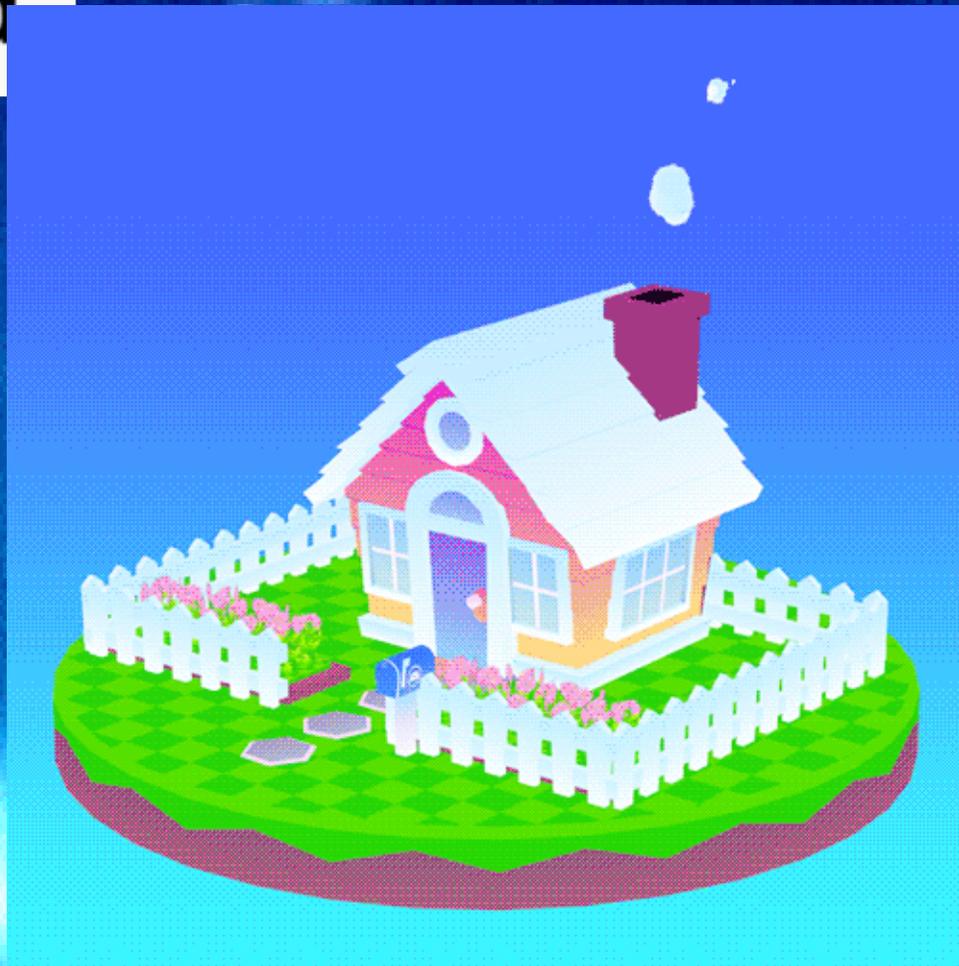


homestead



homestead



# EXEMPTION EXPEDITION:

Homestead Tax Law by Josh Gates

**Joe Adams**

Sr Manager Digest Compliance

(sorry not Josh Gates)

# Homestead Additions over the years....

- **1938: 'S1' Homestead Act of 1937: \$2,000**
- 1957: 'S5' Disabled veteran homestead exemption
- 1964: 'S4' Elderly homestead age 65 \$4,000
- **1967: Assessment level 40%**
- 1972: Rev Commissioner to factor digests; **BOE created**
- 1974: 'S3' Elderly homestead age 62 \$10,000
- **1983: Current GA Constitution**
- 1989: Factoring eliminated...new digest review provisions
- 1992: Three-year digest review cycle amended
- 1994: 'SS' Surviving Spouse of Service member homestead
- 1995: 'S6' Floating Homestead age 62 \$30,000
- 2006: 'SC' Elderly age 65 total state homestead
- 2006: 'SG' Surviving spouse of peace officer homestead
- 2025: Floating Homestead



# 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

# QUALIFICATION PROCESS



- Application
- Legal Resident
- Ownership
- Occupancy
- Age
- Disability
- Income



# Definitions

- (1) Applicant means a person who is
  - (A) an individual
  - (B) a resident of this state as defined in 40-5-1

‘individual’ is further defined in law



**(15)** “Resident” 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:

**(A)** 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

**(B)** 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 States citizen or an alien with legal authorization from the United States Immigration and Naturalization Service.

# Individual

- (i) A married individual living with his or her spouse



# Individual continued

- (ii) an individual who is unmarried but who permanently maintains a home for the benefit of one or more individuals who are related to such individual or dependent wholly or partially upon such individual for support

# Individual continued

**(iii) an individual who is widowed having one or more children and maintaining a home occupied by himself or herself and the child or children**



Widow / widower

Family relations

# Individual continued



**(iv) 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**

# Individual continued

- (v) an individual who is unmarried or is widowed and who permanently maintains a home owned and occupied by himself or herself



# Individual continued

**(B) A resident of this state**





## RESIDENT means ...

A person who has a permanent home ...in Georgia

- who accepts employment; or
- who enters children in schools; or
- who has been present in GA for 30+ days;

EXCEPT... no person shall be considered a resident unless such person is either

- a United States citizen; or
- an alien with legal authorization from Immigration and Naturalization.

# Application: failure to file is a waiver of exemption

LGS-Homestead Rev 10-08		<b>APPLICATION FOR HOMESTEAD EXEMPTION</b>	
<p>The homestead exemptions provided for in this Application form are those authorized by Georgia law. Counties are authorized to provide for local homestead exemptions that may vary from the ones shown on this application. Applicants seeking a local homestead exemption should contact the local Tax Commissioner or Tax Receiver for additional information. If this application is denied an appeal may be filed in accordance with O.C.G.A. § 48-5-311.</p>			
<b>SECTION A:</b>		<b>APPLICANT INFORMATION</b>	
List below the address of any other property where you or your spouse have applied for and been granted a homestead exemption for the current year.			
<p>Are you and your spouse a Georgia resident, US citizen or non-citizen with legal authorization from the US Immigration and Naturalization Service? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If you are a non-citizen with legal authorization from the US Immigration and Naturalization Service, please provide your Legal Alien Registration # _____</p>			
Applicant:	Name:	Spouse:	Name:
	Street Address:		Street Address:
	City, State, Zip:		City, State, Zip:
	Social Security No.:		Social Security No.:
	Year of Birth:	Phone Number:	Year of Birth: Phone Number:
	County where you are registered to vote:		County where you are registered to vote:
	County where car is registered:	If you and/or your spouse are in the military service, list the state shown as your home of record:	
<p>If you answer Yes to Question #1, please follow the instructions to determine if you qualify for an increased homestead amount. Please see the Tax Commissioner or Receiver</p>			

# Definitions

- (3) Homestead
  - The real property owned by and in possession of the applicant on January 1 of the taxable year and upon which the applicant resides
  - Including the land immediately surrounding the residence



# Definitions

- (6) Occupied primarily as a dwelling
  - (A) The applicant or family members occupy the property as a home; or
  - (B)
    - (i) the applicant or family members occupy a portion of the property as a home
    - (ii) no more than one homestead exemption may be claimed in the connection with the occupancy of one building, except in the case of a duplex or double occupancy dwelling.

# Homestead continued

- Term homestead includes:
  - **(A)** The actual permanent place of residence of an individual who is the applicant and which constitutes the home of the family
  - **(B)** Where applicant holds fee title (although subject to mortgage or debt deed), estate for life, or contract of purchase
  - **(C)** Where building is occupied primarily as a dwelling

# Homestead continued

- Term homestead includes:
  - **(D)** Where children of deceased or incapacitated parents occupy the homestead of their parents and one of the children stands in relation of applicant. This subparagraph applies whether or not the estate is distributed.
  - **(E)** Where husband or wife occupies a dwelling and the title is in the name of the wife

# Homestead continued

**(F)** In the event a dwelling house which is classed as a homestead is destroyed by fire, flood, storm, or other unavoidable accident or is demolished or repaired so that the owner is compelled to reside temporarily in another place, the dwelling house shall continue to be classed as a homestead for a period of one year after the occurrence;

# Homestead continued

Term homestead includes:

**(G)** In the event an applicant owns two or more dwelling houses, he shall be allowed the exemption granted by law on only one of the houses. Only one homestead shall be allowed to one immediate family group.

# Homestead continued

**(H)** Where property is owned and occupied jointly by two or more individuals all of whom occupy the property as a home and if the property is otherwise entitled to a homestead exemption, the homestead may be claimed in the names of the joint owners residing in the home. Where the property on which a homestead exemption is claimed is jointly owned by the occupant and others, the occupant or occupants shall be entitled to claim the full amount of the homestead exemption;



# Homestead continued

Term homestead includes:

(I) The permanent place of residence of an individual in the armed forces. Any such residence shall be construed to be actually occupied as the place of abode when the family resides in the home or when the family is forced to live elsewhere due to individuals service in the armed forces.



# Homestead continued

**(J)** Absence of an individual from his residence because of duty in the armed forces shall not be considered as a waiver upon the part of the individual in applying for a homestead exemption. Any member of the immediate family of the individual or a friend of the individual may notify the tax receiver or the tax commissioner of the individual's absence. Upon receipt of this notice, the tax receiver or tax commissioner shall grant the homestead exemption to the individual who is absent in the armed forces;

# Homestead continued

- Term homestead includes:
  - **(K)** The homestead exempted must be actually occupied as the permanent residence and place of abode by the applicant awarded the exemption, and the homestead shall be the legal residence and domicile of the applicant for all purposes whatever

# Homestead continued

**(L)** In all counties having a population of not less than 23,500 nor more than 23,675, according to the United States decennial census of 2010 or any future such census, where the person who is the applicant holds real property subject to a written lease; the applicant has held the property subject to such a lease for not less than three years prior to the year for which application is made; and the applicant is the owner of all improvements located on the real property;

# Homestead continued

Term homestead includes:

**(M)** The deed reflecting the ownership of the property for which the applicant seeks homestead exemption must be recorded in the deed records of the county prior to filing the application for homestead.

# Ownership: deed must be recorded prior to application

RECORDING DATA:

P.T. 61 001-2013-00020

GEORGIA, APPLING COUNTY

I hereby certify that the within instrument was filed for record in the office of the Clerk of Appling Superior Court at 4:15 o'clock P.M.

JANUARY 4, 20 13 and recorded in DEED book 494 page 790-791.

JAN. 4. 20 13

F. Floyd Hunter

*F. Floyd Hunter*  
Clerk Superior Court

RETURN RECORDED DOCUMENT TO:

J. Alexander Johnson  
132 West Parker Street  
Baxley, GA 31513

APPLING County, Georgia

Real Estate Transfer Tax

Sold \$ 145.00

Date January 4, 2013

*J. Alexander Johnson*

Clerk of Superior Court

## WARRANTY DEED

STATE OF GEORGIA  
COUNTY OF APPLING

THIS INDENTURE, made and entered into this 31<sup>st</sup> day of December, 2012, by and between

**CAROLE (AKA CAROL) ELIZABETH LEVAR AND GARY WENDELL LEVAR**  
of Oconee County, Georgia, parties of the first part, hereinafter referred to as "Grantors",  
and

**BENNY RICHIE WILLIAMS**  
of Appling County, Georgia, party of the second part, hereinafter referred to as "Grantee";

### WITNESSETH:

THAT GRANTORS, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, at and before the sealing and delivery

# Homestead continued

**(N)** Absence of an individual from such individual's residence because of health reasons shall not in and of itself be considered as a waiver upon the part of the individual in applying for a homestead exemption if all other qualifications are otherwise met. Any member of the immediate family of the individual or a friend of the individual may notify the tax receiver or the tax commissioner of the individual's absence. Upon receipt of this notice, the tax receiver or tax commissioner shall grant the homestead exemption to the individual who is absent for health reasons.

# Homestead Exemption Basics

- BOA sets appraisal value (FMV)
- BOE rules on appraisal value (FMV)
- Homestead exemption amounts are based on assessed values (40%)
- FMV = 100,000
- 40% = 40,000
- HS Ex = 2,000
- Taxable value = 38,000

# 48-5-44 Homestead occupied by owner

Homestead actually occupied by the owner as a residence is exempted from

- County Maintenance & Operation = 2000
- County School = 2000
- County Bond = 0
- City School = 0
- City Tax = 0

# 48-5-46 – Procedure for Application

## Homestead Exemption Application Procedures

# 48-5-46 Procedure for Application

- Application form provided by DOR
- Complete description of property, when acquired, kind of title, amount of liens, etc
- Form of oath required
- County Tax Commissioner provides forms to applicant.
- Applicant must answer all questions correctly
- County Tax Commissioner receives and preserves the applications.

# Application: failure to file is a waiver of exemption

LGS-Homestead Rev 10-08		APPLICATION FOR HOMESTEAD EXEMPTION	
<p>The homestead exemptions provided for in this Application form are those authorized by Georgia law. Counties are authorized to provide for local homestead exemptions that may vary from the ones shown on this application. Applicants seeking a local homestead exemption should contact the local Tax Commissioner or Tax Receiver for additional information. If this application is denied an appeal may be filed in accordance with O.C.G.A. § 48-5-311.</p>			
<b>SECTION A:</b>		<b>APPLICANT INFORMATION</b>	
List below the address of any other property where you or your spouse have applied for and been granted a homestead exemption for the current year:			
<p>Are you and your spouse a Georgia resident, US citizen or non-citizen with legal authorization from the US Immigration and Naturalization Service? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If you are a non-citizen with legal authorization from the US Immigration and Naturalization Service, please provide your Legal Alien Registration # _____</p>			
Applicant:	Name:	Spouse:	Name:
	Street Address:		Street Address:
	City, State, Zip:		City, State, Zip:
	Social Security No.:		Social Security No.:
	Year of Birth:	Phone Number:	Year of Birth: Phone Number:
	County where you are registered to vote:		County where you are registered to vote:
	County where car is registered:	If you and/or your spouse are in the military service, list the state shown as your home of record:	
<p>If you answer Yes to Question #1, please follow the instructions to determine if you qualify for an increased homestead amount. Please see the Tax Commissioner or Receiver</p>			

# Occupancy:

## AFFIDAVIT OF APPLICANT

I, the undersigned, do solemnly swear that the statements made in support of this application are true and correct, that I am the bona fide owner of the property described in this application, that I shall occupy or actually occupied same on Jan 1 of the year for which application is made, that I am an eligible applicant for the homestead exemption applied for, qualifying or meeting the definition of the word "applicant" as defined in O.C.G.A. § 48-5-40 and that no transaction has been made in collusion with another for the purpose of obtaining a homestead exemption contrary to law.

Sworn to and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Applicant's Signature: \_\_\_\_\_

\_\_\_\_\_  
Tax Commissioner or Tax Receiver

[  ] APPROVED [  ] DENIED

\_\_\_\_\_  
Board of Tax Assessors

\_\_\_\_\_  
Date

# O.C.G.A. § 48-5-44-45 homestead applications

## Application for homestead exemption

- "(a)(1) An applicant seeking a homestead exemption as provided in O.C.G.A. §Code Section 48-5-44 and qualifying under the provisions of O.C.G.A. §Code Section 48-5-40 shall file a written application and schedule with the tax receiver or tax commissioner charged with the duty of receiving returns of property for taxation at any time during the calendar year subsequent to the property becoming the primary residence of the applicant up to and including the date for the closing of the books for the return of taxes for the calendar year, **except that, in the case of a property which is subject to a reassessment by the board of tax assessors, such application and schedule may be filed in conjunction with or in lieu of an appeal of the reassessment.**
- (2) The failure to file properly the application and schedule on or before the date for the closing of the books for the return of taxes of a calendar year in which the taxes are due shall constitute a waiver of the homestead exemption on the part of the applicant failing to make the application for such exemption for that year."

# O.C.G.A. § 48-5-44-45 homestead applications

For all homestead exemptions: Taxpayers are now able to apply for the homestead exemption beyond the historic deadline of April 1st; they may apply up to the end of their 45-day window to appeal their notice of assessment.

# 48-5-47 – Applications for Homestead Exemptions of Individuals 65 or older

# 48-5-47

- 65 years of age or over
- Income requirements: may not exceed 10,000
- The social security maximum amount for tax year 2025 is
- **\$96,432**
- County = \$4,000
- Application requires SSN

# Income:

- Federal Adjusted Gross Income
- Georgia Taxable Income for GA Income Tax
- Net Georgia Income for Senior Homestead
- Gross Household Income

	B	C	D	E	F	G	H	I
<b>Income Calculator</b>								
<b><u>Only fill in yellow shaded areas.</u></b>								
Federal Adjusted Gross Income 1040 form line 11:					(A)			
<b>Deductions:</b>								
Retirement Income Federal 1040 Line 5b					(B)			
Social Security Federal form 1040 Line 6b					(C)			
Total Retirement Income Deductions:					(E)	0.00		
<b>Maxium Social Security:</b> (For Taxpayer & Spouse)					(F)	96,432		
Reduction of AGI: lesser of line (E) or (F)					(G)	0.00		
<b>Itemized Deductions or Georgia Standard Deductions:</b>					(H)			
Federal 1040 Line 12 or GA 500 Line 12c for Itemized Deductions								
GA Standard Deductions=								
12,000 for Single/HOH			24,000 for MFJ					
12,000 for MFS								
<b>Personal Exemptions:</b>					(I)			
GA 500 Line 14c								
plus 4,000 X # of dependents (NOT you or your spouse)								
<b>Net Income for Exemption Purposes</b> (Line A minus G minus H minus I)					(J)	0.00		

**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**  
**INCOME FOR TAX YEAR ENDING DECEMBER 31, 20**

		COLUMN 1A APPLICANT
Line 1	Total Income from Public or Private retirement, disability or pension system	68,000
Line 2	Total Income from Social Security	20,000
Line 3	Total Income from both retirement and Social Security (Line 1 plus Line 2)	88,000
Line 4	Maximum Social Security amount (from Tax Receiver)	64,488
Line 5	Retirement Income over maximum Social Security (Line 3 less Line 4) - If less than 0, use 0	23,512
Line 6	Other income from all sources	19,000
Line 7	Adjusted Income (Line 5 plus Line 6)	42,512
Line 8	Standard or Itemized Deductions from Georgia Income Tax Return	4,300
Line 9	Personal Exemption amount from Georgia Income Tax Return	5,400
Line 10	Net Income (Line 7 less Lines 8 and 9)	32,812

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.





# 1040 adjusted gross income

<b>Income</b>	7	Wages, salaries, tips, etc. Attach Form(s) W-2	7			
	8a	<b>Taxable</b> interest. Attach Schedule B if required	8a			
	b	<b>Tax-exempt</b> interest. <b>Do not</b> include on line 8a	8b			
			9a			
	9a	Ordinary dividends. Attach Schedule B if required	9a			
	b	Qualified dividends	9b			
			10			
	10	Taxable refunds, credits, or offsets of state and local income taxes	10			
	11	Alimony received	11			
	12	Business income or (loss). Attach Schedule C or C-EZ	12			
	13	Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/>	13			
	14	Other gains or (losses). Attach Form 4797	14			
	15a	IRA distributions	15a			
			b	Taxable amount	15b	
	16a	Pensions and annuities	16a			
			b	Taxable amount	16b	
	17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17			
	18	Farm income or (loss). Attach Schedule F	18			
	19	Unemployment compensation	19			
	20a	Social security benefits	20a			
			b	Taxable amount	20b	
	21	Other income. List type and amount	21			
22	Combine the amounts in the far right column for lines 7 through 21. This is your <b>total income</b>	22				
<b>Adjusted Gross Income</b>	23	Educator expenses	23			
	24	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ	24			
	25	Health savings account deduction. Attach Form 8889	25			
	26	Moving expenses. Attach Form 3903	26			
	27	Deductible part of self-employment tax. Attach Schedule SE	27			
	28	Self-employed SEP, SIMPLE, and qualified plans	28			
	29	Self-employed health insurance deduction	29			
	30	Penalty on early withdrawal of savings	30			
	31a	Alimony paid	b	Recipient's SSN	31a	
					32	
	32	IRA deduction	32			
	33	Student loan interest deduction	33			
	34	Reserved for future use	34			
	35	Domestic production activities deduction. Attach Form 8903	35			
	36	Add lines 23 through 35	36			
37	Subtract line 36 from line 22. This is your <b>adjusted gross income</b>	37				

# HB 581 – Homestead exemption

## § 48-5-44.2 (NEW CODE)

- Creates new homestead exemption – base year value homestead exemption
- “Homestead” means homestead as defined and qualified in Code Section 48-5-40

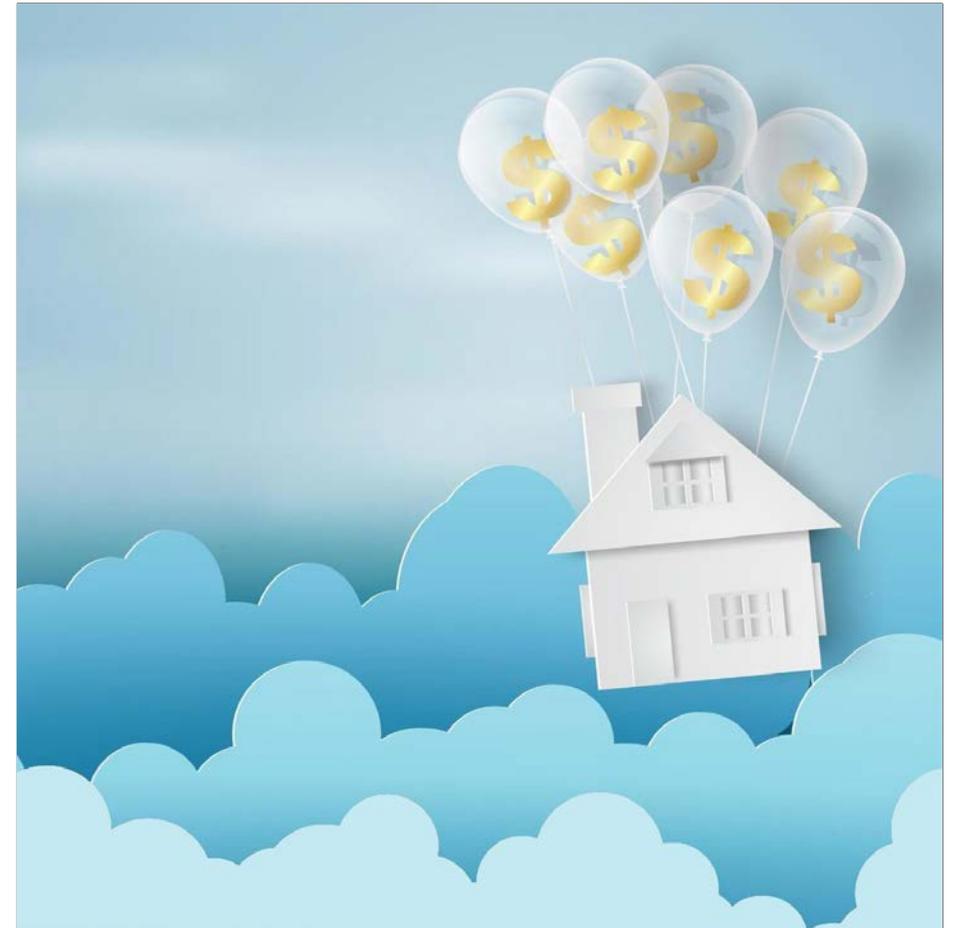


# O.C.G.A. § 48-5-44.2: floating homestead

## New base year homestead exemption

### O.C.G.A. § 48-5-40 Definitions.

- (3) “Homestead” means the real property owned by and in possession of the applicant on January 1 of the taxable year and upon which the applicant resides including, but not limited to, the land immediately surrounding the residence to which the applicant has a right of possession under a bona fide claim of ownership.



# O.C.G.A. § 48-5-44.2: floating homestead post HB 92

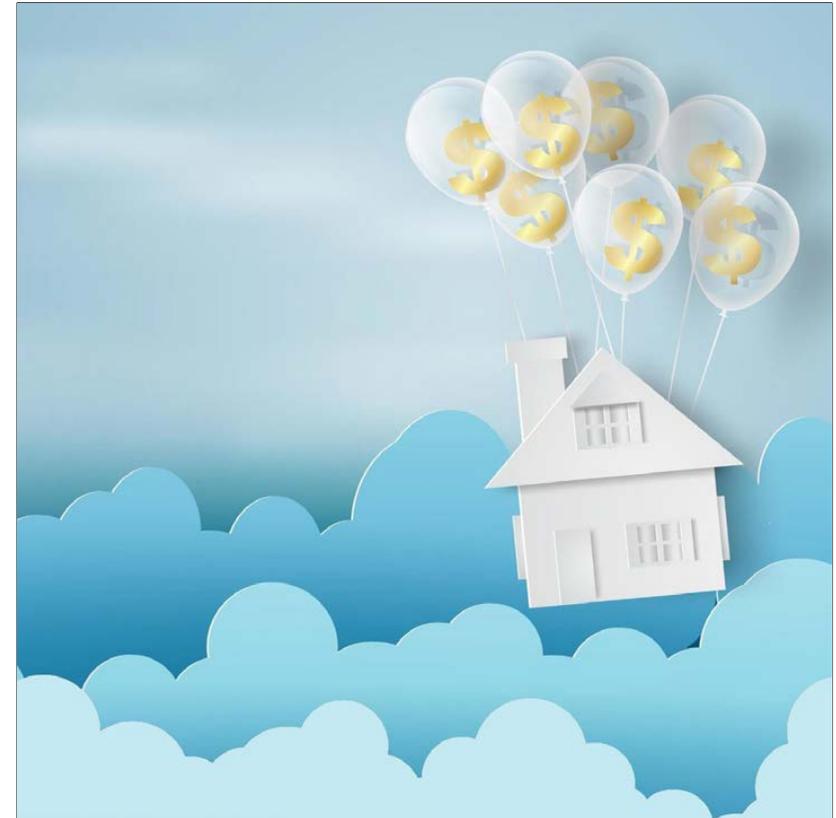
## New base year homestead exemption

### O.C.G.A. § 48-5-44.2 Base year homestead exemption.

(4) "Homestead" means homestead as defined and qualified in O.C.G.A. § 48-5-40(3) with the additional limitation that it shall include:

(A) Only the primary residence and not more than five contiguous acres of land immediately surrounding such residence; or

(B) If the property is assessed pursuant to Code Section 48-5-7.4 or 48-5-7.7, only the primary residence and the portion of the underlying property that is excluded from the benefit of such assessment pursuant to subparagraph (a)(1)(B) of Code Section 48-5-7.4 or subparagraph (b)(2)(B) of Code Section 48-5-7.7."



# O.C.G.A. § 48-5-44.2: floating homestead

## Base year value



**(3)** “Base year assessed value” means:

- (A)** With respect to an exemption under this Code section which is first granted to a person on such person’s homestead for the 2025 taxable year, the assessed value for taxable year 2024, including any final determination of value on appeal pursuant to Code Section 48-5-311, of the homestead; or
- (B)** In all other cases, the assessed value, including any final determination of value on appeal pursuant to Code Section 48-5-311, of the homestead from the taxable year immediately preceding the taxable year in which the exemption under this Code section is first granted to the applicant.

# HB 581 – Homestead exemption

## § 48-5-44.2 (NEW CODE)

- (5) “Inflation rate” means the annual inflationary index rate as determined for a given year by the commissioner in accordance with subsection (g) of this Code section.



# HB 581 – Homestead exemption

## § 48-5-44.2 (NEW CODE)

(g) the commissioner shall promulgate a standardized method for determining annual inflationary index rates which reflect the effects of inflation and deflation on the cost of living for residents of this state for a given calendar year. Such method may utilize the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor or any other similar index established by the federal government if the commissioner determines that such federal index fairly reflects the effects of inflation and deflation on residents of this state.

DEPARTMENT of REVENUE

# HB 581 – Homestead exemption

## Caps rate increases

- Protects against market rate increases, including rise in neighboring home values
- The base year value may increase each year by up to the inflationary rate determined by the State Revenue Commissioner

# HB 581 – Homestead exemption

- **“Inflation Rate”**

- Annual inflationary index rate determined by Commissioner
- Reflect inflation and deflation on cost of living in Georgia for calendar year
- May include use of Consumer Price Index or other federal government index

# HB 581 – Homestead exemption

- (6) “Previous adjusted base year assessed value” means:
- (A) With respect to the year for which the exemption under this Code section is first granted to a person on such person’s homestead, the base year assessed value; or
- (B) In all other cases, the adjusted base year assessed value of the homestead as calculated in the taxable year immediately preceding the current year, including any final determination of value on appeal pursuant to Code Section 48-5-311.



# HB 581 – Homestead exemption

- (2) “Adjusted base year assessed value” means the sum of:
- (A) The previous adjusted base year assessed value;
- (B) An amount equal to the difference between the current year assessed value of the homestead and the base year assessed value of the homestead, provided that such amount shall not exceed the total of the previous adjusted base year assessed value of the homestead multiplied by the inflation rate for the prior year; and
- (C) The value of any substantial property change, provided that no such value added improvements to the homestead shall be duplicated as to the same addition or improvement.

# HB 581 – Homestead exemption

(7) “Substantial property change” means any increase or decrease in the assessed value of a homestead derived from additions or improvements to, or the removal of real property from, the homestead which occurred after the year in which the base year assessed value is determined for the homestead. The assessed value of the substantial property changes shall be established following any final determination of value on appeal pursuant to Code Section 48-5-311.

DEPARTMENT of REVENUE

# HB 581 – Homestead exemption

The current year assessed value of that homestead, shall not exceed its previous adjusted base year assessed value.

# HB 581 – Homestead exemption

(b) (1) Subject to the limitations provided in this Code section, each resident of this state is granted an exemption on that person's homestead from ad valorem taxes in an amount equal to the amount by which the current year assessed value of that homestead, including any final determination of value on appeal pursuant to Code Section 48-5-311, exceeds its previous adjusted base year assessed value.

# HB 581 – Homestead exemption

- Does not apply in these cases
  - “Substantial property change”
    - Additions or improvements
    - Removal of real property

# HB 581 – Homestead exemption

- (b) (2) Except as provided for in subsection (c) of this Code section, no exemption provided for in this subsection shall transfer to any subsequent owner of the property, and the assessed value of the property shall be as provided by law.
- (c) The surviving spouse of the person who has been granted the exemption provided for in subsection (b) of this Code section shall continue to receive the exemption provided under subsection (b) of this Code section, so long as such surviving spouse continues to occupy the residence as a homestead.

# HB 581 – Homestead exemption

## REVIEW

The exemption does not extend to any subsequent property owner with the exception of the surviving spouse.



# O.C.G.A. § 48-5-44.2: floating homestead post HB 92

## Floating homestead exemption automatically renews

- (e) The exemption granted by subsection (b) of this Code section shall be claimed and returned as provided in Code Section 48-5-50.1. Such exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person or a person's agent has filed the proper application or is automatically granted the homestead exemption as provided in subsection (d) of this Code section, it shall not be necessary for such person or such person's surviving spouse to make application thereafter for any year, and the exemption shall continue to be allowed to such person or such person's surviving spouse. It shall be the duty of any person granted the homestead exemption under subsection (b) or (c) of this Code section to notify the tax receiver or tax commissioner of the local government or governments in the event such person for any reason becomes ineligible for such exemption.

# HB 581 – ~~FILING FOR~~ Homestead exemption HOMESTEAD EXEMPTION



# HB 581 – Homestead exemption

(d) No person shall receive the exemption...unless such person or person's agent files an application with the tax receiver or tax commissioner of his or her respective local government or governments charged with the duty of receiving returns of property for taxation giving such information relative to receiving such exemption as will enable such tax receiver or tax commissioner to make a determination regarding the initial and continuing eligibility of such person for such exemption; provided, however, that any person who had previously applied for a homestead exemption, was allowed such homestead exemption for the 2024 tax year, and remains eligible for a homestead exemption for that same homestead property in the 2025 tax year shall be automatically allowed the exemption granted under subsection (b) of this Code section for that homestead without further application. Such tax receiver or tax commissioner shall provide application forms for this purpose.

# HB 581 – Homestead exemption

## REVIEW

- Any person who received a homestead for the 2024 tax year and was still eligible for the 2025 tax year, is automatically granted the exemption. All other applicants must apply with the tax commissioner.

# HB 581 – Homestead exemption

(e) The exemption granted by subsection (b) of this Code section shall be claimed and returned as provided in Code Section 48-5-50.1. Such exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person or a person's agent has filed the proper application or is automatically granted the homestead exemption as provided in subsection (d) of this Code section, it shall not be necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this Code section to notify the tax receiver or tax commissioner of the local government or governments in the event such person for any reason becomes ineligible for such exemption.

DEPARTMENT OF REVENUE

# HB 581 – Homestead exemption

**(f) (1)** Except as otherwise provided in paragraph (2) of this subsection, the homestead exemption granted by subsection (b) of this Code section shall be in addition to and not in lieu of any other homestead exemption applicable to ad valorem taxes.

**(2)** The homestead exemption granted by subsection (b) of this Code section shall not be applied in addition to any other base year value homestead exemption provided by law with respect to the given taxing jurisdiction to which the such law applies. In any such event, the tax receiver or tax commissioner of the taxpayer's respective local government or governments charged with the duty of receiving returns of property for taxation shall apply only the base year value homestead exemption that is larger or more beneficial for the taxpayer with respect to the particular taxing jurisdictions to which more than one base year value homestead exemption applies.

# HB 581 – Homestead exemption

## REVIEW

- Exemption is in addition to and not in lieu of.
- Exception, any base year value homestead exemption.
- Automatically renewed each year as long as the applicant continues to reside on the property

# HB 581 – Homestead exemption

## REVIEW

- For homes first receiving this exemption in taxable year 2025, the base year assessed value will be the 2024 assessed value.
- For all other years, the base year assessed value will be the assessed value for the immediately preceding year.

# HB 581 – Homestead exemption

## REVIEW

- The base year value may increase each year by up to the inflationary rate determined by the State Revenue Commissioner, which may utilize the Consumer Price Index (CPI).
- This new floating homestead exemption is in addition to and not in lieu of all non-floating homestead exemptions.
- If there is an existing local floating homestead exemption, the taxpayer will receive whichever of the two exemptions is more beneficial.
- This is also true if a local floating homestead exemption is added in the future.

# HB 581 – Homestead exemption

## **REVIEW Application for exemption**

- Taxpayer must apply with Tax Commissioner
- Application only required first year
- Grandfathers in taxpayers with homestead exemption for 2024
- Tax Commissioners must provide application forms for this purpose

# 48-5-48 Disabled Veteran:

- 1. 100 percent service connected disability or less than 100% but paid at 100% due to unemployability;**
2. Disabled due to:
  - the loss of both lower extremities
  - blindness in both eyes, together with the loss of one lower extremity;
  - Loss of one lower extremity together with residuals of organic disease;
3. Constitution of Georgia of 1976;
4. Loss of one lower extremity together with the loss of one upper extremity; or
5. Eligible for assistance in acquiring housing under Section 2101 of Title 38



# 100% P&T



- Disabilities are of a Total and Permanent nature and are expected to continue for the duration of the veteran's lifetime
- Two ways to get 100% P&T.....

# 100% P&T.....



- Schedular: Disability(ies) rated at 100% or more under the published criteria in the VA's Schedule for Rating Disability
- Combined Rating Table

# 100% P&T.....



- Unemployability: One disability rated at 60% or more or Two or more ratings at 70% or more one of which is at least 40% and the VA determines that the service connected disability(ies) are the sole cause of unemployability without regard to age.

# 100% P&T



- Unemployability / IU / TDIU

- \* VA issues a rating decision for increased compensation due to Total Disability based on Individual Unemployability

- \* Awarded because the VA determines that the veteran cannot secure or follow substantial gainful employment

- \* Compensates the veteran for 100% disability and grants the veteran all the same ancillary benefits and status as if awarded 100% schedular

# 100% P&T.....VA Letter



## VA Benefits Information

Service-connected disability: Yes

Your combined service-connected evaluation is: 80%

Your current monthly award amount is: \$3,119.10

Are you entitled to a higher level of disability due to being unemployable: Yes

Are you considered to be totally and permanently disabled due to your service-connected disabilities:  
Yes

Are you service-connected for loss of or loss of use of a limb, or are you totally blind in or missing at least one eye: No

Have you received a Specially Adapted Housing (SAH) and/or Special Home Adaptation (SHA) grant:  
No



## DEPARTMENT OF VETERANS AFFAIRS

September 21, 2021

[REDACTED]

In reply, refer to:

316/SB

File Number:

[REDACTED]

Dear Mr. [REDACTED]

We made a decision regarding your entitlement to VA benefits.

This letter tells you about your entitlement amount, payment start date, and what we decided. It includes the evidence used and reasons for our decision. We have also included information about what to do if you disagree with our decision and who to contact if you have questions or need assistance.

# 48-5-48 Disabled Veteran

- Un-remarried surviving spouse or minor children of disabled veteran
- 2025 Exemption **\$121,812**
- **Or \$304,530 Fair Market Value**
- County, municipal, school – all of it



# Disabled Veteran cont.:

**Under federal law, the United States Secretary of Veterans Affairs adjusts such an amount annually for the rate of inflation regarding the average cost of real property construction.**



**VA**

U.S. Department  
of Veterans Affairs

# Disabled Veteran cont.:

**(d) Each disabled veteran shall file for the exemption only once in the county of his residence. Once filed, the exemption shall automatically be renewed from year to year.**

**Such exemption shall be extended to the unremarried surviving spouse or minor children at the time of his death so long as they continue to occupy the home as a residence and homestead.**

# Disabled Veteran cont.:

**(d) cont.:In the event a disabled veteran who would otherwise be entitled to the exemption dies or becomes incapacitated to the extent that he or she cannot personally file for such exemption, the spouse, the unremarried surviving spouse, or the minor children at the time of the disabled veteran's death may file for the exemption and such exemption may be granted as if the disabled veteran had made personal application therefor.**

# Disabled Veteran cont.:

(g)(1) **If a disabled veteran receives a final determination of disability from the United States Department of Veterans Affairs containing a retroactive period of eligibility**, such disabled veteran or his or her surviving unremarried spouse or minor children **shall be entitled to a refund of the ad valorem taxes paid during such period** that he or she or his or her surviving unremarried spouse or minor children would have otherwise been exempt from such taxes pursuant to this Code section, **provided that the refund shall only be for the three tax years preceding his or her or his or her surviving unremarried spouse's or minor children's application for the homestead** exemption permitted by this Code section.

## Disabled Veteran cont.:

(3) Upon final determination and approval of a period of prior eligibility, the county board of assessors shall immediately transmit such approval to the local tax commissioner and local municipal tax officer if applicable. The tax commissioner and municipal tax officer shall be authorized to refund the proportionate amount of taxes from the entities for whom the taxes were collected for the tax years approved for the exemption. **Such refund shall not exceed three tax years and shall not include interest.**

# 48-5-48.4. Homestead exemption for unremarried surviving spouse of peace officer or firefighter killed in the line of duty.

**(b)** Each resident of the state who is the unremarried surviving spouse of a peace officer or firefighter who was killed in the line of duty is granted an exemption on that person's homestead from all ad valorem taxes for the full value of that homestead.

- Peace officer is killed in the line of duty February 5<sup>th</sup>.
- Do you grant for the whole year?
- Do you pro-rate the taxes?
- Do you wait until next year to apply the exemption?



- Official receiving application shall determine eligibility and shall then transfer application to board of tax assessors for final determination.
- Applicant shall have the right of appeal ...provided in 48-5-311.





shall apply to those properties the legal title to which is vested in one or more titleholders if actually occupied by... such owners as a residence...

...if one or more of the heirs residing on such property claims the exemption in the manner provided by law.



## **48-5-54. Application of homestead exemptions to properties with multiple titleholders and properties held by administrators, executors, or trustees.**



The BTA 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, so long as the surviving spouse otherwise meets the requirements specified for such exemption

# Attorney General Opinion

## Mobile Home Homestead

EXEMPTION OF HOUSE TRAILERS. --If the house trailer is not on a permanent foundation but is located on land owned by the person residing in the trailer, the person is entitled to a homestead exemption on the value of the land. However, if the owner of a house trailer uses the trailer as the owner's residence and has the trailer mounted on a foundation similar to the foundation of a house, but on land the owner does not own, the owner is not entitled to a homestead exemption.

# Attorney General Opinion: Owner sells home during year

EXEMPTION WHEN OWNER OCCUPIES PROPERTY ON JANUARY 1, BUT NOT FOR ENTIRE YEAR. --An applicant who owned and occupied real property as a home on January 1 of the taxable year and otherwise qualified for homestead exemption would be entitled to claim the property as exempt, even though the applicant ceased to occupy the property at any time after January 1 of the taxable year.

# *Attorney General Opinion*

- Taxpayer who rents out property, but who retains portion for storage and visits the property several times weekly, is not entitled to a homestead exemption on the property. 1954-56 Ga. Op. Att'y Gen. 749.

# *Attorney General Opinion*

## **Effect of operation of store in building occupied as a home. —**

- Fact that an applicant for homestead exemption conducts a store in a building occupied by the applicant as a home would not affect the applicant's eligibility for such exemption. 1952-53 Ga. Op. Att'y Gen. 437.

# *Attorney General Opinion*

## **Exemption of hotel to which is attached an apartment for owner's use. —**

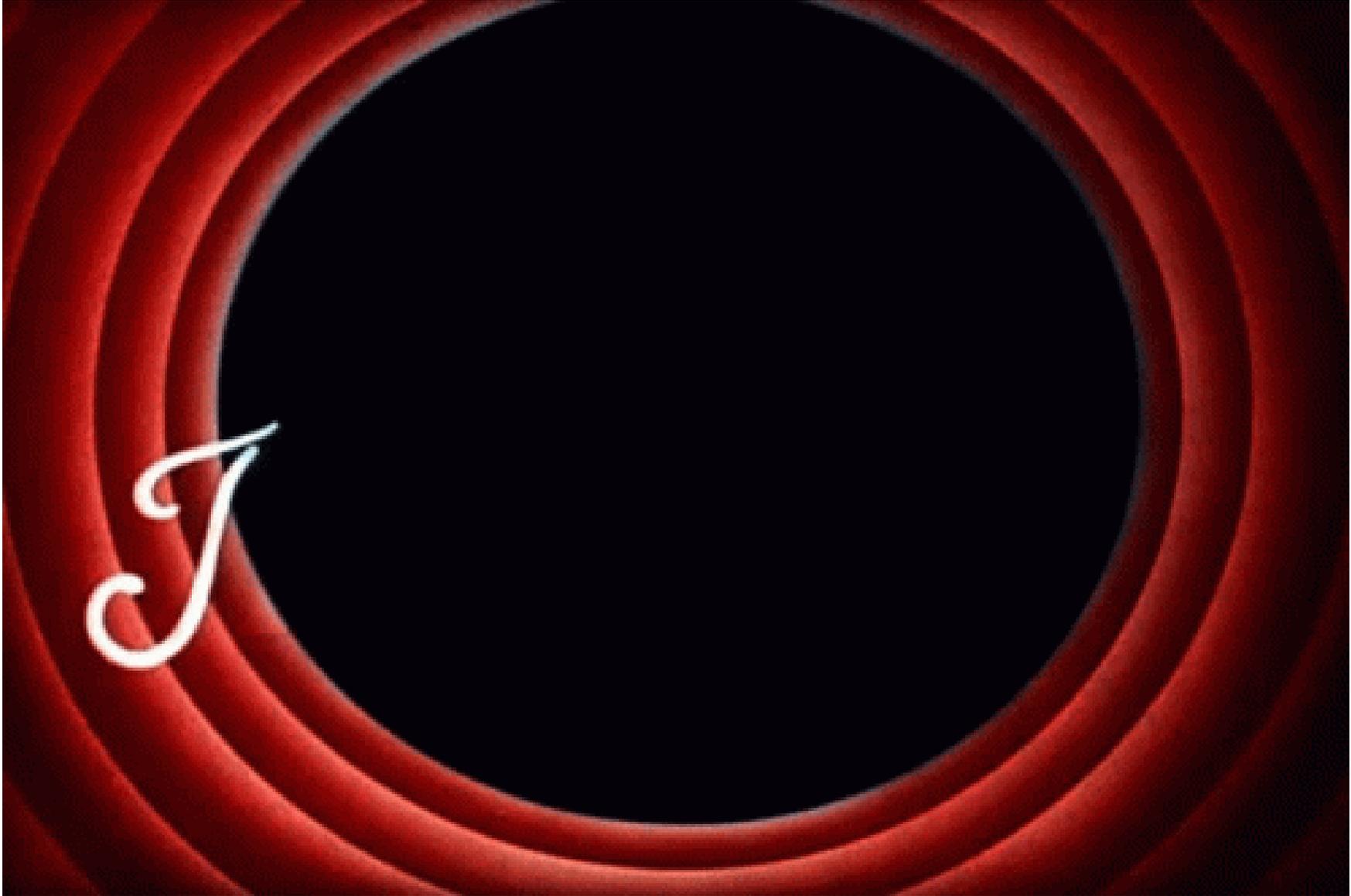
- When the owner of a hotel builds an apartment attached to the hotel and occupies the apartment as a home, the apartment attached to the hotel would become a part of the hotel. Therefore, the applicant who owns and occupies a portion of the hotel would be entitled to a homestead exemption up to the value of \$2,000.00. 1954-56 Ga. Op. Att'y Gen. 731.

# *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.





**THANK YOU...THANK YOU  
VERY MUCH!**





# Exemption Expedition: Homestead Tax Law by Josh Gates 2025

CAVEAT





# Exemption Expedition

Joseph Adams

Sr. Manager II

Joseph.adams@dor.ga.gov