01-R-0831

A RESOLUTION

BY COUNCILMEMBER MICHAEL BOND

A RESOLUTION TO PROVIDE A TAX FREEZE EXEMPTION FOR SENIOR CITIZENS WHO OCCUPY PROPERTY AS OF JANUARY 1, 2001, WHO ARE 65 YEARS OF AGE AS OF JANUARY 1, 2001, AND WHOSE NET INCOME DOES NOT EXCEED $10,000 (WITH EXCLUSIONS FOR RETIREMENT PAY AND SOCIAL SECURITY UP TO A MAXIMUM AMOUNT ALLOWED BY SOCIAL SECURITY, WHICH IS $36,864.00), FROM CERTAIN CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES IN AN AMOUNT EQUAL TO THE AMOUNT BY WHICH THE CURRENT YEAR ASSESSED VALUE OF THAT HOMESTEAD EXCEEDS THE BASE YEAR ASSESSED VALUE OF THAT HOMESTEAD; TO PROVIDE FOR DEFINITIONS; TO SPECIFY THE TERMS AND CONDITIONS OF THE EXEMPTION AND THE PROCEDURES RELATING THERETO; TO PROVIDE FOR APPLICABILITY; TO PROVIDE FOR A REFERENDUM, EFFECTIVE DATES; TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta City Council has concerns regarding the rising property taxes paid by senior citizens who are long term residents of the city; and

WHEREAS, the Atlanta City Council is particularly concerned with those low income retirees whose whose property values have continued to rise each year; and

WHEREAS, the Council wants to insure that these residents are not unduly burdened by rising property taxes that could threaten their ability to maintain ownership of their homes.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1.
To include in the Legislative Package a Bill stating the following:

A BILL TO BE ENTITLED
AN ACT

To provide for a tax freeze exemption for senior citizens who occupy the property as of January 1, 2001, who are 65 years of age as of January 1, 2001, and whose net income does not exceed $10,000 (with exclusions for retirement pay and social security up to a maximum amount allowed by social security, which is $36,864.00, from certain City of Atlanta ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) As used in this Act, the term:

(1) "Ad valorem taxes for city purposes" means all ad valorem taxes for city purposes levied by, for, or on behalf of the City of Atlanta, including, but not limited to, any ad valorem taxes for special district purposes and any taxes to pay interest on and to retire city bonded indebtedness.

(2) "Base year" means the taxable year immediately preceding the taxable year in which the exemption under this Act is first granted to the most recent owner of such homestead.

(3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., with the additional qualification that it shall include only the primary residence and not more than five contiguous acres of land immediately surrounding such residence.

(b) Residents of the City of Atlanta, who are 65 years of age as of January 1, 2001, and whose net income does not exceed

$10,000(with exclusions for retirement pay and social security up to a maximum amount allowed by social security, which is $36,864.00, are granted a tax freeze exemption on that person's homestead from all municipal City of Atlanta ad valorem taxes for in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead. This exemption shall not apply to taxes assessed on improvements to the homestead or additional land that is added to the homestead after January 1 of the base year of 2000. If any real property is removed from the homestead, the base year assessed value shall be adjusted to reflect such removal and the exemption shall be recalculated accordingly. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) An eligible resident, as defined above, shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the tax commissioner of Fulton County giving such information relative to receiving such exemption as will enable the tax commissioner to make a determination as to whether such owner is entitled to such exemption.

(d) The tax commissioner of Fulton County shall provide application forms for the exemption granted by subsection (e) of this section which shall require such information as may be necessary to determine the initial and continuing eligibility of the owner for the exemption.

(e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A. The exemption shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the tax commissioner of the county or the designee thereof in the event that person for any reason becomes ineligible for that exemption.

(f) The exemption granted by this Act shall not apply to or affect state ad valorem taxes or city school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead

exemption applicable to county ad valorem taxes for county purposes.

(g) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2002.

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of the City of Atlanta and Fulton County place on the ballot a referendum to submit this Act to the electors of the City Atlanta for approval or rejection. The election superintendent shall place the question on the ballot on the date of the November, 2001, city-wide election, and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Fulton County and Dekalb County. The ballot shall have written or printed thereon the words:

"( ) YES **Shall an Act be approved which provides a tax freeze exemption from certain City of Atlanta ad valorem taxes for residents who**

( ) NO **are 65 years of age as of January 1, 2001, and whose net income does not exceed $10,000 (with exclusions for retirement pay and social security up to a maximum amount allowed by social security, which is $36,864.00) for city purposes in an amount equal to the amount by which the assessed value of that homestead for the current year exceeds the base year 2000 assessed value of that homestead?"**

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2002. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

The expense of such election shall be borne by the City of Atlanta. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

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

SECTION 4.

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

Section 2.
That all resolutions or parts of resolutions in conflict herewith are hereby repealed.