereof to the Secretary of State. The
73 provisions of this section shall be mandatory upon the municipal election superintendent and
74 are not intended as directory. If the municipal election superintendent fails or refuses to
75 comply with this section, any elector of the City of Tunnel Hill may apply for a writ of
76 mandamus to compel the municipal election superintendent to perform his or her duties
77 under this section. If the court finds that the municipal election superintendent has not
78 complied with this section, the court shall fashion appropriate relief requiring the municipal
79 election superintendent to call and conduct such election on the date required by this section
80 or on the next date authorized for special elections provided for in Code Section 21-2-540
81 of the O.C.G.A.

82 **SECTION 4.**

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

85 **SECTION 5.**

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