

House Bill 344 (AS PASSED HOUSE AND SENATE)

By: Representatives Gambill of the 15th, Hatchett of the 150th, Silcox of the 52nd, Dollar of the 45th, Dreyer of the 59th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia
2 Annotated, relating to property tax exemptions, so as to exempt all real property owned by
3 certain purely public charities if such real property is held exclusively for the purpose of
4 building or repairing single-family homes to be financed to individuals using no-interest
5 loans; to provide for recapture of tax savings under certain circumstances; to provide for a
6 referendum; to provide for effective dates, applicability, and automatic repeal; to provide for
7 compliance with constitutional requirements; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

16 "(16) All real property owned by a purely public charity, if such charity is exempt from
17 taxation under Section 501(c)(3) of the federal Internal Revenue Code and such real
18 property is held exclusively for the purpose of building or repairing single-family homes
19 to be financed by such charity to individuals using loans that shall not bear interest. If
20 any portion of such real property is not financed without interest by such charity to an
21 individual purchasing a single-family home then the full amount of all ad valorem taxes
22 exempted for such property pursuant to this paragraph shall become due and payable."

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

24 The Secretary of State shall call and conduct an election as provided in this section for the
25 purpose of submitting this Act to the electors of the entire state for approval or rejection. The

26 Secretary of State shall conduct such election on the Tuesday next following the first
 27 Monday in November, 2020, and shall issue the call and conduct that election as provided
 28 by general law. The Secretary of State shall cause the date and purpose of the election to be
 29 published once a week for two weeks immediately preceding the date thereof in the official
 30 organ of each county in the state. The ballot shall have written or printed thereon the words:

31 "() YES Shall the Act be approved which provides an exemption from ad valorem
 32 () NO taxes for all real property owned by a purely public charity, if such charity
 33 is exempt from taxation under Section 501(c)(3) of the federal Internal
 34 Revenue Code and such real property is held exclusively for the purpose of
 35 building or repairing single-family homes to be financed by such charity to
 36 individuals using loans that shall not bear interest?"

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

46 SECTION 3.

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

49 SECTION 4.

50 In accordance with the requirements of Article VII, Section II, Paragraph II(a)(1) of the
 51 Constitution of the State of Georgia, Section 1 of this Act shall not become law unless it
 52 receives the requisite two-thirds' majority vote in both the Senate and the House of
 53 Representatives.

54 SECTION 5.

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