

House Bill 90 (AS PASSED HOUSE AND SENATE)

By: Representatives Efrstration of the 104th, Dickey of the 134th, Hagan of the 156th, and Buckner of the 137th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to
2 preferential assessment for bona fide conservation use property and bona fide residential
3 transitional property, so as to increase the maximum acreage to qualify for assessment and
4 taxation as a bona fide conservation use property; to provide for related matters; to provide
5 for a contingent effective date and automatic repeal; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to preferential
10 assessment for bona fide conservation use property and bona fide residential transitional
11 property, is amended by revising the introductory language of paragraph (1) of
12 subsection (a), division (a)(1)(A.1)(ii), the introductory language of paragraph (2) of
13 subsection (a), paragraph (3) of subsection (b), and subsections (e) and (r) as follows:

14 "(a) For purposes of this article, the term 'bona fide conservation use property' means
15 property described in and meeting the requirements of paragraph (1) or (2) of this
16 subsection, as follows:

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17 (1) Not more than ~~2,000 acres~~ 4,000 acres of tangible real property of a single person,
18 the primary purpose of which is any good faith production, including but not limited to
19 subsistence farming or commercial production, from or on the land of agricultural
20 products or timber, subject to the following qualifications:

21 (A) Such property includes the value of tangible property permanently affixed to the
22 real property which is directly connected to such owner's production of agricultural
23 products or timber and which is devoted to the storage and processing of such
24 agricultural products or timber from or on such real property;

25 (A.1) In the application of the limitation contained in the introductory language of this
26 paragraph, the following rules shall apply to determine beneficial interests in bona fide
27 conservation use property held in a family owned farm entity as described in
28 division (1)(C)(iv) of this subsection:

29 (i) A person who owns an interest in a family owned farm entity as described in
30 division (1)(C)(iv) of this subsection shall be considered to own only the percent of
31 the bona fide conservation use property held by such family owned farm entity that
32 is equal to the percent interest owned by such person in such family owned farm
33 entity; and

34 (ii) A person who owns an interest in a family owned farm entity as described in
35 division (1)(C)(iv) of this subsection may elect to allocate the lesser of any unused
36 portion of such person's ~~2,000-acre~~ 4,000 acre limitation or the product of such
37 person's percent interest in the family owned farm entity times the total number of
38 acres owned by the family owned farm entity subject to such bona fide conservation
39 use assessment, with the result that the family owned farm entity may receive bona
40 fide conservation use assessment on more than ~~2,000 acres~~ 4,000 acres;"

41 "(2) Not more than ~~2,000 acres~~ 4,000 acres of tangible real property, excluding the value
42 of any improvements thereon, of a single owner of the types of environmentally sensitive
43 property specified in this paragraph and certified as such by the Department of Natural

44 Resources, if the primary use of such property is its maintenance in its natural condition
45 or controlling or abating pollution of surface or ground waters of this state by storm-water
46 runoff or otherwise enhancing the water quality of surface or ground waters of this state
47 and if such owner meets the qualifications of subparagraph (C) of paragraph (1) of this
48 subsection, subject to the following qualifications:"

49 "(3) No property shall qualify as bona fide conservation use property if such current use
50 assessment would result in any person who has a beneficial interest in such property,
51 including any interest in the nature of stock ownership, receiving in any tax year any
52 benefit of current use assessment as to more than ~~2,000 acres~~ 4,000 acres. If any taxpayer
53 has any beneficial interest in more than ~~2,000 acres~~ 4,000 acres of tangible real property
54 which is devoted to bona fide conservation uses, such taxpayer shall apply for current use
55 assessment only as to ~~2,000 acres~~ 4,000 acres of such land;"

56 "(e) A single owner shall be authorized to enter into more than one covenant under this
57 Code section for bona fide conservation use property, provided that the aggregate number
58 of acres of qualified property of such owner to be entered into such covenants does not
59 exceed ~~2,000 acres~~ 4,000 acres. Any such qualified property may include a tract or tracts
60 of land which are located in more than one county. A single owner shall be authorized to
61 enter qualified property in a covenant for bona fide conservation use purposes and to enter
62 simultaneously the residence located on such property in a covenant for bona fide
63 residential transitional use if the qualifications for each such covenant are met. A single
64 owner shall be authorized to enter qualified property in a covenant for bona fide
65 conservation use purposes and to enter other qualified property of such owner in a covenant
66 for bona fide residential transitional use."

67 "(r) Property which is subject to current use assessment under this Code section shall be
68 separately classified from all other property on the tax digest; and such separate
69 classification shall be such as will enable any person examining the tax digest to ascertain
70 readily that the property is subject to current use assessment under this Code section.

71 Covenants shall be public records and shall be indexed and maintained in such manner as
72 will allow members of the public to locate readily the covenant affecting any particular
73 property subject to current use assessment under this Code section. Based on information
74 submitted by the county boards of tax assessors, the commissioner shall maintain a central
75 registry of conservation use property, indexed by owners, so as to ensure that the ~~2,000~~
76 ~~acre~~ 4,000 acre limitations of this Code section are complied with on a state-wide basis."

77 **SECTION 2.**

78 This Act shall become effective on January 1, 2027, only if an amendment to the
79 Constitution increasing the maximum acreage to qualify for assessment and taxation as a
80 bona fide conservation use property is ratified by the voters at the November, 2026,
81 state-wide general election. If such an amendment is not so ratified, then this Act shall not
82 become effective and shall stand repealed on January 1, 2027.

83 **SECTION 3.**

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