

House Bill 989

By: Representatives Dreyer of the 59<sup>th</sup>, Gardner of the 57<sup>th</sup>, and Harrell of the 106<sup>th</sup>

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 allow certain nonprofit charitable  
3 institutions to exempt buildings used for the primary or incidental purpose of securing  
4 income from property tax; to provide for procedures, conditions, and limitations; to provide  
5 for a referendum; to provide for a contingent effective date; to provide for automatic repeal  
6 under certain circumstances; to provide for applicability; to provide for compliance with  
7 constitutional requirements; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,  
11 relating to property tax exemptions, is amended by revising subsection (d) of Code  
12 Section 48-5-41, relating to property exempt from ad valorem taxation, as follows:

13 "(d)(1) Except as otherwise provided in paragraph (2) of this subsection, this Code  
14 section, excluding paragraph (1) of subsection (a) of this Code section, shall not apply to  
15 real estate or buildings which are rented, leased, or otherwise used for the primary  
16 purpose of securing an income thereon and shall not apply to real estate or buildings  
17 which are not used for the operation of religious, educational, and charitable institutions.  
18 Donations of property to be exempted shall not be predicated upon an agreement,  
19 contract, or other instrument that the donor or donors shall receive or retain any part of  
20 the net or gross income of the property.

21 (2) With respect to paragraph (4) of subsection (a) of this Code section, a building which  
22 is owned by a charitable institution that is otherwise qualified as a purely public charity  
23 and that is exempt from taxation under Section 501(c)(3) of the federal Internal Revenue  
24 Code and which building is used by such charitable institution ~~exclusively~~ for the  
25 charitable purposes of such charitable institution, and not more than 15 acres of land on  
26 which such building is located, may be used for the primary or incidental purpose of

