


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.

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Georgia Department of Revenue


Georgia Association of Tax Officials

CAVEAT Break-out Session

Local Government Services
Ellen Mills, Director



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Georgia Department of Revenue


LEGISLATION

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Georgia Department of Revenue

Statewide Legislation



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Georgia Department of Revenue


Effective 7/1/16

Summary
House Bill 51
Redemption of Property sold at tax sale

Person redeeming property sold at tax sale must also pay Home Owners Association fees



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Georgia Department of Revenue

Effective 7/1/16

Summary
House Bill 364
Review of Tax Digest – Illegal Taxation

- Commissioner to reject digest when exempt property is taxed – will write regulations
- Disqualify county for DCA grants and loans
- Remove Board of Assessors
- Refund petition at Georgia Tax Tribunal names Assessor and **TAX COMMISSIONER** as respondent

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Georgia Department of Revenue

Summary


House Bill 547

Amends Years Support

- Any real property included in the estate may be included in the petition for years support; however
- If homestead is claimed only the taxes on the homestead are divested; and
- If no homestead is claimed then taxes on the real property may be divested

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Georgia Department of Revenue

Questions

House Bill 547

Amends Years Support

- Could someone exclude the homestead in petition and file for tax divest on other real property
- What if the homestead is life estate or joint rights and is not included in the YS
- Could someone outside state get YS
- Would someone with homestead in another state be limited to YS

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Georgia Department of Revenue

Effective 5/3/16

Summary

House Bill 769

Exemption – Watercraft & All-Terrain Vehicles

- Removed the sunset in the watercraft exemption code
- Added ATVs to the exemption



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Georgia Department of Revenue

Effective 5/3/16

Questions

House Bill 769

Exemption – Watercraft & All-Terrain Vehicles

- Can other ATVs qualify as exempt farm equipment when held in inventory by a farm equipment dealer

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Georgia Department of Revenue

Effective 7/1/16

Summary

House Bill 935

Freeport Level 1 – Fulfillment Center

- Creates a category 4 under Freeport Level 1
- Governing Authority must adopt resolution to call for county referendum
- Voters must approve Category 4
- If approved by voters, Governing Authority must adopt resolution setting percentage of exemption

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Freeport Level 2

48-5-48.5

48-5-48.6

The term "finished goods" means, for purposes of a Level 2 Freeport Exemption, goods, wares, and merchandise of every character and kind constituting a business's inventory which would not otherwise qualify for a Level 1 Freeport Exemption.

Putnam County



County seat	Eatonton
Population	21,353
Size	361 square miles
Parcel Count	18,852
2015 Freeport	21,317,370
2015 Inventory	10,555,448

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Georgia Department of Revenue

Freeport Level 1 – Category 4 (Fulfillment Center)
Freeport Level 2

- Will require amendments to regulations and new application forms for 2017 tax year

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Georgia Department of Revenue

House Bill 960
Confidential Records

Effective 7/1/16

48-2-15

(a) Except as otherwise provided in this Code section, information secured by the commissioner incident to the administration of any tax shall be confidential and privileged. ...

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Georgia Department of Revenue

House Bill 960
Confidential Records

Effective 7/1/16

48-2-15

(a) ... Neither the commissioner nor any officer or employee of the department shall divulge or disclose any such confidential information obtained from the department's records or from an examination of the business of any taxpayer to any person other than the commissioner, an officer or employee of the department, an officer of the state or local government entitled in his official capacity to have access to such information, or the taxpayer.

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Georgia Department of Revenue

Effective 7/1/16

House Bill 960

Refunds - Interest

48-2-35

(a) ... and shall be refunded interest, except as provided in subsection (b) of this Code section, on the amount of the taxes or fees from the date of payment of the tax or fee to the commissioner at an annual rate equal to the **bank prime loan** rate as posted by the Board of Governors of the Federal Reserve System in **statistical release H.15** or any publication that may supersede it, **plus 3 percent, to accrue monthly.**

Federal Reserve

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Georgia Department of Revenue

Effective 7/1/16

House Bill 960

Refunds - Interest

48-2-35

(a) ...Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H.15 on or after **January 1 of each calendar year.**

January 2016

27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

The Georgia Department of Revenue

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Georgia Department of Revenue

FEDERAL RESERVE statistical release

H.15 (519) SELECTED INTEREST RATES


Yields in percent per annum

For use at 2:30 p.m., Eastern Time

January 4, 2016

Instruments	2015 Dec 28	2015 Dec 29	2015 Dec 30	2015 Dec 31	2016 Jan 1*	Week Ending Jan 1	2015 Dec 25	2015 Dec
Federal funds (effective) ^{1, 2}	0.36	0.36	0.35	0.20	0.20	0.36	0.37	0.24
Commercial Paper ^{1, 3}								
Nonfinancial								
1-month	n.a.	0.32	0.33	0.34		0.33	0.31	0.28
2-month	n.a.	0.34	0.38	0.38		0.37	0.39	0.33
3-month	n.a.	n.a.	0.42	0.42		0.42	0.44	0.36
Financial								
1-month	n.a.	n.a.	n.a.	0.40		0.40	0.38	0.30
2-month	n.a.	n.a.	n.a.	n.a.		n.a.	0.49	0.40
3-month	0.57	0.57	0.57	0.54		0.56	0.58	0.54
Eurodollar deposits (London) ^{1, 7}								
1-month	0.50	0.50	0.50	0.50		0.50	0.49	0.38
3-month	0.70	0.70	0.70	0.70		0.70	0.70	0.62
6-month	0.90	0.90	0.90	0.90		0.90	0.90	0.82
Bank prime loan ^{1, 8}	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.37

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Effective 7/1/16

House Bill 960


Refunds - Interest

48-2-35

For the purposes of this Code section, any period of less than one month shall be considered to be one month.



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Appeal Code 48-5-311(m) Interest

(1) For the purposes of this Code section, any final value that causes a reduction in taxes and creates a refund that is owed to the taxpayer shall be paid by the tax commissioner to the taxpayer, entity, or transferee who paid the taxes within 60 days from the date of the final determination of value. Such refund shall include interest at the same rate specified in **Code Section 48-2-35** which shall accrue from the due date of the taxable year in question or the date paid, whichever is later, through the date on which the final determination of value was made. In no event shall the amount of such interest exceed **\$150.00 for homestead property or \$5,000.00 for nonhomestead property**. Any refund paid after the sixtieth day shall accrue interest from the sixty-first day until paid with interest at the same rate specified in **Code Section 48-2-35**. The interest accrued after the sixtieth day and forward shall not be subject to the limits imposed by this subsection. The tax commissioner shall pay the tax refund and any interest for the refund from current collections in the same proportion for each of the levying authorities for whom the taxes were collected.

(2) For the purposes of this Code section, any final value that causes an increase in taxes and creates an additional billing shall be paid to the tax commissioner as any other tax due. After the tax bill notice has been mailed out, the taxpayer shall be afforded 60 days from the date of the postmark to make full payment of the adjusted bill. Once the 60 day payment period has expired, the bill shall be considered past due and interest shall accrue from the original billing due date as specified in **Code Section 48-2-40** without limit until the bill is paid in full. Once past due, all other fees, penalties, and late and collection notices shall apply as prescribed in this chapter for the collection of delinquent taxes.

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Effective 7/1/16


House Bill 960

Refunds – Sales and Use Tax


48-2-35

(h)(1) As used in this subsection, the term;

(A) Political subdivision designee’ means the chief officer or officers designated by the political subdivision to receive information about a refund claim of local significance pursuant to this subsection. Each political subdivision shall certify to the commissioner that any such designee is so authorized on a form and in a manner prescribed by the department



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Effective 7/1/16

Georgia Department of Revenue


House Bill 960

Refunds – Sales and Use Tax


48-2-35

(h)(1) As used in this subsection, the term;

(B) **'Refund claim of local significance'** means a taxpayer's claim for refund of sales and use taxes erroneously or illegally assessed and collected or the departments discovery of any overpayment of such taxes, if such claim for refund or overpayment is for an **amount equal to or greater than 10 percent** of the total yearly average of aggregate sales and use tax distributions to any single political subdivision base don the average of the three most recent calendar years.



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Effective 7/1/16


Georgia Department of Revenue

House Bill 960


Refunds – Sales and Use Tax

48-2-35

(h)(2) Within 30 business days following the departments receipt of a refund claim of local significance, the department shall **notify each affected political subdivisions political subdivision** designee that a refund claim of local significance to the political subdivision has been received and shall furnish the taxpayer with a copy of such notification.



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Effective 7/1/16

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House Bill 960

Refunds – Sales and Use Tax

48-2-35

(h)(3) ...It shall be the responsibility of the political subdivision designee and not the department to protect privileged and confidential information received un this subsection. Any person who divulges any tax information obtain under this subsection shall be subject to the same civil and criminal penalties as provided for divulgence of tax information by employees of the department.

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Effective 7/1/16


Georgia Department of Revenue

House Bill 960
Refunds – Sales and Use Tax

48-2-35

(h)(5) Any refund claims of local significance pending with the department for two years after the claim for refund was filed shall be **automatically transferred to the Georgia tax Tribunal** as a declaratory judgment of the commissioner requesting a show cause proceeding pursuant to Code Section 50-13A-19.1.

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Effective 7/1/16


Georgia Department of Revenue

House Bill 960
Delinquent Tax – Interest

48-2-40

Except as otherwise expressly provided by law, taxes owed the state or any **local taxing jurisdiction** shall bear interest at an annual rate equal to the **bank prime loan rate** as posted by the Board of Governors of the Federal Reserve System in **statistical release H.15** or any publication that may supersede it, **plus 3 percent to accrue monthly**.

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Effective 7/1/16

Georgia Department of Revenue

House Bill 960
Delinquent Tax - Interest

48-2-40

...Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H.15 on or after January 1 of each calendar year. Interest shall begin to accrue from the date the tax is due until the date the tax is paid. ...

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Georgia Department of Revenue

Effective 7/1/16

House Bill 960 Delinquent Tax - Interest

48-2-40

...Interest shall begin to accrue from the date the tax is due until the date the tax is paid. For the purposes of this Code section, any period of less than one month shall be considered to be one month. This Code section shall also apply to alcoholic beverage taxes.

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2015 Tax Bill - Due December 20, 2015			
DATE	AMOUNT DUE	Int/Penalty	
December 20, 2015	3000.00		
December 21, 2015	3030.00	1% per month	30.00
January 21, 2016	3060.00	1% per month	30.00
February 21, 2016	3090.00	1% per month	30.00
March 21, 2016	3390.00	10% penalty	300.00
March 21, 2016	3420.00	1% per month	30.00
April 21, 2016	3450.00	1% per month	30.00
May 21, 2016	3480.00	1% per month	30.00
June 21, 2016	3510.00	1% per month	30.00
2016 Fed Reserve H15 = 3.50 (actual)			
July 21, 2016	3526.26	0.542% per month	16.26
August 21, 2016	3542.52	0.542% per month	16.26
September 21, 2016	3558.78	0.542% per month	16.26
October 21, 2016	3575.04	0.542% per month	16.26
November 21, 2016	3591.30	0.542% per month	16.26
December 21, 2016	3607.56	0.542% per month	16.26
2017 Fed Reserve H15 = 3.65 (estimated)			
January 21, 2017	3627.28	0.554% per month	19.72
February 21, 2017	3646.99	0.554% per month	19.72
March 21, 2017	3666.71	0.554% per month	19.72
April 21, 2017	3686.42	0.554% per month	19.72
May 21, 2017	3706.14	0.554% per month	19.72
June 21, 2017	3725.85	0.554% per month	19.72
July 21, 2017	3745.57	0.554% per month	19.72
August 21, 2017	3765.29	0.554% per month	19.72
September 21, 2017	3785.00	0.554% per month	19.72
October 21, 2017	3804.72	0.554% per month	19.72
November 21, 2017	3824.43	0.554% per month	19.72
December 21, 2018	3844.15	0.554% per month	19.72
2018 Federal Reserve H15 = 3.70 (estimated)			
January 21, 2018	3864.01	0.558% per month	19.86
February 21, 2018	3883.86	0.558% per month	19.86
March 21, 2018	3903.72	0.558% per month	19.86

2015 Appeal settlement billing Feb 1, 2016 — Tax Bill - Due April 1, 2016			
DATE	AMOUNT DUE	Int/Penalty	
April 1, 2016	200.00		
April 2, 2016	202.00	1% per month	2.00
May 2, 2016	204.00	1% per month	2.00
June 2, 2016	206.00	1% per month	2.00
2016 Fed Reserve H15 = 3.50 (actual)			
July 2, 2016	207.08	0.542% per month	1.08
August 2, 2016	208.17	0.542% per month	1.08
September 2, 2016	218.17	5% Penalty	10.00
October 2, 2016	219.25	0.542% per month	1.08
November 2, 2016	220.34	0.542% per month	1.08
December 2, 2016	221.42	0.542% per month	1.08
January 2, 2017	222.50	0.542% per month	1.08
February 2, 2017	223.58	0.542% per month	1.08
March 2, 2017	224.66	0.542% per month	1.08
April 2, 2017	225.74	0.542% per month	1.08
May 2, 2017	226.82	0.542% per month	1.08
June 2, 2017	227.90	0.542% per month	1.08
July 2, 2017	228.98	0.542% per month	1.08
August 2, 2017	230.06	0.542% per month	1.08
September 2, 2017	231.14	0.542% per month	1.08
October 2, 2017	232.22	0.542% per month	1.08
November 2, 2017	233.30	0.542% per month	1.08
December 2, 2017	234.38	0.542% per month	1.08
January 2, 2018	235.46	0.542% per month	1.08
February 2, 2018	236.54	0.542% per month	1.08
March 2, 2018	237.62	0.542% per month	1.08
April 2, 2018	238.70	0.542% per month	1.08
May 2, 2018	239.78	0.542% per month	1.08
June 2, 2018	240.86	0.542% per month	1.08
July 2, 2018	241.94	0.542% per month	1.08
August 2, 2018	243.02	0.542% per month	1.08
September 2, 2018	244.10	0.542% per month	1.08
October 2, 2018	245.18	0.542% per month	1.08
November 2, 2018	246.26	0.542% per month	1.08
December 2, 2018	247.34	0.542% per month	1.08
January 2, 2019	248.42	0.542% per month	1.08
February 2, 2019	249.50	0.542% per month	1.08
March 2, 2019	250.58	0.542% per month	1.08
April 2, 2019	251.66	0.542% per month	1.08
May 2, 2019	252.74	0.542% per month	1.08
June 2, 2019	253.82	0.542% per month	1.08
July 2, 2019	254.90	0.542% per month	1.08
August 2, 2019	255.98	0.542% per month	1.08
September 2, 2019	257.06	0.542% per month	1.08
October 2, 2019	258.14	0.542% per month	1.08
November 2, 2019	259.22	0.542% per month	1.08
December 2, 2019	260.30	0.542% per month	1.08
January 2, 2020	261.38	0.542% per month	1.08
February 2, 2020	262.46	0.542% per month	1.08
March 2, 2020	263.54	0.542% per month	1.08
April 2, 2020	264.62	0.542% per month	1.08
May 2, 2020	265.70	0.542% per month	1.08
June 2, 2020	266.78	0.542% per month	1.08
July 2, 2020	267.86	0.542% per month	1.08
August 2, 2020	268.94	0.542% per month	1.08
September 2, 2020	270.02	0.542% per month	1.08
October 2, 2020	271.10	0.542% per month	1.08
November 2, 2020	272.18	0.542% per month	1.08
December 2, 2020	273.26	0.542% per month	1.08
January 2, 2021	274.34	0.542% per month	1.08
February 2, 2021	275.42	0.542% per month	1.08
March 2, 2021	276.50	0.542% per month	1.08
April 2, 2021	277.58	0.542% per month	1.08
May 2, 2021	278.66	0.542% per month	1.08
June 2, 2021	279.74	0.542% per month	1.08
July 2, 2021	280.82	0.542% per month	1.08
August 2, 2021	281.90	0.542% per month	1.08
September 2, 2021	282.98	0.542% per month	1.08
October 2, 2021	284.06	0.542% per month	1.08
November 2, 2021	285.14	0.542% per month	1.08
December 2, 2021	286.22	0.542% per month	1.08
January 2, 2022	287.30	0.542% per month	1.08
February 2, 2022	288.38	0.542% per month	1.08
March 2, 2022	289.46	0.542% per month	1.08
April 2, 2022	290.54	0.542% per month	1.08
May 2, 2022	291.62	0.542% per month	1.08
June 2, 2022	292.70	0.542% per month	1.08
July 2, 2022	293.78	0.542% per month	1.08
August 2, 2022	294.86	0.542% per month	1.08
September 2, 2022	295.94	0.542% per month	1.08
October 2, 2022	297.02	0.542% per month	1.08
November 2, 2022	298.10	0.542% per month	1.08
December 2, 2022	299.18	0.542% per month	1.08
January 2, 2023	300.26	0.542% per month	1.08
February 2, 2023	301.34	0.542% per month	1.08
March 2, 2023	302.42	0.542% per month	1.08
April 2, 2023	303.50	0.542% per month	1.08
May 2, 2023	304.58	0.542% per month	1.08
June 2, 2023	305.66	0.542% per month	1.08
July 2, 2023	306.74	0.542% per month	1.08
August 2, 2023	307.82	0.542% per month	1.08
September 2, 2023	308.90	0.542% per month	1.08
October 2, 2023	310.00	0.542% per month	1.08
November 2, 2023	311.08	0.542% per month	1.08
December 2, 2023	312.16	0.542% per month	1.08
January 2, 2024	313.24	0.542% per month	1.08
February 2, 2024	314.32	0.542% per month	1.08
March 2, 2024	315.40	0.542% per month	1.08
April 2, 2024	316.48	0.542% per month	1.08
May 2, 2024	317.56	0.542% per month	1.08
June 2, 2024	318.64	0.542% per month	1.08
July 2, 2024	319.72	0.542% per month	1.08
August 2, 2024	320.80	0.542% per month	1.08
September 2, 2024	321.88	0.542% per month	1.08
October 2, 2024	322.96	0.542% per month	1.08
November 2, 2024	324.04	0.542% per month	1.08
December 2, 2024	325.12	0.542% per month	1.08
January 2, 2025	326.20	0.542% per month	1.08
February 2, 2025	327.28	0.542% per month	1.08
March 2, 2025	328.36	0.542% per month	1.08
April 2, 2025	329.44	0.542% per month	1.08
May 2, 2025	330.52	0.542% per month	1.08
June 2, 2025	331.60	0.542% per month	1.08
July 2, 2025	332.68	0.542% per month	1.08
August 2, 2025	333.76	0.542% per month	1.08
September 2, 2025	334.84	0.542% per month	1.08
October 2, 2025	335.92	0.542% per month	1.08
November 2, 2025	337.00	0.542% per month	1.08
December 2, 2025	338.08	0.542% per month	1.08
January 2, 2026	339.16	0.542% per month	1.08
February 2, 2026	340.24	0.542% per month	1.08
March 2, 2026	341.32	0.542% per month	1.08
April 2, 2026	342.40	0.542% per month	1.08
May 2, 2026	343.48	0.542% per month	1.08
June 2, 2026	344.56	0.542% per month	1.08
July 2, 2026	345.64	0.542% per month	1.08
August 2, 2026	346.72	0.542% per month	1.08
September 2, 2026	347.80	0.542% per month	1.08
October 2, 2026	348.88	0.542% per month	1.08
November 2, 2026	349.96	0.542% per month	1.08
December 2, 2026	351.04	0.542% per month	1.08
January 2, 2027	352.12	0.542% per month	1.08
February 2, 2027	353.20	0.542% per month	1.08
March 2, 2027	354.28	0.542% per month	1.08
April 2, 2027	355.36	0.542% per month	1.08
May 2, 2027	356.44	0.542% per month	1.08
June 2, 2027	357.52	0.542% per month	1.08
July 2, 2027	358.60	0.542% per month	1.08
August 2, 2027	359.68	0.542% per month	1.08
September 2, 2027	360.76	0.542% per month	1.08
October 2, 2027	361.84	0.542% per month	1.08
November 2, 2027	362.92	0.542% per month	1.08
December 2, 2027	364.00	0.542% per month	1.08
January 2, 2028	365.08	0.542% per month	1.08
February 2, 2028	366.16	0.542% per month	1.08
March 2, 2028	367.24	0.542% per month	1.08
April 2, 2028	368.32	0.542% per month	1.08
May 2, 2028	369.40	0.542% per month	1.08
June 2, 2028	370.48	0.542% per month	1.08
July 2, 2028	371.56	0.542% per month	1.08
August 2, 2028	372.64	0.542% per month	1.08
September 2, 2028	373.72	0.542% per month	1.08
October 2, 2028	374.80	0.542% per month	1.08
November 2, 2028	375.88	0.542% per month	1.08
December 2, 2028	376.96	0.542% per month	1.08
January 2, 2029	378.04	0.542% per month	1.08
February 2, 2029	379.12	0.542% per month	1.08
March 2, 2029	380.20	0.542% per month	1.08
April 2, 2029	381.28	0.542% per month	1.08
May 2, 2029	382.36	0.542% per month	1.08
June 2, 2029	383.44	0.542% per month	1.08
July 2, 2029	384.52	0.542% per month	1.08
August 2, 2029	385.60	0.542% per month	1.08
September 2, 2029	386.68	0.542% per month	1.08
October 2, 2029	387.76	0.542% per month	1.08
November 2, 2029	388.84	0.542% per month	1.08
December 2, 2029	389.92	0.542% per month	1.08
January 2, 2030	391.00	0.542% per month	1.08
February 2, 2030	392.08	0.542% per month	1.08
March 2, 2030	393.16	0.542% per month	1.08
April 2, 2030	394.24	0.542% per month	1.08
May 2, 2030	395.32	0.542% per month	1.08
June 2, 2030	396.40	0.542% per month	1.08
July 2, 2030	397.48	0.542% per month	1.08
August 2, 2030	398.56	0.542% per month	1.08
September 2, 2030	399.64	0.542% per month	1.08
October 2, 2030	400.72	0.542% per month	1.08
November 2, 2030	401.80	0.542% per month	1.08
December 2, 2030	402.88	0.542% per month	1.08
January 2, 2031	403.96	0.542% per month	1.08
February 2, 2031	405.04	0.542% per month	1.08
March 2, 2031	406.12	0.542% per month	1.08
April 2, 2031	407.20	0.542% per month	1.08
May 2, 2031	408.28	0.542% per month	1.08
June 2, 2031	409.36	0.542% per month	1.08
July 2, 2031	410.44	0.542% per month	1.08
August 2, 2031	411.52	0.542% per month	1.0



Georgia Department of Revenue

Effective 7/1/16

House Bill 960 Delinquent Tax – Ad Valorem Penalty

48-2-44

(b) (1) In any instance in which any person willfully fails, on or after July 1, 1981, to pay, within 120 days of the date when due, any ad valorem tax owed the state or any local government, such person shall pay, in the absence of a specific statutory civil penalty for the failure, a **penalty of 5 percent of the amount of tax due and not paid at the time such penalty is assessed**, together with interest as specified by law. ...

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Georgia Department of Revenue

Effective 7/1/16

House Bill 960 Delinquent Tax – Ad Valorem Penalty

48-2-44


(b) (1) ...After 120 days from the imposition of the initial penalty, an additional penalty of **5 percent of any tax amount remaining due** shall be imposed, together with interest as specified by law.

If any tax amount remains due after 120 days from the imposition of such additional penalty, a penalty of 5 percent shall be imposed, together with interest as specified by law.

Should any tax amount remain due 120 days after such date, a penalty of 5 percent shall be imposed together with interest as specified by law.

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2016 Tax Bill - Due December 20, 2016			
2016 Fed Reserve H15 = 3.50 (actual)			
DATE	AMOUNT DUE	Int/Penalty	
December 20, 2016	3000.00		
December 21, 2017	3016.26	0.542% per month	16.26
2017 Federal Reserve H15 = 3.65 (estimated)			
January 21, 2017	3032.88	0.554% per month	16.62
February 21, 2017	3049.50	0.554% per month	16.62
March 21, 2017	3066.12	0.554% per month	16.62
April 21, 2017	3216.12	5% penalty	150.00
April 21, 2017	3232.74	0.554% per month	16.62
May 21, 2017	3249.36	0.554% per month	16.62
June 21, 2017	3265.98	0.554% per month	16.62
July 21, 2017	3282.60	0.554% per month	16.62
August 21, 2017	3432.60	5% penalty	150.00
August 21, 2017	3449.22	0.554% per month	16.62
September 21, 2017	3465.84	0.554% per month	16.62
October 21, 2017	3482.46	0.554% per month	16.62
November 21, 2017	3499.08	0.554% per month	16.62
December 21, 2017	3649.08	5% Penalty	150.00
December 21, 2017	3665.70	0.554% per month	16.62
2018 Federal Reserve H15 = 3.70 (estimated)			
January 21, 2018	3682.44	0.558% per month	16.74
February 21, 2018	3699.18	0.558% per month	16.74
March 21, 2018	3715.92	0.558% per month	16.74
April 21, 2018	3865.92	5% Penalty	150.00
April 21, 2018	3882.66	0.558% per month	16.74



Effective 7/1/16


Georgia Department of Revenue

House Bill 960


Delinquent Tax - Penalty

48-2-44

(b) (1) ...The aggregate amount of penalties imposed pursuant to this subsection shall not exceed an amount equal to **20 percent of the principal amount of the tax originally due.**



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Effective 7/1/16

Georgia Department of Revenue

House Bill 960

Delinquent Tax - Penalty


48-2-44

These penalties shall not, however, apply in the case of:

(A) Ad valorem taxes of \$500.00 or less on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title; or

(B) With respect to tax year 1986 and future tax years, ad valorem taxes of any amount on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title, if the homestead property was during the tax year acquired by a new owner who did not receive a tax bill for the tax year and who immediately before acquiring the homestead property resided outside the State of Georgia and if the taxes are paid within one year following the due date.

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Effective 7/1/16

Georgia Department of Revenue

House Bill 960


Delinquent Tax - Penalty

48-2-44

These penalties shall not, however, apply in the case of:

(2) Any city or county authorized as of April 22, 1981, by statute or constitutional amendment to receive a penalty of greater than 10 percent for failure to pay an ad valorem tax is authorized to continue to receive that amount

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Effective 7/1/16

Georgia Department of Revenue

House Bill 960


Delinquent Tax - Penalty

48-2-44

These penalties shall not, however, apply in the case of:

(3) With respect to all penalties and interest received by the tax commissioner on or after July 1, 1998, unless otherwise specifically provided for by general law, the tax commissioner shall distribute penalties collected and interest collected or earned as follows:

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Effective 7/1/16

Georgia Department of Revenue

House Bill 960


Delinquent Tax - Penalty

48-2-44

(A) **Penalties collected for failure to pay ad valorem taxes** attributable to the **Board of Education or independent school district** shall be paid into the county treasury in the same manner and at the same time the tax is collected and distributed to the county, and they shall **remain the property of the county**;

(B) **Interest earned** by the tax commissioner on taxes collected but not yet dispersed **shall be distributed pro rata** based on each taxing jurisdiction's share of the total amount upon which the interest was computed; and

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Effective 7/1/16

Georgia Department of Revenue

House Bill 960

Delinquent Tax - Penalty

48-2-44

(3) With respect to all penalties and interest received by the tax commissioner on or after July 1, 1998, unless otherwise specifically provided for by general law, the tax commissioner shall distribute penalties collected and interest collected or earned as follows:


(C) **Except as otherwise provided in subparagraph (A) of this paragraph**, penalties, collected for failure to return property for ad valorem taxation or failure to pay ad valorem taxes and interest collected on delinquent ad valorem taxes, shall be distributed pro rata based on each taxing jurisdiction share of the total tax on which the penalty or interest was computed.

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COLLECTION OF INTEREST AND PENALTY				
2016 Tax Bill - Due December 20, 2016				
DATE	AMT DUE	AMT PAID	INTEREST/PENALTY	
			RATE	AMOUNT
December 20, 2016	3000.00			
December 21, 2016	3016.26		.542% per month	16.26
January 21, 2017	3032.88		.554% per month	16.62
February 21, 2017	3049.50		.554% per month	16.62
March 21, 2017	3066.12		.554% per month	16.62
April 21, 2017	3082.74		.554% per month	16.62
	3232.74		5% penalty	150.00
Payment		-3232.74		

DISTRIBUTION OF INTEREST AND PENALTY					
Interest/Penalty Amt	District	Millage	Tax	Percentage	Distribution
Total Interest \$82.74	County	10.000 mills	857.14	28.57%	23.64
	School	20.000 mills	1714.28	57.14%	47.28
	City	5.000 mills	428.58	14.29%	11.82
Total Penalty \$150	County (w/ School portion)	10.000 mills	857.14	28.57%	128.57
		20.000 mills	1714.28	57.14%	
	City	5.000 mills	428.58	14.29%	21.43

Effective 7/1/16


Georgia Department of Revenue


Summary

House Bill 960

- Interest for refunds and delinquent tax changed to time value of money
- Penalty for ad valorem changed to 5% every 120 days up to 20%
- Distribution of penalty now goes to city
- Distribution of interest earned from bank is distributed pro-rata
- For sales tax refunds:
 - the county may designation an officer to receive confidential information regarding claims for refunds
 - DOR must notify counties regarding pending claims of significant impact
 - The Georgia Tax Tribunal may hear refund claims that are unresolved after 2 years

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Effective 7/1/16



Georgia Department of Revenue

Questions

House Bill 960

- Calculation of interest on CIVA Breach penalty several years back
- Should 5% penalty pick-up where 10% left off but cap at 20%
- Law suit regarding wording 'On or after July 1, 1988.' found in 48-2-40 regarding charging penalty....
- Accounting systems should be flexible:
 - Application of interest and penalty
 - Combination of old interest and new interest
 - New interest rate but old penalty
 - New interest and new penalty
 - Distribution
 - Interest on money earned in bank
 - Interest on delinquent payment
 - Penalties on delinquent payment

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Georgia Department of Revenue


Effective 7/1/16

House Bill 987


Conservation Use – Single Family Transfer

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



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Georgia Department of Revenue


Effective 7/1/16

House Bill 987


Conservation Use – Single Family Transfer

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;



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Georgia Department of Revenue

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.



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Georgia Department of Revenue

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
- Non-profit rodeos do not constitute a breach

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Georgia Department of Revenue


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;



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Georgia Department of Revenue

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

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Georgia Department of Revenue

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.

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Georgia Department of Revenue

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.

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Georgia Department of Revenue

Effective 7/1/16


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

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Effective 7/1/16

Georgia Department of Revenue


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:

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Effective 7/1/16

Georgia Department of Revenue

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

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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.

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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.

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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.

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