

House Bill 1009

By: Representatives Gurtler of the 8<sup>th</sup>, Stover of the 71<sup>st</sup>, Brockway of the 102<sup>nd</sup>, Caldwell of the 20<sup>th</sup>, and Pezold of the 133<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as to provide certain notices regarding the adoption of proposed budgets by local  
3 governments; to provide for the timing of such notices and manner of delivery; to amend  
4 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as  
5 to provide for certain notices regarding ad valorem tax levies and millage rate increases; to  
6 provide for the timing of such notices and manner of delivery; to provide for notice of tax  
7 sales and for periodic status reports on tax sales; to provide for definitions; to conform  
8 certain provisions; to amend Article 5 of Chapter 18 of Title 50 of the Official Code of  
9 Georgia Annotated, relating to state records management, so as to provide for permanent  
10 retention of certain records; to provide for related matters; to provide a short title; to provide  
11 for legislative findings; to provide an effective date; to repeal conflicting laws; and for other  
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 This Act shall be known and may be cited as the "Taxpayers' Bill of Rights Modernization  
16 Act."

17 style="text-align:center">**SECTION 2.**

18 The General Assembly finds and declares that:

- 19 (1) Taxpayers have a right to know, and local government has a duty to inform them,  
20 whenever local government spending or debt will result in a tax increase;
- 21 (2) Taxpayers have a right to know the nature and number of property sales under tax  
22 executions that are the result of local government spending and taxes;
- 23 (3) Taxpayers deserve ample notice for any proposed spending or tax increase; and
- 24 (4) Property tax increases should be the duty of elected officials, not unelected  
25 bureaucrats.

26

**SECTION 3.**

27 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
 28 by revising subsections (d), (f), and (g) of Code Section 36-81-5, relating to preparation of  
 29 proposed budget, submission to governing authority, public review of proposed budget, and  
 30 notice and conduct of budget hearing, as follows:

31 "(d)(1) On the day that the proposed budget is submitted to the governing authority for  
 32 consideration, a copy of the budget shall be placed in a public location which is  
 33 convenient to the residents of the unit of local government. The governing authority shall  
 34 make every effort to provide convenient access to the residents during reasonable  
 35 business hours so as to accord every opportunity to the public to review the budget prior  
 36 to adoption by the governing authority. A copy of the budget shall also be made  
 37 available, upon request, to the news media.

38 (2) In addition, if the unit of local government has a website, a copy of the budget shall  
 39 be posted to the website in such a manner that it can be easily accessed by the public on  
 40 the same day that the proposed budget is submitted to the governing authority for  
 41 consideration. If the governing authority maintains an e-mail list for dissemination of  
 42 information to the public, then on the same day that the proposed budget is submitted to  
 43 the governing authority for consideration, the governing authority shall also send via  
 44 e-mail to all such subscribers of such mailing list a notice that such proposed budget is  
 45 available for public inspection and where and when it may be inspected and, if the unit  
 46 of local government has a website, such e-mail shall include a link to the location of the  
 47 proposed budget on the website. The subject line of the e-mail shall be 'Proposed Budget  
 48 for (name of governing authority or unit of local government) for Fiscal Year (year).'"

49 "(f) At least ~~one week~~ two weeks prior to the meeting of the governing authority at which  
 50 adoption of the budget ordinance or resolution will be considered, the governing authority  
 51 shall conduct a public hearing, at which time any persons wishing to be heard on the budget  
 52 may appear.

53 (g)(1) The governing authority shall give notice of the time and place of the budget  
 54 hearing required by subsection (f) of this Code section at least ~~one week~~ two weeks  
 55 before the budget hearing is held. The notice shall be published in a newspaper of  
 56 general circulation within the jurisdiction of the governing authority. The statement shall  
 57 be a prominently displayed advertisement or news article and shall not be placed in that  
 58 section of the newspaper where legal notices appear.

59 (2) The notice required by paragraph (1) of this subsection may be included in the  
 60 statement published pursuant to subsection (e) of this Code section in lieu of separate  
 61 publication of the notice.

62 (3) If the governing authority maintains an e-mail list for dissemination of information  
 63 to the public, then the governing authority shall also send via e-mail to all such  
 64 subscribers of such mailing list a copy of the notice required by this subsection at least  
 65 two weeks prior to the hearing required by subsection (f) of this Code section. The  
 66 subject line of the e-mail shall be 'Hearing for Proposed Budget for (name of governing  
 67 authority or unit of local government) for Fiscal Year (year).'"

68 **SECTION 4.**

69 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
 70 amended by revising paragraph (1) of subsection (a) of Code Section 48-4-1, relating to  
 71 procedures for sales under tax levies and executions, as follows:

72 "(a)(1) Except as otherwise provided in this title, when a levy is made upon real or  
 73 personal property, the property shall be advertised and sold in the same manner as  
 74 provided for executions and judicial sales. Except as otherwise provided in this title, the  
 75 sale of real or personal property under a tax execution shall be made in the same manner  
 76 as provided for judicial sales; provided, however, that in addition to such other notice as  
 77 may be required by law, in any sale under a tax execution made pursuant to this chapter,  
 78 the defendant shall be given ~~ten~~ 30 days' written notice of such sale by registered or  
 79 certified mail or statutory overnight delivery. The notice required by this Code section  
 80 shall be sent:

81 (A) In cases of executions issued by a county officer for ad valorem taxes, to the  
 82 defendant's last known address as listed in the records of the tax commissioner of the  
 83 county that issued the tax execution;

84 (B) In cases of executions issued by a municipal officer for ad valorem taxes, to the  
 85 defendant's last known address as listed in the records of the municipal officer of the  
 86 municipality that issued the tax execution; or

87 (C) In cases of executions issued by a state officer, to the defendant's last known  
 88 address as listed in the records of the department headed by the issuing officer."

89 **SECTION 5.**

90 Said title is further amended by revising Article 1 of Chapter 4, relating to sales under tax  
 91 executions, by adding a new Code section to read as follows:

92 "48-4-8.

93 Each tax collector and tax commissioner shall monthly prepare and publish a report on the  
 94 county website, if any, and on the website of the commissioner regarding the number of  
 95 tax sales in progress in the county, the types of tax sales, and the current dispositions of  
 96 such sales. The title of such report shall be 'Summary of Tax Sales for (tax jurisdiction

97 name) for (month and year).' The commissioner shall promulgate such rules and  
 98 regulations as may be necessary for the administration of such reports."

99 **SECTION 6.**

100 Said title is further amended by revising Code Section 48-5-2, relating to definitions, as  
 101 follows:

102 "48-5-2.

103 As used in this chapter, the term:

104 (1) 'Adjusted maximum fair market value' means the base year fair market value of  
 105 property adjusted yearly by the lesser of 3 percent or the consumer price change as those  
 106 terms are defined in this Code section; provided, however, that, if the assessed value of  
 107 the property is appealed and the adjudicated fair market value is less than the adjusted  
 108 maximum fair market value under this paragraph, then the adjusted maximum fair market  
 109 value for the next tax year shall be such adjudicated fair market value.

110 ~~(1)~~(2) 'Arm's length, bona fide sale' means a transaction which has occurred in good  
 111 faith without fraud or deceit carried out by unrelated or unaffiliated parties, as by a  
 112 willing buyer and a willing seller, each acting in his or her own self-interest, including  
 113 but not limited to a distress sale, short sale, bank sale, or sale at public auction.

114 (3) 'Base year' means the later of:

115 (A) The year of the most recent arm's length, bona fide sale; or

116 (B) The year immediately following the most recent year in which improvements  
 117 requiring a building permit are made.

118 (4) 'Consumer price change' means the percentage change, if any, in the Consumer Price  
 119 Index for All Urban Consumers, U.S. City Average, all items 1967=100, or a successor  
 120 index as reported by the Bureau of Labor Statistics of the United States Department of  
 121 Labor.

122 ~~(4)~~(5) 'Current use value' of bona fide conservation use property means the amount a  
 123 knowledgeable buyer would pay for the property with the intention of continuing the  
 124 property in its existing use and in an arm's length, bona fide sale and shall be determined  
 125 in accordance with the specifications and criteria provided for in subsection (b) of Code  
 126 Section 48-5-269.

127 ~~(2)~~(6) 'Current use value' of bona fide residential transitional property means the amount  
 128 a knowledgeable buyer would pay for the property with the intention of continuing the  
 129 property in its existing use and in an arm's length, bona fide sale. The tax assessor shall  
 130 consider the following criteria, as applicable, in determining the current use value of bona  
 131 fide residential transitional property:

132 (A) The current use of such property;

133 (B) Annual productivity; and

134 (C) Sales data of comparable real property with and for the same existing use.

135 ~~(3)~~(7) 'Fair market value of property' means the amount a knowledgeable buyer would  
 136 pay for the property and a willing seller would accept for the property at an arm's length,  
 137 bona fide sale. The income approach, if data are available, shall be utilized in  
 138 determining the fair market value of income-producing property, and, if actual income  
 139 and expense data are voluntarily supplied by the property owner, such data shall be  
 140 considered in such determination. Notwithstanding any other provision of this chapter  
 141 to the contrary, ~~the transaction amount of the most recent arm's length, bona fide sale in~~  
 142 ~~any year shall be the maximum allowable fair market value for the next taxable year shall~~  
 143 not exceed the adjusted maximum fair market value. With respect to the valuation of  
 144 equipment, machinery, and fixtures when no ready market exists for the sale of the  
 145 equipment, machinery, and fixtures, fair market value may be determined by resorting  
 146 to any reasonable, relevant, and useful information available, including, but not limited  
 147 to, the original cost of the property, any depreciation or obsolescence, and any increase  
 148 in value by reason of inflation. Each tax assessor shall have access to any public records  
 149 of the taxpayer for the purpose of discovering such information.

150 (A) In determining the fair market value of a going business where its continued  
 151 operation is reasonably anticipated, the tax assessor may value the equipment,  
 152 machinery, and fixtures which are the property of the business as a whole where  
 153 appropriate to reflect the accurate fair market value.

154 (B) The tax assessor shall apply the following criteria in determining the fair market  
 155 value of real property:

156 (i) Existing zoning of property;

157 (ii) Existing use of property, including any restrictions or limitations on the use of  
 158 property resulting from state or federal law or rules or regulations adopted pursuant  
 159 to the authority of state or federal law;

160 (iii) Existing covenants or restrictions in deed dedicating the property to a particular  
 161 use;

162 (iv) Bank sales, other financial institution owned sales, or distressed sales, or any  
 163 combination thereof, of comparable real property;

164 (v) Decreased value of the property based on limitations and restrictions resulting  
 165 from the property being in a conservation easement;

166 (vi) Rent limitations, higher operating costs resulting from regulatory requirements  
 167 imposed on the property, and any other restrictions imposed upon the property in  
 168 connection with the property being eligible for any income tax credits with respect to  
 169 real property which are claimed and granted pursuant to either Section 42 of the

170 Internal Revenue Code of 1986, as amended, or Chapter 7 of this title or receiving any  
 171 other state or federal subsidies provided with respect to the use of the property as  
 172 residential rental property; provided, however, that properties described in this  
 173 division shall not be considered comparable real property for the assessment or appeal  
 174 of assessment of properties not covered by this division;

175 (vii)(I) In establishing the value of any property subject to rent restrictions under  
 176 the sales comparison approach, any income tax credits described in division (vi) of  
 177 this subparagraph that are attributable to a property may be considered in  
 178 determining the fair market value of the property, provided that the tax assessor uses  
 179 comparable sales of property which, at the time of the comparable sale, had unused  
 180 income tax credits that were transferred in an arm's length, bona fide sale.

181 (II) In establishing the value of any property subject to rent restrictions under the  
 182 income approach, any income tax credits described in division (vi) of this  
 183 subparagraph that are attributable to property may be considered in determining the  
 184 fair market value of the property, provided that such income tax credits generate  
 185 actual income to the record holder of title to the property; and

186 (viii) Any other existing factors provided by law or by rule and regulation of the  
 187 commissioner deemed pertinent in arriving at fair market value.

188 ~~(B.1)~~(C) The tax assessor shall not consider any income tax credits with respect to real  
 189 property which are claimed and granted pursuant to either Section 42 of the Internal  
 190 Revenue Code of 1986, as amended, or Chapter 7 of this title in determining the fair  
 191 market value of real property.

192 ~~(B.2)~~(D) In determining the fair market value of real property, the tax assessor shall  
 193 not include the value of any intangible assets used by a business, wherever located,  
 194 including patents, trademarks, trade names, customer agreements, and merchandising  
 195 agreements.

196 ~~(C)~~(E) Fair market value of 'rehabilitated historic property' as such term is defined in  
 197 subsection (a) of Code Section 48-5-7.2 means:

198 (i) For the first eight years in which the property is classified as 'rehabilitated historic  
 199 property,' the value equal to the greater of the acquisition cost of the property or the  
 200 appraised fair market value of the property as recorded in the county tax digest at the  
 201 time preliminary certification on such property was received by the county board of  
 202 tax assessors pursuant to subsection (c) of Code Section 48-5-7.2;

203 (ii) For the ninth year in which the property is classified as 'rehabilitated historic  
 204 property,' the value of the property as determined by division (i) of this subparagraph  
 205 plus one-half of the difference between such value and the current fair market value  
 206 exclusive of the provisions of this subparagraph; and

207 (iii) For the tenth and following years, the fair market value of such property as  
 208 determined by the provisions of this paragraph, excluding the provisions of this  
 209 subparagraph.

210 ~~(D)~~(F) Fair market value of 'landmark historic property' as such term is defined in  
 211 subsection (a) of Code Section 48-5-7.3 means:

212 (i) For the first eight years in which the property is classified as 'landmark historic  
 213 property,' the value equal to the greater of the acquisition cost of the property or the  
 214 appraised fair market value of the property as recorded in the county tax digest at the  
 215 time certification on such property was received by the county board of tax assessors  
 216 pursuant to subsection (c) of Code Section 48-5-7.3;

217 (ii) For the ninth year in which the property is classified as 'landmark historic  
 218 property,' the value of the property as determined by division (i) of this subparagraph  
 219 plus one-half of the difference between such value and the current fair market value  
 220 exclusive of the provisions of this subparagraph; and

221 (iii) For the tenth and following years, the fair market value of such property as  
 222 determined by the provisions of this paragraph, excluding the provisions of this  
 223 subparagraph.

224 ~~(E)~~(G) Timber shall be valued at its fair market value at the time of its harvest or sale  
 225 in the manner specified in Code Section 48-5-7.5.

226 ~~(F)~~(H) Fair market value of 'brownfield property' as such term is defined in  
 227 subsection (a) of Code Section 48-5-7.6 means:

228 (i) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6,  
 229 for the first ten years in which the property is classified as brownfield property, or as  
 230 this period of preferential assessment may be extended pursuant to subsection (o) of  
 231 Code Section 48-5-7.6, the value equal to the lesser of the acquisition cost of the  
 232 property or the appraised fair market value of the property as recorded in the county  
 233 tax digest at the time application was made to the Environmental Protection Division  
 234 of the Department of Natural Resources for participation under Article 9 of Chapter 8  
 235 of Title 12, the 'Georgia Brownfield Act,' as amended; and

236 (ii) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6,  
 237 for the eleventh and following years, or at the end of any extension of this period of  
 238 preferential assessment pursuant to subsection (o) of Code Section 48-5-7.6, the fair  
 239 market value of such property as determined by the provisions of this paragraph,  
 240 excluding the provisions of this subparagraph.

241 ~~(4)~~(8) 'Foreign merchandise in transit' means personal property of any description which  
 242 has been or will be moved by waterborne commerce through any port located in this state  
 243 and:

244 (A) Which has entered the export stream, although temporarily stored or warehoused  
245 in the county where the port of export is located; or

246 (B) Which was shipped from a point of origin located outside the customs territory of  
247 the United States and on which United States customs duties are paid at or through any  
248 customs district or port located in this state, although stored or warehoused in the  
249 county where the port of entry is located while in transit to a final destination.

250 ~~(5)~~(9) 'Forest land conservation value' of forest land conservation use property means the  
251 amount determined in accordance with the specifications and criteria provided for in  
252 Code Section 48-5-271 and Article VII, Section I, Paragraph III(f) of the Constitution.

253 ~~(6)~~(10) 'Forest land fair market value' means the 2008 fair market value of the forest  
254 land; provided, however, that when the 2008 fair market value of the forest land has been  
255 appealed by a property owner and the ultimate fair market value of the forest land is  
256 changed in the appeal process by either the board of assessors, the board of equalization,  
257 a hearing officer, an arbitrator, or a superior court judge, then the final fair market value  
258 of the forest land shall replace the 2008 fair market value of the forest land. This final  
259 fair market value of the forest land shall be used in the calculation of local assistance  
260 grants. If local assistance grants have been granted to either a county, a county board of  
261 education, or a municipality based on the 2008 fair market value of forest land and  
262 subsequently the fair market value of such forest land is reduced on an appeal, then the  
263 county or the municipality shall reimburse the state, within 12 months unless otherwise  
264 agreed to by the parties, the difference between local assistance grants paid to the county  
265 or municipality and the amount which would have been due based on the final fair market  
266 value of the forest land. Such 2008 valuation may increase from one taxable year to the  
267 next by a rate equal to the percentage change in the price index for gross output of state  
268 and local government from the prior year to the current year as defined by the National  
269 Income and Product Accounts and determined by the United States Bureau of Economic  
270 Analysis and indicated by the Price Index for Government Consumption Expenditures  
271 and General Government Gross Output (Table 3.10.4)."

272 **SECTION 7.**

273 Said title is further amended by revising subsections (c), (c.1), and (c.4) of Code  
274 Section 48-5-7, relating to assessment of tangible property, as follows:

275 "(c) Tangible real property which qualifies as rehabilitated historic property pursuant to  
276 the provisions of Code Section 48-5-7.2 shall be assessed at 40 percent of its fair market  
277 value and shall be taxed on a levy made by each respective tax jurisdiction according to 40  
278 percent of the property's fair market value. For the purposes of this subsection, the term  
279 'fair market value' shall mean the fair market value of rehabilitated historic property



280 pursuant to the provisions of subparagraph ~~(C)~~ (E) of paragraph ~~(3)~~ (7) of Code  
281 Section 48-5-2.

282 (c.1) Tangible real property which qualifies as landmark historic property pursuant to the  
283 provisions of Code Section 48-5-7.3 shall be assessed at 40 percent of its fair market value  
284 and shall be taxed on a levy made by each respective tax jurisdiction according to 40  
285 percent of the property's fair market value. For the purposes of this subsection, the term  
286 'fair market value' shall mean the fair market value of landmark historic property pursuant  
287 to the provisions of subparagraph ~~(D)~~ (F) of paragraph ~~(3)~~ (7) of Code Section 48-5-2."

288 "(c.4) Tangible real property which qualifies as brownfield property pursuant to the  
289 provisions of Code Section 48-5-7.6 shall be assessed at 40 percent of its fair market value  
290 and shall be taxed on a levy made by each respective tax jurisdiction according to 40  
291 percent of the property's fair market value. For the purposes of this subsection, the term  
292 'fair market value' shall mean the fair market value of brownfield property pursuant to the  
293 provisions of subparagraph ~~(F)~~ (H) of paragraph ~~(3)~~ (7) of Code Section 48-5-2."

#### 294 SECTION 8.

295 Said title is further amended by revising Code Section 48-5-7.2, relating to certification as  
296 rehabilitated historic property for purposes of preferential assessment, as follows:

297 "48-5-7.2.

298 (a)(1) For the purposes of this article, 'rehabilitated historic property' means tangible real  
299 property which:

300 (A) Qualifies for listing on the Georgia Register of Historic Places as provided in  
301 Part 1 of Article 3 of Chapter 3 of Title 12;

302 (B) Is in the process of or has been substantially rehabilitated, provided that in the case  
303 of owner occupied residential real property the rehabilitation has increased the fair  
304 market value of the building or structure by not less than 50 percent, or, in the case of  
305 income-producing real property, the rehabilitation has increased the fair market value  
306 of the building or structure by not less than 100 percent, or, in the case of real property  
307 used primarily as residential property but partially as income-producing property, the  
308 rehabilitation has increased the fair market value of the building or structure by not less  
309 than 75 percent, provided that the exact percentage of such increase in the fair market  
310 value to be required shall be determined by rules and regulations promulgated by the  
311 Board of Natural Resources. For the purposes of this subparagraph, the term 'fair  
312 market value' shall mean the fair market value of the property, excluding the provisions  
313 of subparagraph ~~(C)~~ (E) of paragraph ~~(3)~~ (7) of Code Section 48-5-2;

314 (C) The rehabilitation of which meets the rehabilitation standards as provided in  
315 regulations promulgated by the Department of Natural Resources; and

316 (D) Has been certified by the Department of Natural Resources as rehabilitated historic  
317 property eligible for preferential assessment.

318 (2) The preferential classification and assessment of rehabilitated historic property  
319 provided for in this Code section shall apply to the building or structure which is the  
320 subject of the rehabilitation, the real property on which the building or structure is  
321 located, and not more than two acres of real property surrounding the building or  
322 structure. The remaining property shall be assessed for tax purposes as otherwise  
323 provided by law.

324 (3) Property may qualify as historic property only if substantial rehabilitation of such  
325 property was initiated after January 1, 1989, and only property which has been certified  
326 as rehabilitated historic property by the Department of Natural Resources after July 1,  
327 1989, may qualify for preferential assessment.

328 (b) In order for property to qualify for preferential assessment as provided for in  
329 subsection (c) of Code Section 48-5-7, the property must receive certification as  
330 rehabilitated historic property as defined in paragraph (1) of subsection (a) of this Code  
331 section and pursuant to regulations promulgated by the Department of Natural Resources.  
332 Applications for certification of such property shall be accompanied by a fee specified by  
333 rules and regulations of the Board of Natural Resources. The Department of Natural  
334 Resources may, at its discretion, delegate its responsibilities conferred under  
335 subparagraph (a)(1)(C) of this Code section.

336 (c) Upon a property owner's receiving preliminary certification pursuant to the provisions  
337 of subsection (b) of this Code section, such property owner shall submit a copy of such  
338 preliminary certification to the county board of tax assessors. A property owner shall have  
339 24 months from the date that preliminary certification is received pursuant to subsection  
340 (b) of this Code section in which to complete the rehabilitation of such property in  
341 conformity with the application approved by the Department of Natural Resources. After  
342 receiving the preliminary certification from the property owner, the county board of tax  
343 assessors shall not increase the assessed value of such property during the period of  
344 rehabilitation of such property, not to exceed two years. During such period of  
345 rehabilitation of the property, the county tax receiver or tax commissioner shall enter upon  
346 the tax digest a notation that the property is subject to preferential assessment and shall also  
347 enter an assessment of the fair market value of the property, excluding the preferential  
348 assessment authorized by this Code section. Any taxes not paid on the property as a result  
349 of the preliminary certification and frozen assessed value of the property shall be  
350 considered deferred until a final determination is made as to whether such property  
351 qualifies for preferential assessment as provided in this Code section.

352 (d) Upon the completion of the rehabilitation of such property, the property owner shall  
353 submit a request in writing for final certification to the Department of Natural Resources.  
354 The Department of Natural Resources shall determine whether such property as  
355 rehabilitated constitutes historic property which will be listed on the Georgia Register of  
356 Historic Places and which qualifies for preferential assessment. The Department of Natural  
357 Resources shall issue to the property owner a final certification if such property so  
358 qualifies.

359 (e) Upon receipt of final certification from the Department of Natural Resources, a  
360 property owner desiring classification of any such historic property as rehabilitated historic  
361 property in order to receive the preferential assessment shall make application to the county  
362 board of tax assessors and include the order of final certification with such application.  
363 The county board of tax assessors shall determine if the value of the building or structure  
364 has been increased in accordance with the provisions of subparagraph (a)(1)(B) of this  
365 Code section; provided, however, that, if the property owner can document expenditures  
366 on rehabilitation of owner occupied property of not less than 50 percent of the fair market  
367 value of the building or structure at the time of the preliminary certification of the property,  
368 or, in the case of income-producing property, expenditures on rehabilitation of such  
369 property of not less than 100 percent of the fair market value of the building or structure  
370 at the time of preliminary certification of the property, or, in the case of real property used  
371 primarily as residential property but partially as income-producing property, expenditures  
372 on rehabilitation of such property of not less than 75 percent of the fair market value of the  
373 building or structure at the time of preliminary certification of the property, the county  
374 board of tax assessors shall be required to grant preferential assessment to such property.  
375 For the purposes of this subsection, the term 'fair market value' shall mean the fair market  
376 value of the building or structure, excluding the provisions of subparagraph ~~(C)~~ (E) of  
377 paragraph ~~(3)~~ (7) of Code Section 48-5-2; and such rehabilitation expenditures shall also  
378 include expenditures incurred in preserving specimen trees upon not more than two acres  
379 of real property surrounding the building or structure. As used in this Code section, the  
380 term 'specimen tree' means any tree having a trunk diameter of 30 inches or more. The  
381 county board of tax assessors shall make the determination within 30 days after receiving  
382 the application and shall notify the applicant in the same manner that notices of assessment  
383 are given pursuant to Code Section 48-5-306. Appeals from the denial of an application  
384 for preferential assessment by the board of tax assessors shall be made in the same manner  
385 that other property tax appeals are made pursuant to Code Section 48-5-311.

386 (f) A property owner who fails to have property classified as rehabilitated historic property  
387 and listed on the Georgia Register of Historic Places for the preferential assessment shall  
388 be required to pay the difference between the amount of taxes on the property during the

389 period that the assessment was frozen pursuant to the provisions of subsection (c) of this  
 390 Code section and the amount of taxes which would have been due had the property been  
 391 assessed at the regular fair market value, plus interest at the rate prescribed in Code  
 392 Section 48-2-40.

393 (g)(1) Property which has been classified by the county board of tax assessors as  
 394 rehabilitated historic property shall be eligible for the preferential assessment provided  
 395 for in subsection (c) of Code Section 48-5-7; provided, however, that, for the purposes  
 396 of determining the years of eligibility for preferential assessment, the tax year following  
 397 the year in which the preliminary certification was filed with the county board of tax  
 398 assessors pursuant to subsection (c) of this Code section shall be considered and counted  
 399 as the first year of eligibility.

400 (2) Property which is subject to preferential assessment shall be separately classified  
 401 from all other property on the tax digest; and such separate classification shall be such  
 402 as will enable any person examining the tax digest to ascertain readily that the property  
 403 is subject to preferential assessment.

404 (3) The county tax receiver or tax commissioner shall enter upon the tax digest as the  
 405 basis or value of a parcel of rehabilitated historic property a value equal to the greater of  
 406 the acquisition cost of the property or the assessment of the fair market value of the  
 407 property as recorded in the county tax digest at the time preliminary certification on such  
 408 property was received by the county board of tax assessors pursuant to subsection (c) of  
 409 this Code section. Property classified as rehabilitated historic property shall be recorded  
 410 upon the tax digest as provided in this Code section for nine consecutive assessment  
 411 years, and the notation 'rehabilitated historic property' shall be entered on the tax digest  
 412 adjacent to the valuation of such property to indicate that the property is being  
 413 preferentially assessed. The tax commissioner or tax receiver shall also enter upon the  
 414 tax digest an assessment of the fair market value of the property each year, excluding the  
 415 provisions of subparagraph ~~(E)~~ (E) of paragraph ~~(3)~~ (7) of Code Section 48-5-2.

416 (h) When property has once been classified and assessed as rehabilitated historic property,  
 417 it shall remain so classified and be granted the special assessment until the property  
 418 becomes disqualified by any one of the following:

419 (1) Written notice by the taxpayer to the county tax commissioner or receiver to remove  
 420 the preferential classification and assessment;

421 (2) Sale or transfer of ownership making the property exempt from property taxation;

422 (3) Decertification of such property by the Department of Natural Resources. The  
 423 Department of Natural Resources has the authority to decertify any property which no  
 424 longer possesses the qualities and features which made it eligible for the Georgia Register  
 425 of Historic Places or which has been altered through inappropriate rehabilitation as

426 determined by the Department of Natural Resources. The sale or transfer to a new owner  
 427 shall not operate to disqualify the property from preferential classification and assessment  
 428 so long as the property continues to qualify as rehabilitated historic property. When for  
 429 any reason the property or any portion thereof ceases to qualify as rehabilitated historic  
 430 property, the owner at the time of change shall notify the Department of Natural  
 431 Resources and the county board of tax assessors prior to the next January; or

432 (4) The expiration of nine years during which the property was classified and assessed  
 433 as rehabilitated historic property; provided, however, that any such property may qualify  
 434 thereafter as rehabilitated historic property if such property is subject to subsequent  
 435 rehabilitation and qualifies under the provisions of this Code section.

436 (i) Any person who is aggrieved or adversely affected by any order or action of the  
 437 Department of Natural Resources pursuant to this Code section shall, upon petition within  
 438 30 days after the issuance of such order or taking of such action, have a right to a hearing  
 439 before an administrative law judge appointed by the Board of Natural Resources. The  
 440 hearing before the administrative law judge shall be conducted in accordance with  
 441 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The decision of the  
 442 administrative law judge shall constitute the final decision of the board and any party to the  
 443 hearing, including the Department of Natural Resources, shall have the right of judicial  
 444 review thereof in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
 445 Procedure Act.'

446 (j)(1) The taxes and interest deferred pursuant to this Code section shall constitute a prior  
 447 lien and shall attach as of the date and in the same manner and shall be collected as are  
 448 other liens for taxes, as provided for under this title, but the deferred taxes and interest  
 449 shall only be due, payable, and delinquent as provided in this Code section.

450 (2) Liens for taxes deferred under this Code section, except for any lien covering the then  
 451 current tax year, shall not be divested by an award for year's support authorized pursuant  
 452 to former Chapter 5 of Title 53 as such existed on December 31, 1997, if applicable, or  
 453 Chapter 3 of Title 53."

454 **SECTION 9.**

455 Said title is further amended by revising paragraph (3) of subsection (d) of Code  
 456 Section 48-5-7.3, relating to landmark historic property, as follows:

457 "(3) The county tax receiver or tax commissioner shall enter upon the tax digest as the  
 458 basis or value of a parcel of landmark historic property a value equal to the greater of the  
 459 acquisition cost of the property or the assessment of the fair market value of the property  
 460 as recorded in the county tax digest at the time certification on such property was  
 461 received by the county board of tax assessors pursuant to subsection (c) of this Code

462 section. Property classified as landmark historic property shall be recorded upon the tax  
 463 digest as provided in this Code section for nine consecutive assessment years, and the  
 464 notation 'landmark historic property' shall be entered on the tax digest adjacent to the  
 465 valuation of such property to indicate that the property is being preferentially assessed.  
 466 The tax commissioner or tax receiver shall also enter upon the tax digest an assessment  
 467 of the fair market value of the property each year, excluding the provisions of  
 468 subparagraph ~~(D)~~ (F) of paragraph ~~(3)~~ (7) of Code Section 48-5-2."

469 **SECTION 10.**

470 Said title is further amended by revising paragraph (6) of subsection (a) and paragraph (3)  
 471 of subsection (d) of Code Section 48-5-7.6, relating to "brownfield property" defined, related  
 472 definitions, qualifying for preferential assessment, disqualification of property receiving  
 473 preferential assessment, responsibilities of owners, transfers of property, costs, appeals,  
 474 creation of lien against property, and extension of preferential assessment, as follows:

475 "(6) 'Taxable base' means a value assigned to the brownfield property pursuant to the  
 476 provisions of subparagraph ~~(F)~~ (H) of paragraph ~~(3)~~ (7) of Code Section 48-5-2."

477 "(3) The local taxing authority shall enter upon the tax digest as the basis or value of a  
 478 parcel of brownfield property a value equal to the lesser of the acquisition cost of the  
 479 property or the assessment of the fair market value of the property as recorded in the  
 480 county tax digest at the time application for participation in the program was submitted  
 481 to the Environmental Protection Division of the Department of Natural Resources under  
 482 Article 9 of Chapter 8 of Title 12, the 'Georgia Brownfield ~~Act,~~ as amended. Act.'  
 483 Property classified as brownfield property shall be recorded upon the tax digest as  
 484 provided in this Code section for ten consecutive assessment years, or as extended  
 485 pursuant to subsection (o) of this Code section, unless sooner disqualified pursuant to  
 486 subsection (e) of this Code section, and the notation 'brownfield property' shall be entered  
 487 on the tax digest adjacent to the valuation of such property to indicate that the property  
 488 is being preferentially assessed. The local taxing authority shall also enter upon the tax  
 489 digest an assessment of the fair market value of the property each year, excluding the  
 490 provisions of subparagraph ~~(F)~~ (H) of paragraph ~~(3)~~ (7) of Code Section 48-5-2."

491 **SECTION 11.**

492 Said title is further amended by repealing subsection (c) of Code Section 48-5-8, relating to  
 493 manner and time of making state levy and notice on taxpayer's ad valorem tax bill, in its  
 494 entirety.

495 **SECTION 12.**

496 Said title is further amended by revising Code Section 48-5-32, relating to publication by  
 497 county of ad valorem tax rate, as follows:

498 "48-5-32.

499 (a) As used in this Code section, the term:

500 (1) 'Ad valorem tax' or 'property tax' means a tax imposed upon the assessed value of real  
 501 property.

502 (2) 'Certified tax digest' means the total net assessed value on the annual property tax  
 503 digest certified by the tax commissioner of a taxing jurisdiction to the department and  
 504 authorized by the commissioner for the collection of taxes, or, in the case where the  
 505 governing authority of a county whose digest has not been approved by the commissioner  
 506 has petitioned the superior court of the county for an order authorizing the immediate and  
 507 temporary collection of taxes, the temporary digest so authorized.

508 ~~(+)~~(3) 'Levying authority' means a county, a municipality, or a consolidated city-county  
 509 governing authority or other governing authority of a political subdivision of this state  
 510 that exercises the power to levy ad valorem taxes to carry out the governing authority's  
 511 purposes.

512 (4) 'Mill' means one one-thousandth of a United States dollar.

513 (5) 'Millage' or 'millage rate' means the levy, in mills, which is established by the  
 514 governing authority for purposes of financing, in whole or in part, the taxing jurisdiction's  
 515 expenses for its fiscal year.

516 (6) 'Millage equivalent' means the number of mills which would result when the total net  
 517 assessed value added by reassessments is divided by the certified tax digest and the result  
 518 is multiplied by the previous year's millage rate.

519 (7) 'Net assessed value' means the taxable assessed value of property after all  
 520 exemptions.

521 ~~(2)~~(8) 'Recommending authority' means a county, independent, or area school board of  
 522 education that exercises the power to cause the levying authority to levy ad valorem taxes  
 523 to carry out the board's purposes.

524 (9) 'Roll-back rate' means the previous year's millage rate minus the millage equivalent  
 525 of the total net assessed value added by reassessments:

526 (A) As calculated and certified to the commissioner by the tax commissioner for  
 527 county and educational tax purposes; and

528 (B) As calculated by the collecting officer of the municipality for municipal tax  
 529 purposes.

530 ~~(3)~~(10) 'Taxing jurisdiction' means all the tangible property subject to the levy of a  
 531 specific levying authority or the recommended levy of a specific recommending  
 532 authority.

533 (11) 'Total net assessed value added by reassessments' means the total net assessed value  
 534 added to the certified tax digest as a result of revaluation of existing real property that has  
 535 not been improved since the previous tax digest year.

536 (b)(1) Each levying authority and each recommending authority shall cause a report to  
 537 be published in a newspaper of general circulation throughout the county and posted on  
 538 such authority's website, if available:

539 (A) At least ~~one week~~ two weeks prior to the certification of any recommending  
 540 authority to the levying authority of such recommending authority's recommended  
 541 school tax for the support and maintenance of education pursuant to Article VIII,  
 542 Section VI, Paragraph I of the Constitution; and

543 (B) At least ~~one week~~ two weeks prior to the establishment by each levying authority  
 544 of the millage rates for ad valorem taxes for educational purposes and ad valorem taxes  
 545 for purposes other than educational purposes for the current calendar year.

546 (2) Such reports shall be in a prominent location in such newspaper and shall not be  
 547 included with legal advertisements, and such reports shall be posted in a prominent  
 548 location on such authority's website, if available. The size and location of the  
 549 advertisements shall not be grounds for contesting the validity of the levy.

550 (3) If the levying authority or recommending authority maintains an e-mail list for  
 551 dissemination of information to the public, such authority shall also send via e-mail to all  
 552 such subscribers of such mailing list a copy of the notices required by this subsection at  
 553 least two weeks prior to the establishment of the millage rate. The subject line of the  
 554 e-mail shall be 'Notice of Ad Valorem Tax Report for (name of levying authority or  
 555 recommending authority or unit of local government).'

556 (4) It is the intent of the General Assembly that each levying authority or recommending  
 557 authority which imposes more than one school tax or millage rate for ad valorem taxes  
 558 shall cause the reports required by this subsection to be combined into a single report.

559 (c) The reports required under subsection (b) of this Code section shall contain the  
 560 following:

561 (1) For levying authorities, the assessed taxable value of all property, by class and in  
 562 total, which is within the levying authority's taxing jurisdiction and the proposed millage  
 563 rate for the levying authority's purposes for the current calendar year and such assessed  
 564 taxable values and the millage rates for each of the immediately preceding five calendar  
 565 years, as well as the proposed total dollar amount of ad valorem taxes to be levied for the  
 566 levying authority's purposes for the current calendar year and the total dollar amount of



567 ad valorem taxes levied for the levying authority's purposes for each of the immediately  
 568 preceding five calendar years. The information required for each year specified in this  
 569 paragraph shall also indicate the percentage increase and total dollar increase with respect  
 570 to the immediately preceding calendar year. In the event the rate levied in the  
 571 unincorporated area is different from the rate levied in the incorporated area, the report  
 572 shall also indicate all required information with respect to the incorporated area,  
 573 unincorporated area, and a combination of incorporated and unincorporated areas;

574 (2) For recommending authorities, the assessed taxable value of all property, by class and  
 575 in total, which is within the recommending authority's taxing jurisdiction and the  
 576 proposed millage rate for the recommending authority's purposes for the current calendar  
 577 year and such assessed taxable values and the millage rates for each of the immediately  
 578 preceding five calendar years, as well as the proposed total dollar amount of ad valorem  
 579 taxes to be recommended for the recommending authority's purposes for the current  
 580 calendar year and the total dollar amount of ad valorem taxes levied for the  
 581 recommending authority's purposes for each of the immediately preceding five calendar  
 582 years. The information required for each year specified in this paragraph shall also  
 583 indicate the percentage increase and total dollar increase with respect to the immediately  
 584 preceding calendar year; and

585 (3) The date, time, and place where the levying or recommending authority will be  
 586 setting its millage rate for such authority's purposes.

587 (d) At the time of certification of the digest, the tax receiver or tax commissioner shall also  
 588 certify to the recommending authority and levying authority of each taxing jurisdiction the  
 589 total net assessed value added by reassessments contained in the certified tax digest for that  
 590 tax digest year of the taxing jurisdiction.

591 (e)(1) Whenever a recommending authority or levying authority shall propose to adopt  
 592 a millage rate which does not exceed the roll-back rate, it shall adopt that millage rate at  
 593 an advertised public meeting and at a time and place which is convenient to the taxpayers  
 594 of the taxing jurisdiction, in accordance with the procedures specified in this Code  
 595 section.

596 (2) In those instances in which the recommending authority or levying authority  
 597 proposes to establish any millage rate which would require increases beyond the roll-back  
 598 rate, the recommending authority or levying authority shall advertise its intent to do so  
 599 and shall conduct at least three public hearings thereon. The recommending authority or  
 600 levying authority shall place an advertisement in a newspaper of general circulation  
 601 serving the residents of the unit of local government and post such advertisement on the  
 602 website of the recommending or levying authority, which shall read as follows:

603 NOTICE OF PROPERTY TAX INCREASE

604 The (name of recommending authority or levying authority) has tentatively adopted a  
 605 millage rate which will require an increase in property taxes by (percentage increase  
 606 over roll-back rate) percent.

607 All concerned citizens are invited to the public hearing on this tax increase to be held  
 608 at (place of meeting) on (date and time).

609 Times and places of additional public hearings on this tax increase are at (place of  
 610 meeting) on (date and time).

611 This tentative increase will result in a millage rate of (proposed millage rate) mills, an  
 612 increase of (millage rate increase above the roll-back rate) mills. Without this tentative  
 613 tax increase, the millage rate will be no more than (roll-back millage rate) mills. The  
 614 proposed tax increase for a home with a fair market value of (average home value from  
 615 previous year's digest rounded to the nearest \$25,000.00) is approximately \$(increase)  
 616 and the proposed tax increase for nonhomestead property with a fair market value of  
 617 (average nonhomestead property value from previous year's digest rounded to the  
 618 nearest \$25,000.00) is approximately \$(increase).

619 This tentative increase will contribute to a total tax levy of approximately \$(total  
 620 estimated amount of proposed ad valorem taxes) as compared to the immediately  
 621 preceding year tax levy of \$(total amount of ad valorem taxes for the immediately  
 622 preceding year).'

623 Simultaneously with this notice the recommending authority or levying authority shall  
 624 provide a press release to the local media.

625 (3) The public hearings required by paragraph (2) of this subsection shall not be held  
 626 within the same calendar week. One such hearing shall commence between the hours of  
 627 6:00 P.M. and 7:00 P.M., inclusive, on a business weekday, and one such hearing shall  
 628 commence between the hours of 1:00 P.M. and 2:00 P.M., inclusive, on a Saturday.

629 (4) The advertisement shall appear at least one week prior to each hearing, be  
 630 prominently displayed, not be less than 30 square inches, and not be placed in that section  
 631 of the newspaper where legal notices appear and shall be posted on the appropriate  
 632 website at least one week prior to each hearing.

633 (5) No recommending authority shall recommend and no levying authority shall levy a  
 634 millage rate in excess of the proposed millage rate as established pursuant to  
 635 paragraph (2) of this subsection without beginning anew the procedures and hearings  
 636 required by this Code section.

637 (6) If the levying authority or recommending authority or its agents maintains an e-mail  
 638 list to which members of the general public are allowed to subscribe, then simultaneously  
 639 with the notice required by paragraph (2) of this subsection, such notice shall be sent via

640 e-mail to all such subscribers. In addition, the subject line of any e-mail sent pursuant to  
 641 this paragraph shall read as follows: 'NOTICE OF PROPERTY TAX INCREASE FOR  
 642 (name of levying authority or recommending authority or unit of local government).'

643 (7) Any notice or hearing required under this subsection may be combined with any  
 644 notice or hearing required under Article 1 of Chapter 81 of Title 36 or subsections (b)  
 645 and (c) of this Code section, provided that any such combined notice transmitted by  
 646 e-mail shall contain the subject line required by paragraph (6) of this subsection.

647 (f) Nothing contained in this Code section shall serve to extend or authorize any millage  
 648 rate in excess of the maximum millage rate permitted by law or to prevent the reduction of  
 649 the millage rate.

650 ~~(d)~~(g) The commissioner shall not accept for review the digest of any county which does  
 651 not submit simultaneously a copy of such published reports for the county governing  
 652 authority and the county board of education with such digest. In the event a digest is not  
 653 accepted for review by the commissioner pursuant to this subsection, it shall be accepted  
 654 for review upon satisfactory submission by such county of a copy of such published  
 655 reports. The levies of each of the levying authorities ~~other than the county governing~~  
 656 ~~authority~~ shall be invalid and unenforceable until such time as the provisions of this Code  
 657 section have been met.

658 (h) The commissioner shall not accept a digest for review or issue an order authorizing the  
 659 collection of taxes if the recommending authority or levying authority has established a  
 660 millage rate that is in excess of the correct rollback without complying fully with the  
 661 procedures required by this Code section. In the event a digest is not accepted for review  
 662 by the commissioner pursuant to this subsection, it shall be accepted for review upon  
 663 satisfactory submission by such authorities of such evidence. The levies of each of the  
 664 levying authorities shall be invalid and unenforceable until such time as the provisions of  
 665 this Code section have been met.

666 (i) The commissioner shall promulgate such rules and regulations as may be necessary for  
 667 the administration of this Code section."

668 **SECTION 13.**

669 Said title is further amended by repealing Code Section 48-5-32.1, relating to certification  
 670 of assessed taxable value of property and method of computation, resolution or ordinance  
 671 required for millage rate, and advertisement of intent to increase property tax, in its entirety.

672 **SECTION 14.**

673 Said title is further amended by revising subsection (c) of Code Section 48-5-274, relating  
 674 to establishment of equalized adjusted property tax digest, establishment and use of average

675 ratio, information to be furnished by state auditor, grievance procedure, and information to  
676 be furnished by commissioner, as follows:

677 "(c) The assessment ratio of assessed value to fair market value of county property to be  
678 established by the state auditor for the purposes of paragraph (8) of subsection (b) of this  
679 Code section shall be established through the use of personnel of the Department of Audits  
680 and Accounts who have sufficient competence and expertise by way of education, training,  
681 and experience in the fields of property evaluation and appraisal techniques. The  
682 Department of Audits and Accounts shall use the Standard on Assessment-Ratio Studies  
683 published by the International Association of Assessing Officers or its successors to  
684 determine the valid transactions necessary to establish accurately the measure of central  
685 tendency described in paragraph (8) of subsection (b) of this Code section; provided,  
686 however, that standard shall only be used to the extent it does not conflict with criteria  
687 enumerated in subparagraph (B) of paragraph ~~(3)~~ (7) of Code Section 48-5-2."

688 **SECTION 15.**

689 Said title is further amended by revising subsection (d) of Code Section 48-5-295.2, relating  
690 to independent performance review board, written report, and withholding of funds, as  
691 follows:

692 "(d) The findings of the report of the review board under subsection (c) of this Code  
693 section or of any audit performed by the Department of Revenue or the Department of  
694 Audits and Accounts shall be grounds for the state to withhold local assistance grants  
695 pursuant to Code Section 48-5A-3; provided, however, that any portion of a local  
696 assistance grant designated for use by a board of education of any political subdivision  
697 shall not be withheld pursuant to this subsection. If the findings in the report of the  
698 performance review board indicate that the provisions of paragraph ~~(6)~~ (10) of Code  
699 Section 48-5-2 have been knowingly violated by a local government in order to receive a  
700 larger local assistance grant than allowed by law, then the most recent local assistance grant  
701 requested by the local government shall be withheld by the Department of Revenue. For  
702 a second or subsequent offense, the next two requests for local assistance grants shall be  
703 withheld by the Department of Revenue."

704 **SECTION 16.**

705 Said title is further amended by revising paragraphs (5) and (6) of Code Section 48-5A-1,  
706 relating to definitions, as follows:

707 "(5) 'Forest land conservation use value' means the same as such term is defined in  
708 paragraph ~~(5)~~ (9) of Code Section 48-5-2 and shall not include the value of standing  
709 timber on such property.

710 (6) 'Forest land fair market value' means the same as such term is defined in  
711 paragraph ~~(6)~~ (10) of Code Section 48-5-2."

712 **SECTION 17.**

713 Article 5 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to  
714 state records management, is amended by adding a new subsection to Code  
715 Section 50-18-99, relating to records management programs for local governments, to read  
716 as follows:

717 "(h) All notices and reports prepared and submitted pursuant to Code Sections 48-4-8 and  
718 48-5-32 shall be retained by the governing body permanently."

719 **SECTION 18.**

720 This Act shall become effective on January 1, 2019.

721 **SECTION 19.**

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