


Georgia Department of Revenue

For Educational Purposes Only: The material within is intended to give the course participant a solid understanding of general principles in the subject area. As such, the material may not necessarily reflect the official procedure and policies of the Georgia Department of Revenue or the Department's official interpretation of the laws of the State of Georgia. The applicability to specific situations must be determined on a case-by-case basis.

1




Georgia Department of Revenue


Georgia Association of Tax Officials

Town Hall Session
May 12, 2016

Local Government Services
Ellen Mills, Director




2



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LEGISLATION

3




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Statewide Legislation



4



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House Bill 987

Conservation Use – Single Family Transfer


Effective 7/1/16

O.C.G.A. 48-5-7.4

(o) The transfer of a part of the property subject to a covenant for a bona fide conservation use shall not constitute a breach of a covenant if: (1) The part of the property so transferred is used for single-family residential purposes, starting within one year of the date of transfer and continuing for the remainder of the covenant period, and the residence is occupied within 24 months from the date of the start by a person who is related within the fourth degree of civil reckoning to an owner of the property subject to the covenant; and



5



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House Bill 987

Conservation Use – Single Family Transfer


Effective 7/1/16

O.C.G.A. 48-5-7.4

(o) The transfer of a part of the property subject to a covenant for a bona fide conservation use shall not constitute a breach of a covenant if:(2) The part of the property so transferred, taken together with any other part of the property so transferred to the same relative during the covenant period, does not exceed a total of five acres;



6



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Effective 7/1/16


House Bill 987

Conservation Use – Rodeo


O.C.G.A. 48-5-7.4

(p) The following shall not constitute a breach;

(10) Allowing all or part of the property subject to the covenant to be used to host a not for profit rodeo event to which spectator admission and participant entry fees are charged in an amount that in aggregate does not exceed the cost of hosting such event.



7



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Effective 7/1/16


Summary

House Bill 987

Conservation Use

- Clarifies the period of time required before property must be occupied when up to 5 acres taken out of covenant and deeded to family member
- Not for profit rodeos do not constitute a breach

8



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Effective 7/1/16

House Bill 991

Delinquent Tax – Military

O.C.G.A. 48-5-243

The tax collector or tax commissioner shall waive the collection of any amount due the taxing authorities for which taxes are collected, when such amount represents a penalty or an amount of interest assessed for failure to comply with the laws governing the assessment and collection of ad valorem taxes, if;



9



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Effective 7/1/16

House Bill 991 Delinquent Tax – Military

O.C.G.A. 48-5-243

(1) The tax collector or **tax commissioner determines that the default giving rise to such penalty or interest was due to a taxpayers military service** in the armed forces of the United States in an area designated by the President of the United States by executive order as a **combat zone** and not due to gross or willful neglect or disregard of the law or of regulations or instructions issued pursuant to the law; and

(2) The taxpayer makes a full payment of taxes due, not including penalties and interest within 60 days of such taxpayer's return from such military service

10



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48-5-242. Waiver of penalties or interest due on unpaid taxes

(a) Upon written approval by the governing authority of the county in accordance with subsection (c) of this Code section, the tax collector or tax commissioner may waive, in whole or in part, the collection of any amount due the taxing authorities for which taxes are collected, when such amount represents a penalty or an amount of interest assessed for failure to comply with the laws governing the assessment and collection of ad valorem taxes, when the tax collector or tax commissioner reasonably determines that the default giving rise to the penalty or interest was due to reasonable cause and not due to gross or willful neglect or disregard of the law or of regulations or instructions issued pursuant to the law, and when the interest to be waived accrues on or after July 1, 2002.

11



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48-5-242. Waiver of penalties or interest due on unpaid taxes

(b) In the case of penalties or interest arising from the failure of the taxpayer to comply with the terms, conditions, or covenants required with respect to properties receiving any type of preferential assessment, the tax collector or tax commissioner shall not be authorized to waive any portion of the penalty or interest that represents a recovery by the taxing authorities of any amount by which taxes were reduced as a result of the granting of such preferential assessment.

(c) The waiver of penalties or interest in accordance with this Code section shall be subject to the written approval of the county governing authority either on a case-by-case basis or by a resolution delegating the authority to the tax collector or tax commissioner to make the final determinations. Such resolution may establish rules and regulations governing the administration of this Code section and establish guidelines to be followed by the tax collector or tax commissioner when granting such waivers.

12

Effective 7/1/16



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Summary


House Bill 991

Delinquent Tax – Military

- O.C.G.A. 48-5-243 is a new code section
- You may need written guidelines to administer fairly and equitably – consider requirements in 48-5-242

13

Effective 7/1/16



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Senate Bill 258


Appeal – Changing Value

O.C.G.A. 48-5-299

(c) When the value of **real property** is reduced or is unchanged from the value on the initial annual notice of assessment or a **corrected annual notice of assessment** issued by the board of tax assessors and such valuation ~~is~~ has been established as the result of ~~either~~ an appeal decision rendered by the board of equalization, hearing officer, arbitrator, or a superior court pursuant to Code Section 48-5-311 or stipulated by written agreement of the parties to such an appeal that this subsection shall apply in any year signed by the board of tax assessors and taxpayer or taxpayer's authorized representative, the **new** valuation so established by appeal decision or agreement **may not be increased by the board of tax assessors during the next two successive years, unless otherwise agreed in writing by both parties,** subject to the following exceptions:

14

Effective 7/1/16



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Senate Bill 258

Appeal – Changing Value

O.C.G.A. 48-5-299


(1) This subsection shall not apply to a valuation established by an appeal decision if the taxpayer or his or her authorized representative **failed to attend the appeal hearing** or provide the board of equalization, hearing officer, or arbitrator with some **written evidence** supporting the taxpayer's opinion of value;

(2) This subsection shall not apply to a valuation established by an appeal decision or agreement if the **taxpayer files a return** at a different valuation during the next two successive years;

(3) ~~Unless otherwise agree in writing by the parties, if the taxpayer files an appeal~~ pursuant to Code Section 48-5-311 during the next two successive years, ~~the board of tax assessors, the board of equalization, hearing officer, or arbitrator may increase or decrease the value of the real property based on the evidence presented by the parties taxpayer during the appeal process; and~~

15

Effective 7/1/16


Georgia Department of Revenue


Senate Bill 258
Appeal – Changing Value

O.C.G.A. 48-5-299

(4) The **board of tax assessors** may increase or decrease the value of the real property if, **after a visual on-site inspection** of the property, it is found that there have been **substantial additions, deletions, or improvements** to such property or that there are errors in the board of tax assessors; records as to the descriptions or characterization of the property, or the board of tax assessors finds and occurrence of other material factors that substantially affect the current fair market value of such property.

16

Effective 7/1/16


Georgia Department of Revenue


Senate Bill 258
Appeal – Changing Value

O.C.G.A. 48-5-311

(e) (9) Notwithstanding any other provision of law to the contrary, on any **real property tax appeal** made under this Code section on and after January 1, 2016, the assessed value being appealed may be lowered by the deciding body based upon the evidence presented but **cannot be increased from the amount assessed** by the county board of tax assessors. This subsection shall not apply to any appeal where the taxpayer files an appeal during a time with subsection (c) of Code Section 48-5-299 is in effect for the assessment being appealed.

17

Effective 7/1/16


Georgia Department of Revenue

Summary
Senate Bill 258
Appeal – Changing Value

- Amended O.C.G.A. 48-5-299 to clarify that 30-day change notices sent in response to taxpayer's appeal ARE NOT subject to 48-5-299(c)
- Amended OCGA 48-5-311 to prevent value increase during appeal process.

18



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SPECIAL TOPICS

19



Georgia Department of Revenue

Governmental Accounting Standards Board GASB#77: Tax Abatement Disclosure

- Requires state and local governments to disclose information about tax abatements
- Essential in understanding financial position
- Effective for periods beginning after 12/15/15

20



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Tax Abatement

A reduction in tax revenues that results from an **agreement** between one or more governments and an individual or entity in which ...

- one or more governments **promise to forgo tax revenues** to which they are otherwise entitled; and
- the individual or **entity promises to take a specific action** after the agreement has been entered into that contributes to economic development or otherwise benefits the governments or the citizens of those governments...

21



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Implementation and compliance challenges

- Computation of the tax revenue forgone
- Differing level of record keeping and/or incomplete records
- Coordination of required information



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2016 Tax Digest Requirement

County Number	County Name	Property Type	Account Number	Parcel Number	Exempt Class	Tax Exempt Number	Owner (Fee Title)	Full Fee Title Value	Household Interest Value
1	Appling	REAL	19	002 01010A	C	1-00000	Appling Co Industrial Dev Auth	4,286,500	428,650
1	Appling	REAL	26	002 02000B	I	1-00000	Appling Co Industrial Dev Auth	121,000	N/A
1	Appling	REAL	28	002 02010	I	1-00000	Appling Co Industrial Dev Auth	1,124,800	112,480
1	Appling	REAL	29	002 02011	I	1-00000	Appling Co Industrial Dev Auth	123,400	12,340
1	Appling	REAL	30	002 02013	I	1-00000	Appling Co Industrial Dev Auth	1,600,000	160,000
1	Appling	Personal	01-1220		I	1-00000	Appling Co Industrial Dev Auth	3,300,000	N/A
1	Appling	Personal	15-0904		I	1-00000	Appling Co Industrial Dev Auth	1,100,000	110,000
1	Appling	Personal	04-1125		I	1-00000	Appling Co Industrial Dev Auth	1,245,000	498,000
1	Appling	Personal	13-6706		I	1-00000	Appling Co Industrial Dev Auth	1,175,000	117,500
1	Appling	REAL	43	002 03014	I	1-00000	Appling Co Industrial Dev Auth	1,100,000	N/A
1	Appling	REAL	44	002 03015	I	1-00000	Appling Co Industrial Dev Auth	1,113,000	N/A
1	Appling	REAL	46	002 03001	C	1-00000	Appling Co Industrial Dev Auth	1,200,000	N/A
1	Appling	REAL	47	002 03010	C	1-00000	Appling Co Industrial Dev Auth	6,700,000	670,000
1	Appling	REAL	48	002 03006	I	1-00000	Appling Co Industrial Dev Auth	200,000	20,000
1	Appling	Personal	01-1200		I	1-00000	Appling Co Industrial Dev Auth	15,000,000	6,000,000
1	Appling	Personal	14-2233		I	1-00000	Appling Co Industrial Dev Auth	200,000	N/A
1	Appling	Personal	14-2235		I	1-00000	Appling Co Industrial Dev Auth	600,000	60,000
1	Appling	REAL	56	002 05003	I	1-00000	Appling Co Industrial Dev Auth	8,000,000	800,000

I hereby certify that this is a complete listing of Development Authority owned property as of Jan. 1, 2016 and the values stated represent the 2016 assessment of such property made by the Spalding County Board of Assessors and included on the 2016 tax digest.

Chairman County Board of Assessors _____ Date _____



Georgia Department of Revenue

2016 SHORT COURSE Macon Convention Center November 7 - 11



Georgia Department of Revenue

New Tax Commissioner Training (44-65)

December 12-16, 2016

40 hours

UGA Continuing Ed Center

25

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Public Utility Appeals

Bellsouth Telecommunications (2012, 2013, 2014, 2015)

C-Beyond (2015)

CSX Railroad (2015)

Air Tran (2014)

Express Jet (2014, 2015)

American (2014, 2015)

Envoy Air (2014, 2015)

US Air (2014, 2015)

26

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HB202 - Regulations

560-11-1-.01, entitled "Administration: Function"

560-11-2-.16, entitled "Real Estate Transfer Tax-Filing Declaration Forms"

560-11-2-.23, entitled "County Appraisal Staff -- Certification of Parcels"

560-11-2-.24, entitled "County Appraisal Staff -- County Classes"

560-11-2-.25, entitled "County Appraisal Staff -- Qualifications"

560-11-2-.28, entitled "County Appraisal Staff -- Duties"

560-11-2-.36, entitled "County Boards of Equalization -- Chairman"

560-11-2-.56, entitled "Review of County Tax Digest by the State Revenue Commissioner"

560-11-9-.03, entitled "Return of Mobile Homes"

560-11-9-.04, entitled "Issuance of Permits; Display of Decals"

560-11-9-.09, entitled "Appeals"

560-11-9-.11, entitled "Penalties"

560-11-10-.02, entitled "Definitions"

560-11-10-.09, entitled "Real Property Appraisal"

560-11-12-.02, entitled "Nature of the Proceeding; Hearing Procedure; Burden of Proof"

560-11-12-.04, entitled "Continuances and Postponements"

560-11-12-.05, entitled "Subpoena Forms; Service"


560-11-12-.08, entitled "Ruling; Decision"

560-11-13-.01, entitled "Applicability of Rules"

560-11-13-.02, entitled "Nature of the Proceeding; Hearing Procedure; Burden of Proof"

560-11-13-.05, entitled "Subpoena Forms; Service"


560-11-13-.08, entitled "Ruling; Decision"

 **Georgia Department of Revenue**

HB202 - Forms

Official Tax Matter - 2014 Tax Year
Annual Assessment Notice Date: 01/21/2016
Last date to file a written appeal: 03/05/2016
2015 data is such as tax 545 - for each current assessment 7.01
County property records are publicly online at: www.georgia.gov


28

 **Georgia Department of Revenue**

Gwinnet County mailed 275,000 notices on 4-8-16

- 6,083 calls - Taxpayer confused – is this a tax bill.
- Tax Commissioners office received several thousand calls and 134 checks.
- Request for appraisal documentation is significantly increased. Moving the “info available” line to a separate paragraph has drawn much more attention. We currently have about 300 requests for info.
- 2,287 appeals – expecting 18,000.

29

 **Georgia Department of Revenue**

2016 Digest Submission

Board of Assessors must submit digest to county tax commissioner by **July 15th**

County tax commissioner must submit digest for approval to Revenue Commissioner by **September 1st**

ORDER REGARDING 2014 COUNTY TAX DIGEST



WHEREAS the Commissioner of Revenue, State of Georgia, is charged with the duty of examining the tax digests of the counties filed in his office (O.C.G.A. Sec. 48-5-342); and



WHEREAS the BUTTS County digest for 2014 was submitted by the Tax Commissioner of BUTTS County on July 15, 2014; and

WHEREAS the Commissioner has determined that the BUTTS County digest is in proper form, that the property therein that is under appeal is within the limits of O.C.G.A. Sec. 48-5-304, and that the digest has been accompanied by all documents, lists, and certifications required by law; now therefore

30

Department of Revenue Local Government Services Division Informational Bulletin NEW - 2016 Digest Submission Requirement	
March 15, 2016	
<p>The chairman of the board of assessors for each county must certify the number, overall value and percentage of total real property parcels under appeal to board of equalization, arbitration, hearing officer and superior court and the number of taxpayers' failure to appear at any hearing, for the prior tax year.</p>	
<p>48-5-345. Receipt for digest and order authorizing use</p>	
<p>(a) (1) Upon the determination by the commissioner that a county tax digest is in proper form, that the property therein that is under appeal is within the limits of Code Section 48-5-304, and that the digest is accompanied by all documents, statistics, and certifications required by the commissioner, including the number, overall value and percentage of total real property parcels of appeals in each county to the boards of equalization, arbitration, hearing officer, and superior court, and the number of taxpayers' failure to appear at any hearing, for the prior tax year, the commissioner shall issue a receipt for the digest and enter an order authorizing the use of said digest for the collection of taxes. All statistics and certifications regarding real property appeals provided to the commissioner under this paragraph shall be made publicly available on the Department of Revenue website.</p>	

 Georgia Department of Revenue	
<h3>CONSOLIDATION SHEETS</h3>	
<p>Although, the 2016 state levy will be zero, each county must provide a State Consolidation Sheet with appropriate state exemptions.</p>	

 Georgia Department of Revenue	
<h3>House Bill 202 – Section 7</h3>	
<h4>Five Year History and Current Digest Publication</h4>	
<p>OCGA 48-5-32 publication of "Current Digest and Five Year History" shortened from two weeks to one week prior to meeting. Also requires that advertisement be posted on authority's website</p>	
	



Georgia Department of Revenue

House Bill 202 – Section 15
Amending Appeal Code OCGA 48-5-311
Appeal – Final Decision to Tax Commissioner

Within 10 days of expiration of the 30 day appeal period to superior court... the board of tax assessors shall forward final determination of value to the tax commissioner

34



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House Bill 202 – Section 15
Amending Appeal Code OCGA 48-5-311
Interest – Refund Owed to Taxpayer

At final billing, if refund owed to taxpayer... Interest calculated from the due date or date paid, whichever later, through the date on which the final determination of value is made subject to the \$150 and \$5,000 limits for homestead and non-homestead property

Any refund paid after 60th day of final determination of value should include interest at 1% per month not subject to \$150 and \$5,000 limit

35




Georgia Department of Revenue

House Bill 202 – Section 15
Amending Appeal Code OCGA 48-5-311
Interest – Additional Tax Due

At Final billing, if additional tax due from taxpayer... taxpayer is given 60 days from date of postmark to pay additional tax due without any interest added

Once 60 day payment period is expired bill is considered past due and interest accrues at 1% a month from original billing due date until bill is paid in full

36



Georgia Department of Revenue

Digest Review, Audits, Performance Review

Digest Review

- 2014 sales ratio study indicated nearly perfect compliance
- 2015 sales ratio study includes adjusted sales

2016 PRB

- Spalding County
- Hart County

FLPA Audits

- DOAA performance audit of GDOR
- FLPA Audits currently underway
- 2016 Regulations in the works

37
