



DEPARTMENT
of REVENUE

EXEMPTIONS HOT TOPICS

Joseph Adams

Georgia Certification Program Manager
Local Government Services

WHAT IS A TAX DIGEST?

A DIGEST IS A LISTING OF THE ASSESSMENTS

1

Real Property

2

Personal Property

3

Timber

4

Manufactured Housing

5

Motor Vehicles

6

Heavy Duty Equipment

7

Public Utilities

8

Exempt Properties

EXEMPTIONS

48-5-342

Revenue Commissioner examines the Exempt Digest and notifies the County Board of Assessors when potentially taxable property is found.

EXEMPT PROPERTY CODES



EXEMPT

E0 – Non Profit Home for the Aged

E1 – Public Property

E2 – Places of Religious Worship and No Rent income properties

E3 – Property used for Charitable Purposes

E4 – Places of Religious Burial

E5 – Charity Hospital

E6 – Educational Institution

E7 – Air and Water Pollution Equipment

E8 – Farm Products in Hands of Producer

E9 – Other

!!! IMPORTANT !!!

§ 48-5-299. Ascertainment of taxable property

(a) It **shall** be the **duty** of the county board of tax assessors to **investigate diligently** and to inquire into the property owned in the county for the purpose of ascertaining what real and personal property is subject to taxation in the county and to require the proper return of the property for taxation.

!!! IMPORTANT !!!

- **YOUR JOB**
- NOT TAX COMMISSIONER
NOT BOARD OF COMMISSIONERS
NOT DOR
NOT TAXPAYER
- **YOUR JOB**



DEPARTMENT
of REVENUE

EXEMPTIONS HOT TOPICS

All places of burial;



City of Atlanta v. Crest Lawn



DEPARTMENT of REVENUE

Private Family Cemetery ?



Are privately-owned family cemeteries exempt from taxation?

Yes

The Secretary of State does not regulate family, community, church, fraternal, or government-owned cemeteries (O.C.G.A. § 10-14-3(8)). The local city or county governing authorities should be contacted to begin the process of deeding the property as a cemetery. Governance of these types of cemeteries is at the local level.



Pet cemeteries ?

10-14-3 (8) "Cemetery" means a place dedicated to and used, or intended to be used, for permanent interment of human remains.



DEPARTMENT
of REVENUE

EXEMPTIONS HOT TOPICS

All places of religious worship



Place of Religious Worship

48-5-41. Property exempt from taxation.

(2.1)

(A) All places of religious worship.

(B) All property owned by and operated exclusively as a church, an association or convention of churches, a convention mission agency, or as an integrated auxiliary of a church or convention or association of churches, when such entity is qualified as an exempt religious organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and such property is used in a manner consistent with such exemption under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended;

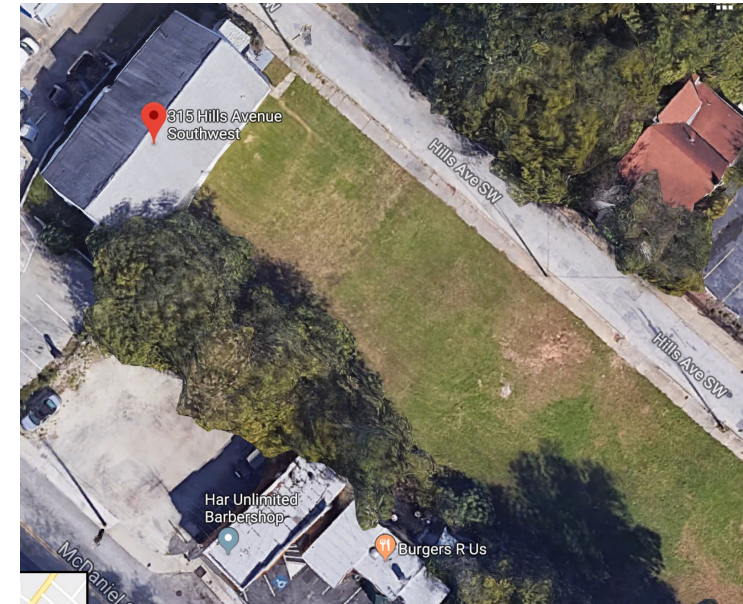
Dekalb BTA v. Presbytery of Greater Atlanta

- **Use of property, not ownership, determines exemption status. —**
- Court of Appeals of Georgia finds no statutory requirement that the owner be the user of the property when dealing with a place of religious worship tax exemption; rather, it is the use of the property that governs the analysis of religious worship tax exemptions.



Marathon Investment Corp v. Spinkston (2007)

The owners of the parcel and defendants in fi. fa. were listed as Janet Spinkston and Roxie Taylor, in their representative capacities as trustees for the Hills Avenue Baptist Church (Church)



- “all places of religious worship” are exempt from ad valorem taxes
- “all places of religious worship,” which does not employ the terms “house” or “church” of religious worship
- enjoyment of places of religious worship can require that accommodation be provided for the vehicles of the members of the attending congregation
- The primary parking lot was exempt, therefore the secondary parking should have been exempt



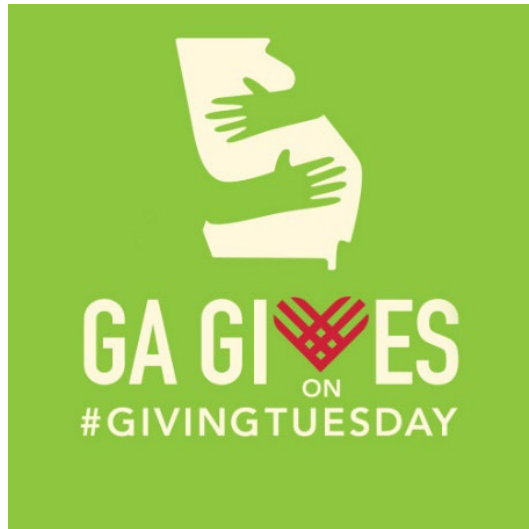


DEPARTMENT
of REVENUE

EXEMPTIONS HOT TOPICS

All institutions of purely public charity

501(C)3 TAX-EXEMPT STATUS



Institutions of Purely Public Charity

1991 - YORK RITE BODIES V. CHATHAM CO. BOARD OF EQUALIZATION.

In determining whether property qualifies as an institution of "purely public charity" three factors must be considered and must coexist:

1. First, the owner must be an institution devoted entirely to charitable pursuits;
2. Second, the charitable pursuits of the owner must be for the benefit of the public;
3. Third, the use of the property must be exclusively devoted to those charitable pursuits.



DEPARTMENT
of REVENUE

EXEMPTIONS HOT TOPICS



HOMESTEAD EXEMPTION

STATE HOMESTEAD EXEMPTION CODES

S1 – Regular Homestead	48-5-44
SC – Age 65 Homestead	48-5-48.3
S2 – Reserved	-----
S3 – Age 62 (Net Income<10,000)	48-5-52
S4 – Age 65 (Net Income<10,000)	48-5-47
S5 – Disabled Veteran or Surviving Spouse	48-5-48
SD – Age 65, Disabled Veteran or Surviving Spouse	48-5-48
SS – Surviving Spouse of US service member killed in action	48-5-52.1
SE – Age 65, Surviving Spouse of US service member killed in action	48-5-52.1
SG – Surviving Spouse of peace officer killed in line of duty	48-5-48.4
S6 – Age 62, Floating (Fed AGI < 30,000)	48-5-47.1; 48-5-52
S7 – Reserved	-----
S8 – Age 62, Floating (Fed AGI < 30,000 and Net Income < 10,000)	48-5-47.1; 48-5-52
S9 – Age 65, Floating (Fed AGI < 30,000 and Net income < 10,000)	48-5-47; 48-5-47.1; 48-5-52

Code	Type of Homestead Exemptions	State	County M&O	County Bond	School M&O	School Bond
S1	Regular	2,000	2,000	0	2,000	0
SC	Age 65	100% on 10 acres + 2,000	2,000		2,000	
S3	Elderly - Age 62 - Net Income less than \$10,000	2,000	2,000	0	10,000	10,000
S4	Elderly - Age 65 - Net Income less than \$10,000	4,000	4,000	4,000	10,000	10,000
S5	Disabled Veterans	109,986	109,986	109,986	109,986	109,986
SD	Age 65 - 100% Disabled Veteran; Unremarried Surviving Spouse of Disabled Veteran	100% on 10 acres + 109,986	109,986	109,986	109,986	109,986
SS	Surviving Spouse of Disabled Veterans	109,986	109,986	109,986	109,986	109,986
SE	Age 65 - Unremarried Surviving Spouse of US Service Member killed in action	100% on 10 acres + 109,986	109,986	109,986	109,986	109,986
SG	Unremarried Surviving Spouse of a Firefighter or Peace Officer killed in the line of duty	100%	100%	100%	100%	100%
S6	Floating - Age 62 – Fed AGI less than 30,000	Varying	Varying	0	2,000	0
S8	Floating - Age 62 - Net Income less than 10,000 or Fed AGI less than 30,000	Varying	Varying	0	10,000	10,000
S9	Floating - Age 65 - Net Income less than 10,000 or Fed AGI less than 30,000	Varying	Varying	4,000	10,000	10,000

LOCAL HOMESTEAD EXEMPTION CODES

LOCAL EXEMPTIONS

COUNTY Taylor

DIGEST YEAR 2008

List all Local Exemptions and provide the criteria for each local homestead exemption shown on the 2008 Consolidation Sheets. Fill in the amount of Exemption allowed in the corresponding fields below. All local homestead exemptions, approved in a local referendum, are to be listed, along with the Resolution/House/Senate Bill Number authorizing the referendum and the year passed. This form serves as documentation of the local homestead exemptions and the specific qualification criteria.

CODE USED ON CONSOLIDATION SHEET	QUALIFICATIONS	RESOLUTION HOUSE/SENATE BILL NUMBER	YEAR PASSED	EXEMPTION AMOUNT FOR COUNTY M & O PURPOSES	EXEMPTION AMOUNT FOR COUNTY BOND PURPOSES	EXEMPTION AMOUNT FOR COUNTY SCHOOL M & O PURPOSES	EXEMPTION AMOUNT FOR COUNTY SCHOOL BOND PURPOSES
L1	Age 65 +	HR985	1986	25,000	0	25,000	0

HOMESTEAD EXEMPTION

O.C.G.A. 48-5-40

“Applicant” means a person who is:

- A **married individual** living with his or her spouse;
- An **individual who is unmarried** but who permanently maintains a home for the benefit of one or more other individuals who are related to such individual or dependent wholly or partially upon such individual for support;
- An **individual who is widowed** having one or more children and maintaining a home occupied by himself or herself and the child or children;
- A **divorced individual** living in a bona fide state of separation and having legal custody of one or more children, when the divorced individual owns and maintains a home for the child or children; or
- An **individual who is unmarried** or is widowed and who permanently maintains a home owned and occupied by himself or herself; and

HOMESTEAD EXEMPTION

- A “**Resident**” of this state means a person who has a permanent home or abode in Georgia to which, whenever such person is absent, he or she has the intention of returning. For the purposes of this chapter, there is a rebuttable presumption that the following person is a resident:
 - Any person who accepts employment or engages in any trade, profession, or occupation in Georgia or enters his or her children to be educated in the private or public schools of Georgia within ten days after the commencement of such employment or education; or
 - Any person who, except for infrequent, brief absences, has been present in the state for 30 or more days;

Provided, however, that no person shall be considered a resident for purposes of this chapter unless such person is either a United State citizen or an alien with legal authorization from the U.S. Immigration and Naturalization Service.

Individual continued

(B) A resident of this state



HOMESTEAD EXEMPTION

Deadline for Filing:

- File any time during the calendar year
- Return Deadline is deadline for receiving homestead
 - April 1st

HOMESTEAD EXEMPTION

O.C.G.A. 48-5-54

Application of homestead exemptions to properties with multiple titleholders and properties held by administrators, executors, or trustees.

- The homestead shall apply to those properties the legal title to which is vested in one or more titleholders if actually occupied by one or more of such owners as a residence.
- In such instances, exemptions shall be granted if claimed by one or more of the owners actually residing on such property.
- Such exemptions shall also extend to those homesteads the title to which is vested in an administrator, executor, or trustee if one or more of the heirs or cestui que uses residing on such property claims the exemption in the manner provided by law.

HOMESTEAD EXEMPTION

O.C.G.A. 48-5-54

The failure to file an application shall not be cause for waiver of the exemption where such waiver arises because of an administrator's or executor's deed transferring the property to a surviving spouse.

- In such instances, the board of tax assessors shall give notice of its intent to deny the exemption, and the surviving spouse may make application for the amount of homestead exemption to which such applicant is entitled within **30 days from the date of the notice by the board of tax assessors**.
- In the case of a base year assessed value homestead exemption, as long as the surviving spouse otherwise meets the requirements specified for such exemption and makes proper application under this subsection, upon approval of such application the exemption shall be continued with the same base year assessed value as had been established for the deceased spouse of such surviving spouse, unless otherwise provided by local law.

HOMESTEAD EXEMPTION

45-5-52

Definition of Georgia Net Income

- “net income shall not include income received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system, except such income which is in excess of the maximum amount authorized to be paid to an individual and his or her spouse under the federal Social Security Act.”

HOMESTEAD EXEMPTION

Maximum Social Security

- 2023- **\$87,408**
- Should be used when determining the eligibility of any taxpayer seeking the elderly homestead exemptions

HOMESTEAD EXEMPTION

- Homestead Form may be used as Affidavit of Income

SECTION C1:			COLUMN 1A	COLUMN 1B
COMPLETE THIS SECTION TO DETERMINE ELIGIBILITY FOR NET INCOME REQUIREMENT			APPLICANT	SPOUSE
If filing Joint Income Tax Return, Applicant must complete Column 1A only. If filing separately, both Columns 1A and 1B must be completed				
INCOME FOR TAX YEAR ENDING DECEMBER 31, 20_____				
Line 1	Total Income from Public or Private retirement, disability or pension system			
Line 2	Total Income from Social Security			
Line 3	Total Income from both retirement and Social Security (Line 1 plus Line 2)			
Line 4	Maximum Social Security amount (from Tax Receiver)			
Line 5	Retirement Income over maximum Social Security (Line 3 less Line 4) - If less than 0, use 0			
Line 6	Other income from all sources			
Line 7	Adjusted Income (Line 5 plus Line 6)			
Line 8	Standard or Itemized Deductions from Georgia Income Tax Return			
Line 9	Personal Exemption amount from Georgia Income Tax Return			
Line 10	Net Income (Line 7 less Lines 8 and 9)			
If filing Joint Income Tax Return, Line 10, Column 1A must be less than \$10,000. If filing Separately, Total of Line 10, Column 1A plus 1B must be less than \$10,000				

SECTION C2:			SOCIAL SECURITY NUMBER	FEDERAL ADJUSTED GROSS INCOME
COMPLETE THIS SECTION TO DETERMINE ELIGIBILITY FOR FEDERAL ADJUSTED GROSS INCOME REQUIREMENT				
For each member residing in the household, complete the social security number & federal adjusted gross income in the spaces below				
INCOME FOR TAX YEAR ENDING DECEMBER 31, 20_____				
Line 1	Name of Household Member			
Line 2	Name of Household Member			
Line 3	Name of Household Member			
Line 4	Name of Household Member			
Line 5	Name of Household Member			
Line 6	Name of Household Member			
Line 7	Name of Household Member			
ADJUSTED GROSS INCOME-TOTAL OF LINES 1 THRU 7 MUST BE LESS THAN \$30,000>>>>>>>>>>>>				

HOMESTEAD EXEMPTION

SECTION C1: COMPLETE THIS SECTION TO DETERMINE ELIGIBILITY FOR NET INCOME REQUIREMENT

If filing Joint Income Tax Return, Applicant must complete Column 1A only. If filing separately, both Columns 1A and 1B must be completed
INCOME FOR TAX YEAR ENDING DECEMBER 31, 20_____

		COLUMN 1A	COLUMN 1B
		APPLICANT	SPOUSE
Line 1	Total Income from Public or Private retirement, disability or pension system		
Line 2	Total Income from Social Security		
Line 3	Total Income from both retirement and Social Security (Line 1 plus Line 2)		
Line 4	Maximum Social Security amount (from Tax Receiver)		
Line 5	Retirement Income over maximum Social Security (Line 3 less Line 4) - If less than 0, use 0		
Line 6	Other income from all sources		
Line 7	Adjusted Income (Line 5 plus Line 6)		
Line 8	Standard or Itemized Deductions from Georgia Income Tax Return		
Line 9	Personal Exemption amount from Georgia Income Tax Return		
Line 10	Net Income (Line 7 less Lines 8 and 9)		

If filing Joint Income Tax Return, Line 10, Column 1A must be less than \$10,000. If filing Separately, Total of Line 10, Column 1A plus 1B must be less than \$10,000

Age Group	U.S. should take more action	U.S. should take less action
18-29	75%	25%
30-49	75%	25%
50-69	75%	25%
70+	75%	25%

**COMPLETE THIS SECTION TO DETERMINE ELIGIBILITY
FOR FEDERAL ADJUSTED GROSS INCOME REQUIREMENT**

INCOME FOR TAX YEAR ENDING DECEMBER 31, 20[illegible]

HOMESTEAD EXEMPTION

Georgia Individual Standard Deduction Amounts (2022 Tax Year)

- Single/Head of Household/Qualifying Surviving Spouse - \$5,400
- Married Filing Jointly - \$7,100
- Married Filing Separately - \$3,550
- Additional Deduction of \$1,300 if:
 - Taxpayer or spouse turns age 65 before the close of the tax year, or
 - Taxpayer or spouse is blind at the close of the year

HOMESTEAD EXEMPTION

Georgia Personal Exemptions (2022 Tax Year)

- \$2,700, for individuals;
- \$7,400, for married filing jointly;
- \$3,700, for each married taxpayer filing separately; and
- \$3,000 for each dependent taxpayer.

HOMESTEAD EXEMPTION

Disabled Veterans Homestead Exemption (S5)

- \$ **109,896 (2023)** exemption from all property taxes
- Service related disability, 100% disabled or compensated at 100% level due to individual unemployability per VA adjudication or
- Permanent loss of use or loss of one or both hands or feet, loss of vision or impairment of vision in one or both eyes
- Loss or loss of use of one lower extremity together with loss or loss of use of one upper extremity that precludes locomotion without use of aids (braces, crutches, canes or wheelchair)
- Not entitled to receive VA benefits but disabled per Article VII, Section I, Paragraph IV of Georgia Constitution of 1976
- Eligible to receive acquired housing assistance from VA
- Unremarried surviving spouse or minor children can qualify



HOMESTEAD EXEMPTION

Disabled Veterans Homestead Exemption (S5)

- **\$109,896 (2023)** exemption from all property taxes
- Qualifications
 - Required VA adjudication letter
 - Letter from Doctor verifying disability
 - 48-5-48

HOMESTEAD EXEMPTION

Surviving Spouse (SS)

- Spouse killed in an armed conflict
- Unremarried surviving spouse
- \$109,986 (2023) exemption from state, county, school municipal, and bond taxes
- Unremarried surviving spouse shall furnish documents from the Secretary of Defense

ATTORNEY GENERAL OPINION

Exemption of property rented out while on military duty elsewhere.

- Members of the armed services can continue to claim a homestead exemption on property rented out while stationed elsewhere because of service in the armed forces.
- 1954-56 Ga. Op. Att'y Gen. 736; 1967 Op. Att'y Gen. No. 67-131.



QUESTIONS?

Joseph Adams

Georgia Certification Program Manager

Joseph.Adams@dor.ga.gov

(470) 259-7144

dor.georgia.gov