



# Georgia Department of Revenue

## Local Government Services Division

**May 19-21, 2015**

## CAVEAT

1



# Georgia Department of Revenue

## CAVEAT 2015

## LEGISLATION



2

p.1

Signed and effective 5/6/15



## Georgia Department of Revenue

### House Bill 48 – Sections 2, 6 & 7 Real Property and Motor Vehicle



Additions/Amendments to Disabled Veterans exemptions

1. Free **license plates** on motor vehicles per OCGA 40-2-69
2. **Homestead** exemption per OCGA 48-5-48
3. Exemption from **tax on motor vehicles** per OCGA 48-5-478



3



Signed and effective 5/6/15

## Georgia Department of Revenue

Any veteran who was discharged under honorable conditions and

- (1) who has been adjudicated by the VA as being 100% totally disabled or
- (2) as being less than 100% totally disabled is compensated at the 100% level due to un-employability

Any veteran who was discharged under honorable conditions and entitled to receive a statutory award from VA for:

1. loss or permanent loss of use one or both feet
2. loss or permanent loss of use one or both hands
3. loss of sight in one or both eyes
4. permanent impairment of vision in both eyes central acuity 20/200 or less in better eye central acuity 20/200 or ....

4



## Georgia Department of Revenue

### For Motor Vehicle:

once eligibility established for 100% total disability per VA adjudication entitled to exemption every year thereafter

once eligibility established but **less than 100%** disability must give **annual proof of eligibility** through letter from VA

upon death of veteran....**unmarried** surviving spouse or minor child may receive the exemption

5



## Georgia Department of Revenue

### **Qualifiers Match ... Internal process changes needed?**



6

p.10



## Georgia Department of Revenue

Signed 5/6/15 - effective 7/1/15

## House Bill 94

### Motor Vehicle 'Birthday' Ad Valorem

HB94 excuses Georgia residents, who cancel their vehicle registration, from paying the 10% penalty for failure to pay motor vehicle ad valorem taxes, while the vehicle was unregistered

Taxpayer remains liable for the ad valorem tax (excludes TAVT)



7

p.12



## Georgia Department of Revenue

Signed and effective 5/6/15

## House Bill 147

### Motor Vehicle Registration



Provides for an initial **two year** registration (\$40) for **new passenger cars** for which the purchaser has paid state and local title ad valorem taxes.

*"New motor vehicle" means any motor vehicle which is not a demonstrator and has never been the subject of a sale at retail to the general public.*

*"Passenger car" means every motor vehicle designed for carrying ten passengers or less and used for the transportation of persons ... excludes all-terrain vehicles, motorcycles, motor driven cycles, multipurpose off-highway vehicles, personal transportation vehicles, and low-speed vehicles*

8

p.15



Signed and effective 5/12/15

## Georgia Department of Revenue

### House Bill 174 Economic Development

Changes terminology used in Title 36 from "slum" to "**pockets of blight**" regarding urban redevelopment powers.



9



Signed and effective 5/5/15

## Georgia Department of Revenue

### House Bill 192 Government Purchasing Cards

After January 1, 2016, the Governing authority must approve by public vote and adopt/promulgate policies for use by elected officials



10

Signed and effective 5/5/15



## Georgia Department of Revenue



### Policies shall include...

- Authorized officials sign & accept agreement with county that cards will be used in accordance with such policy
- Transaction limits
- Description of authorized purchases authorized
- Procedures for auditing
- Procedures for addressing violations

Felony penalties for use of government purchasing cards in an unauthorized manner or purpose

11

Signed and effective 5/6/15

p.26



## Georgia Department of Revenue

### House Bill 199 Timber Harvesting



Currently counties may adopt an ordinance requiring timber harvesters to provide notice of their operations **prior to cutting** timber.

HB199 requires notice **prior to entering** the property, if possible, but no later than **24 hours after entering** the property and a cessation notice **within 24 hours after the job is completed**.

\$5,000 bond is required of a harvester in each county, but per HB199 **only one bond** regardless of the number of tracts being harvested.

Counties will need to amend existing timber harvesting ordinances.

12

p.30



## Georgia Department of Revenue

Signed 5/6/15 - effective 7/1/15 and 1/1/16

### House Bill 202 Comprehensive Ad Valorem Revisions



13



## Georgia Department of Revenue

### House Bill 202 Comprehensive Ad Valorem Revisions

- MV manufacturer plate
- Failure to pay penalty
- Billing via electronic transmission
- Obstructing levy officer
- Publication of digest history
- Incomplete digests
- Appraisal staff
- Sales Ratio Study by DOAA
- 48-5-299(c)
- NOA
- Deadline to complete digest
- Appeal revisions
- Digest statistics
- Municipal taxation
- Mobile Home taxation
- TAVT for MARTA
- Real estate transfer tax
- Sales tax exemption

14

p.31



## Georgia Department of Revenue

effective 5/6/15

### HB202 – Section 1, 2 & 3 Manufacturer Headquarter License Plates



- Issued on motor vehicles owned by manufacturer for 24 months per vehicle.
- Exempt from TAVT
- Vehicles must be used for evaluation, marketing, demonstration or as part of a vehicle lease program for the benefit of manufacturer employees, which shall be deemed a type of demonstration.

15

p.35



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 - Section 4 Penalty for Failure to Pay

Amends OCGA 48-2-44

10% penalty is assessed if tax not paid within 90 days of due date...

Previously the code said 10% based on the amount outstanding on the due date....now the code says 10% based on amount outstanding at the time the penalty is assessed which is 90 days after due date:

Example - \$2,000 tax due on 12/20/2016  
 \$1,500 paid 01/31/2017  
 \$ 500 still due on 03/20/2017



**Penalty based on unpaid tax on date penalty is assessed**

Penalty is \$50 (10% of \$500)

16



p.36



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 5 Tax Bills via electronic transmission

Amends OCGA 48-3-3 regarding electronic **tax bills or tax delinquency notices** at discretion of tax commissioner and at option of taxpayer, in lieu of or in addition to mailed notices...

Tax Commissioner requirements:

- Portable document format (PDF)
- If undeliverable, then mail to address of record in assessors files
- Taxpayer consent via form developed by DOR



17

p.37



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 6 Ex Officio Sheriff

Amends OCGA 48-3-27 ... Misdemeanor to obstruct or hinder any **sheriff, ex officio sheriff, tax commissioner or municipal levy officer** in the levy of state, county or municipal tax execution



18

p.37



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 7 Five Year History and Current Digest Publication

Amends OCGA 48-5-32 regarding publication of “Current Digest and Five Year History” by shortening the timeframe for publication from two weeks to **one week prior to meeting**. Also requires that advertisement be **posted on authority’s website**

**NOTICE**

The Taylor County Board of Commissioners does hereby announce that the millage rate will be set at a meeting to be held at the Taylor County Government Complex on July 16, 2014 at 7:00pm and pursuant to the requirements of O.C.G.A. Section 48-5-32 shall hereby publish the following presentation of the current year's tax digest and levy, along with the history of the tax digest and levy for the past five years.

COUNTY WIDE	2009	2010	2011	2012	2013	2014
Real & Personal	275,465,131	273,287,888	273,553,222	272,582,884	272,186,517	275,182,134
Motor Vehicles	20,131,268	20,472,436	18,508,480	18,781,416	18,175,344	18,175,344
Mobile Homes	2,424,618	2,308,848	2,309,400	2,348,584	2,347,884	2,381,834
Transfer - 100%	2,572,336	3,382,680	3,614,680	3,871,348	3,779,526	3,531,336
Heavy Duty Equipment	300,434,534	298,742,344	296,084,272	295,552,416	295,411,257	296,670,137
County Budget	72,888,242	80,423,978	82,479,000	83,452,480	86,922,480	86,366,930
Levy All O' Emphases	118,120,111	118,119,472	118,119,472	118,119,472	118,488,480	118,119,472
Taxpayers' Fund Card Assistance	3,245,890	4,218,471	6,037,895	6,353,470	6,324,116	6,847,705
Current Year Levy Digest	209,275,004	212,134,484	210,384,472	210,489,481	213,813,284	216,187,317
County Mills/Millevs	31.238%	32.988%	32.182%	32.880%	33.880%	33.880%
Levy Provisions	3.340%	4.120%	3.900%	3.980%	3.980%	3.270%
Net Mills/Millevs	6.378%	8.108%	8.180%	8.200%	8.200%	8.200%
Taylor County Taxes Levied	\$1,889,342	\$1,813,090	\$1,804,707	\$1,799,845	\$1,835,287	\$2,165,325
Cost Funds % Increase	-269.24%	-813.10%	-84.98%	-0.27%	5.01%	17.887%
Cost Funds % Increase	-3.517%	-0.777%	-0.277%	-0.277%	5.917%	17.887%

19

p.37



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 8 Tax Bills via electronic transmission

Amends OCGA 48-5-148 regarding **electronic tax bills** at discretion of tax commissioner and at the option of the taxpayer, in lieu of or in addition to mailed notices...

Tax Commissioner requirements:

- Portable document format (PDF)
- If undeliverable, then mail to address of record in assessors files



20

p.38



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 9 Incomplete or Improper Digests

Amends OCGA 48-5-205 by changing deadline to submit digest for approval to commissioner from August 1<sup>st</sup> to **September 1<sup>st</sup>**

#### 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

21

p.38



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – 10 County Appraisal Staff

Amends OCGA 48-5-265



1. Provides that **any county** (formerly only Class I counties) may create a **joint county property appraisal staff** per intergovernmental agreement after consultation with board of tax assessors.)

– Deemed to be one county for purpose of minimum staff requirements

2. Intergovernmental agreement can also provide for **sharing designated members of appraisal staff**

**\*\*Counties keep their separate character for purpose of minimum staff requirements**

***\*\*there appears to be paragraphs miss-numbered here***

22

p.39



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – 10 County Appraisal Staff

Amends OCGA 48-5-265

Provides that **any county** (formerly only Class 1 counties) may **contract with persons to render advice or assistance** to board of tax assessors regarding assessment and equalization of taxes, property valuations or defense of valuations

Function of such persons is ministerial ... final decision of assessment and equalization made by board of tax assessors and **set forth in the minutes** of the county board of tax assessors

No contract can provide for payments of **fees on a percentage** basis

Must complete **training courses** required by Revenue Commissioner

23

p.40



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 11 Sales Ratio Study by DOAA

Amends OCGA 48-5-274 so that State auditor **shall adjust sales prices** upward or downward for effect of price changes between January 1 and date of sale...

- sales prices also reduced by...
  - portion attributable to **personal property**
  - real property **exempt** from taxation
  - **standing timber** included in sales transaction



DEPARTMENT OF AUDITS AND ACCOUNTS  
SALES RATIO DIVISION  
2013 SALES RATIO STUDY  
001 - APPLING COUNTY

24

**p.40**



**effective 1/1/16**

# Georgia Department of Revenue

**House Bill 202 – Section 12**  
**OCGA 48-5-299 : Failure to File Penalty**

Amends OCGA 48-5-299 regarding 10% penalty for unreturned property by limiting the application of **penalty to only personal property.**



The penalty is an amount added to the assessment.

25

p.41



**effective 1/1/16**

# Georgia Department of Revenue

## House Bill 202 – Section 12

### Valuation Established in an Appeal

Amends OCGA 48-5-299 (c) by providing that when Real property value is **reduced or is unchanged from the value on initial NOA** and value is established per appeal or agreement in appeal, the value so established **may not be increased by BOA during next two years**, UNLESS:

1. taxpayer or representative does not **attend appeal** hearings **or** provide BOE, hearing officer or arbitrator with **written evidence** supporting taxpayer's opinion of value
2. taxpayer files **return at different valuation** during next two years
3. If taxpayer **files appeal** during next two years BOE, hearing officer or arbitrator may increase or decrease value based on evidence presented

26

p.41



Georgia Department of Revenue

effective 1/1/16

## House Bill 202 – Section 12

### Valuation Established in an Appeal

The board of tax assessors may increase or decrease value of real property if after **visual onsite inspection** it is found that there have been **SUBSTANTIAL...**

1. additions, deletions or improvements
2. Errors in the board of tax assessor records
3. material factors that affect the fair market value

27

p.42



Georgia Department of Revenue

effective 7/1/15

## House Bill 202 – Section 13

### Assessors Shall Complete Revisions

Amends OCGA 48-5-302 by changing date for assessors to complete revision & assessment of returns from July 1 to **July 15**. The installment counties must still complete revisions by June 1<sup>st</sup>.

**COMPLETED**

28

p.42



## Georgia Department of Revenue

effective 1/1/16

## House Bill 202 – Section 14

### Annual Notice of Assessment

### County Hearing Officer

Amends OCGA 48-5-306

Annual assessment notice to indicate appeal to county hearing officer available on non-homestead property with FMV in excess of **\$750,000** or one or more accounts of **wireless property** with aggregate FMV in excess of \$750,000



29

p.43



## Georgia Department of Revenue

effective 1/1/16

## House Bill 202 – Section 14

### Annual Notice of Assessment: Estimate of Tax Bill

Amends OCGA 48-5-306

Annual assessment notice to include statement indicating estimate of tax bill based on previous **or most applicable** year's millage rate.

The estimate of your ad valorem tax bill for the current year is based on the previous year's net millage rate and the fair market value contained in this notice. The actual tax bill you receive may be more or less than this estimate. This estimate may not include all eligible exemptions.

Taxing Authority	Other Exempt	Homestead Exempt	Net Taxable Value	Previous Millage	Estimated Tax
STATE	0	0	539,399	0.1000	53.94
COUNTY M&O	0	0	539,399	6.5780	3,548.17
SCHOOL M&O	0	0	539,399	13.7500	7,416.74
WAYNESBORO	0	0	539,399	11.0000	5,933.39

Total Estimated Taxes	16,952.24
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30

p.43



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 14 Records Availability

Amends OCGA 48-5-306 by adding a requirement for BOA to provide a description of the **methodology used** in setting FMV when taxpayer makes request for information used in making assessment.

*IAAO Standard on Mass Appraisal (2013)  
Section 5-4 Documentation*

31

p.43



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 14 Records Availability

Amends OCGA 48-5-306 by adding a provision for the superior court to entertain **legal actions** against the board of tax assessors to enforce compliance ...

If the court determines that **either party** acted without substantial justification in failing to comply with records availability or in filing the court action....

Then the court shall rule in favor of complaining party and shall **award attorney fees** and other litigation costs.

32



p.142



## Georgia Department of Revenue

### Supreme Court Hanson v. Dekalb BOA

S14A0187. HANSEN v. DEKALB COUNTY BOARD OF TAX  
ASSESSORS et al.

HUNSTEIN, Justice.

By means of an action seeking mandamus and other relief, James Hansen and 30 other DeKalb County residents (hereinafter, "Plaintiffs") sought to obtain certain information from the DeKalb County Board of Tax Assessors in connection with their 2012 property tax assessments. The trial court denied Plaintiffs' request for a mandamus nisi, prompting this appeal.<sup>1</sup> We find no error and affirm.

33

p.44



## Georgia Department of Revenue

effective 7/1/15

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 Create Appeal Administrator

"Appeal Administrator" means **clerk of the superior court**

A duty of appeal administrator is to **receive complaints** filed with respect to actions of county board of equalization for failure to perform duties or unprofessional behavior

34

p.44

effective 7/1/15



## Georgia Department of Revenue

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE - Grand Jury Hearing, Investigation & Removal

Grand jury authorized to conduct a **hearing** following its receipt of the report of the appeal administrator regarding the board of equalization for failure to perform duties

After investigation, grand jury issues written report that can be grounds for **removal of a member of the board of equalization** by the grand jury



35

p.44

effective 7/1/15



## Georgia Department of Revenue

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE - Chairman

Members of the board of equalization may designate a chairperson and two vice chairpersons (formerly a duty of grand jury to designate)



36

p.45



## Georgia Department of Revenue

effective 7/1/15

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE - Appeal Administrator

The 'appeal administrator' shall have administrative authority in all matters **governing the conduct and business of the BOE**

Operations of "appeal administrator" a **distinct budget** unit within the county budget separate from the operations of the clerk of the superior court

37

p.45



## Georgia Department of Revenue

effective 7/1/15

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE – Own Real Property

Board of equalization member must own real property **in any county** (or region if a regional BOE member) where member is appointed to serve



38

p.46



## Georgia Department of Revenue

effective 7/1/15

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE – Member Application

Persons seeking to be appointed as member or alternate member of board of equalization must file with clerk of superior court a **uniform application** designed by the Council of Superior Court Clerks of Georgia:

- Education
- Employment background
- Experience

39

p.46



## Georgia Department of Revenue

effective 7/1/15

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE – 20 hrs Training after Reappointment

On or after 1/1/2016, following the completion of each term of office a BOE member shall within first year of **reappointment** complete at **20 hours of instruction in appraisal and equalization** processes and procedures as required by commissioner for newly appointed members **prior to hearing appeals.**

**Ineligible to hear appeals until 20-hrs successfully completed**

40

p.47



## Georgia Department of Revenue

effective 7/1/15

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE - Oath for Members

Within 5 days after being selected board of equalization appointees the clerk of the superior court must cause and execute in writing the oath of office

Presiding judge of superior court or the appeal administrator shall charge each member or alternate member of BOE with laws and duties relating to office



41

p.50



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE - Appeal Administrator Records

Appeal administrator shall maintain records of all notices to the taxpayer and taxpayer's attorney – including certified receipts of returned or unclaimed mail for 12 months after deadline to file appeal to superior court



42

p.50



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 Appeal to County Hearing Officer

Appeal to hearing officer on available to non-homestead property with FMV in excess of \$750,000 (formerly \$1,000,000) as shown on taxpayers annual notice of assessment and on

One or more accounts of wireless property with aggregate FMV in excess of \$750,000 as shown on taxpayers annual notice of assessment

43

p.51



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 Uniform Appeal Form

Uniform appeal form, established by commissioner, shall require initial assertion of value by taxpayer

- such assertion of value subject to later amendment or revision by taxpayer by submission of written evidence to board of tax assessors

44

p.51



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 Appeal – Property Located in City whose Boundary extends into Multiple Counties

**Arbitration** may be selected to appeal **uniformity of assessment** when the subject property is located in a municipality whose boundary extends into multiple counties.

**Otherwise, arbitration appeals are based on value issues only.**

45

p.51



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 Appeal – Appraisal submitted by Taxpayer

In support of appeal, taxpayer may submit an **appraisal** certified by a real property appraiser classified by the Georgia Real Estate Commission and the Georgia Real Estate Appraisers Board performed not later than **nine months prior** to date of assessment

46

p.51



## Georgia Department of Revenue

effective 1/1/16

**House Bill 202 – Section 15**  
**Amending Appeal Code OCGA 48-5-311**  
**Appeal - Appraisal**

**Within 45 days** of receipt of appraisal tax assessors notifies taxpayer of **acceptance** of appraisal or notifies taxpayer of the reasons for **rejection** of appraisal



47

p.51



## Georgia Department of Revenue

effective 1/1/16

**House Bill 202 – Section 15**  
**Amending Appeal Code OCGA 48-5-311**  
**Appeal – Sales Ratio Study**

Taxpayer can submit in support appeal **most current report of sales ratio study** and tax assessors shall consider such sales ratio study upon request of the taxpayer



DEPARTMENT OF AUDITS AND ACCOUNTS  
 SALES RATIO DIVISION  
 2013 SALES RATIO STUDY  
 001 - APPLING COUNTY

48



p.51



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 Appeal - Multiple Properties

If more than one property under appeal taxpayer can make appeal **consolidation request** to board of equalization, arbitrator or hearing officer to consolidate all such appeals into one hearing .

The BOE, CHO or Arbitrator must announce **separate decisions** as to each parcel or item of property

49

p.52



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 Appeal - Multiple Properties

Appeal of findings of consolidated hearing to superior court constitutes **one civil action** unless taxpayer indicates otherwise...



50

p.52



## Georgia Department of Revenue

effective 1/1/16

### 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

51

p.52

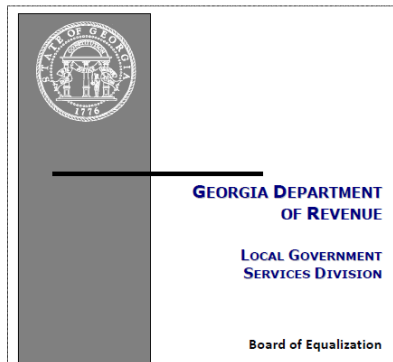


## Georgia Department of Revenue

effective 7/1/15

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 Appeal Manual

Commissioner shall publish and update annually a **manual** for use by boards of equalization, arbitrators and hearing officers



52

p.52



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 Appeal Hearing Reschedule

Taxpayer has **one time** option of **rescheduling appeal hearing** to a day and time **acceptable** to the taxpayer and acceptable to the county board of tax assessors



53

p.53



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE Appeal – No Change by Assessor

If no changes are made in response to taxpayer appeal to BOE; the Assessor shall send a written notice (**No Change Letter**) to the taxpayer and to any authorized agent or representative of the taxpayer who the taxpayer has requested that such notice be sent...”

54

p.53



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE Appeal – Changes made by Assessor

Commissioner shall develop and make available to county boards of tax assessors, a **suitable form** used to notify taxpayer or taxpayer representative of changes made in response to appeal of assessment notice ( **30 day letter**)

30-day notice must be sent to address taxpayer provided to board of tax assessors and to taxpayer representative that taxpayer has requested to receive the such notice

55

p.54



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE Appeal – Assessor Response Time

Upon receipt of appeal to BOE, the Board of Assessors must review the appeal and must notify the taxpayer of any changes or corrections **within 180 days**.

**If assessor fails to respond in 180 days, the property valuation asserted by taxpayer (Return or Notice of Appeal) shall become the final fair market value.**

If taxpayer did not make an assertion of value, the appeal shall be forwarded to the board of equalization.

56

p.54



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE Appeal – 3% Rule

If the number of appeals exceeds a number equal to or greater than 3% of total number of parcels OR the sum of the current assessed value of parcels under appeal is equal or greater than 3% of the gross tax digest, the board of assessors shall be granted an **additional 180 days** to make its determinations.

The Board of Assessors shall **notify each affected taxpayer** of the additional 180 day review period by mail or electronic communication, including posting notice on the website.

57

p.54



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE Appeal – Additional Response Time

If assessor fails to review the appeal and notify taxpayer of changes or corrections within the **additional 180 days**, the property valuation asserted by taxpayer (Return or Notice of Appeal) shall become the final fair market value.

If no such value assertion was made by the taxpayer, the assessor shall forward the appeal to the board of equalization.

58

p.54



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE Appeal – Extension by Commissioner

Upon a sufficient showing of good cause by reason of unforeseen circumstances proven to the commissioner prior to the expiration of the additional 180 **days...the commissioner is authorized to provide for a time extension** which shall be specified in writing and posted on the website of the county board of assessors..

If no such value assertion was made by the taxpayer, the assessor shall forward the appeal to the board of equalization.

59

p.54



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE Appeal – Extension by Commissioner

If assessor fails to review the appeal and notify taxpayer of changes or corrections within the additional time provided by the commissioner, the property valuation asserted by taxpayer shall become the final fair market value.

If no such value assertion was made by the taxpayer, the assessor shall forward the appeal to the board of equalization.

**In addition, the commissioner is authorized to require additional training or remediation.**

60

p.55



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE Appeal – Notice of Appeal Hearing

Within 15 days of receipt of appeal...The BOE shall send a Notice by first class mail to taxpayer and representative setting the date for the appeal hearing. Notice may be sent to BOA by email, first class mail or intergovernmental mail.

Notice shall advise each party that each may request a list of witnesses, documents or other written evidence to be presented by other party. Such requested lists shall be provided to requesting party at least 7 days prior to hearing.

Failure to provide list within time frame shall be grounds for continuance or exclusion of witnesses, documents or written evidence

61

p.56



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE Appeal – Final Decision

Notice of board of equalization decision shall be delivered by hand to each party, with written receipt ...OR...

sent by registered or certified mail or overnight delivery to each party and filing original copy of decision with BOA



62

p.58



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Options

Appeals to hearing officer available on non-homestead property with fmv in excess of \$750,000 (formerly \$1,000,000) as shown on taxpayers annual notice of assessment and on one or more accounts of wireless property with aggregate FMV in excess of \$750,000 as shown on taxpayers annual notice of assessment

63

p.58



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Options

If such taxpayer owns non-homestead real property contiguous to such qualified non-homestead real property, at the option of the taxpayer, such contiguous property may be consolidated with the qualified property for purpose of the hearing

64



p.58



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Options

The term 'wireless property' means tangible personal property or equipment used directly for the provision of wireless services by a provider of wireless services which is attached to or is located underneath a wireless cell tower or at a network data center location but which is not permanently affixed to such tower or data center so as to constitute a fixture.



65

p.58



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Officer Qualifications

Qualifications for wireless property appeals hearing officer must be designated appraiser by a nationally recognized appraiser organization



66

p.59



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Initial Review w/ changes

Board of tax assessors reviews appeal no more than 90 days

If changes then issue 30 day letter to taxpayer

If changes not acceptable to taxpayer, then upon receipt of appeal by taxpayer BOA must within 30 days ... either deliver all papers to appeal administrator and a copy to taxpayer or forward appeal to board of equalization if so selected by taxpayer

67

p.59



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Initial Review/no change

Board of tax assessors reviews appeal no more than 90 days

If no changes are warranted, BOA will send notice of No Change to taxpayer

Within 30 days of receipt of No Change letter, taxpayer may choose to go to Board of Equalization ....otherwise....

After 30 days of sending No Change letter, BOA must deliver all papers to appeal administrator and a copy to taxpayer

68

p.59



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Setting Hearing Date

Appeal administrator selects hearing officer and notifies taxpayer and transmits a copy of the hearing officers disqualification questionnaire and resume

Hearing officer sets time and place to hear evidence and testimony and provides electronic or written notice to the parties by registered or certified mail or overnight delivery at least 10 days before hearing

69

p.60



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Hearing Notice

10-day notice by hearing officer of hearing date and time shall advise each party that documents or other written evidence to be presented must be provided to other party not less than 7 days prior to hearing

Failure to provide evidence at least 7 days prior to hearing grounds for continuance or for exclusion of such evidence

70

p.60



## Georgia Department of Revenue

effective 1/1/16

### **House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – No Officer Available**

If appeal administrator cannot find qualified hearing officer to serve, he or she shall transfer certification of appeal to board of equalization and notify taxpayer, taxpayer attorney and county board of tax assessors

71

p.60



## Georgia Department of Revenue

effective 1/1/16

### **House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Final Decision**

At end of appeal hearing the hearing officer shall notify parties of decision verbally and send both parties the decision in writing or deliver by hand the decision to each party, with written receipt

72

p.60



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Compensation

Hearing officer compensation

- Not less than \$75 per hour for first hour
- Not less than \$25 per hour each hour thereafter
- Or as agreed upon by the parties with the consent of the county governing authority

73

p.61



## Georgia Department of Revenue

effective 7/1/15

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Continuing Education

Hearing officer **annual continuing education requirement of at least four hours** of instruction in recent legislation, current case law and updates on appraisal and equalization procedures as prepared and required by commissioner

**Also initial eight hour course** still exists

Failure of hearing officer to fulfill these requirements renders hearing officer unable to serve

74

p.61



## Georgia Department of Revenue

effective 1/1/16

## House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 CHO Appeal – Temporary Billing

Temporary bills issued while appeal pending using same procedure as temporary billing provided for in Board of equalization appeals



75

Taxpayer Billing Options - Per HB 755 and HB202					
		BILLING OPTIONS			
		A	B	C	D
		Value for last year finally determined	85% of current year	Value for last year finally determined with difference between 85% of current in ESCROW	100% of Current Year
TAXPAYER TYPES	1	REAL OR PERSONAL: Non homestead less than \$2,000,000 - NO substantial improvements	Lesser of		May Elect
	2	REAL OR PERSONAL: Non homestead less than \$2,000,000 - WITH substantial improvements	Lesser of		
	3	REAL OR PERSONAL: Non homestead or aggregate wireless property greater than \$2,000,000 with NO substantial improvements	Lesser of	May Elect	May Elect
			May Elect		
	4	REAL OR PERSONAL: Non homestead or aggregate wireless value greater than \$2,000,000 WITH substantial improvements	Lesser of May Elect	May Elect	
	5	REAL: Homestead with NO permits or structural improvements	Lesser of		May Elect
	6	REAL: Homestead WITH permits or structural improvements	Only Option		

p.61



## Georgia Department of Revenue

effective 7/1/15

### House Bill 202 – Section 15 Amending Appeal Code Recording Interviews/Hearings

In the course of any assessment, appeal, arbitration or related proceeding taxpayer is entitled to...

- Have interview with officer or employee authorized to discuss tax assessments and record such interview at taxpayer expense and with taxpayer equipment
- Record all proceedings, at taxpayer expense and with taxpayer equipment, before the board of equalization or hearing officer

Interview must be granted to taxpayer within 30 days of the postmark of the taxpayer request



77

p.62



## Georgia Department of Revenue

effective 7/1/15

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 Recording Interviews/Hearings

Interviews and proceedings...

- Superior courts have jurisdiction to enforce provisions regarding interviews and proceedings

Taxpayer can be awarded \$100 per occurrence for noncompliance and reasonable attorneys fees for failure of board of assessors to timely comply with interview request

78

p.63



## Georgia Department of Revenue

effective 7/1/15

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 BOE Compensation – Online Training

Each BOE member participating in online training provided by the department shall be compensated by the county at the rate of \$25 per day for each eight hours of completed training



Member to provide affidavit (form provided by CSCCG) and certify under oath to appeal administrator that training is completed

79

p.64



## Georgia Department of Revenue

effective 1/1/16

### 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 60<sup>th</sup> day of final determination of value should include interest at 1% per month not subject to \$150 and \$5,000 limit

80



p.64



## Georgia Department of Revenue

effective 1/1/16

### 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

81

p.65



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 15 Amending Appeal Code OCGA 48-5-311 Service of Notice

When a taxpayer authorizes an agent, representative or attorney in writing to act on taxpayer's behalf and such authorization is given to county board of tax assessors...

- All notices and other correspondence shall be provided to the taxpayer and the taxpayer's representative
- Upon agreement with board of assessors and taxpayer's representative all notices and correspondence can be sent by email
- Failure to provide required notices tolls any deadline imposed on the taxpayer with respect to that notice

82

p.66



## Georgia Department of Revenue

effective 1/1/16

### **House Bill 202 – Section 16 Amending Appeal Code OCGA 48-5-311 Arbitration**

Nonbinding arbitration (taxpayer can appeal to superior court)  
replaces Binding arbitration.

Board of tax assessors has burden of proof of its value

Temporary tax bills issued in same manner as BOE appeals

83



## Georgia Department of Revenue

effective 1/1/16

### **House Bill 202 – Section 16 Amending Appeal Code OCGA 48-5-311 Arbitration**

Arbitrator determines FMV (formerly either BOA value or  
taxpayer value)

Whichever party value not closest to arbitrator value pays for  
fees and cost of arbitrator

84

p.69



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 16 Amending Appeal Code OCGA 48-5-311 Superior Court

Appeals to superior court requires  
settlement conference

Within 30 days of receipt of notice of  
appeal, BOA notifies taxpayer notice of  
settlement conference



Conference held at date & time no later  
than 30 days from notice of settlement  
conference. Taxpayer has one time  
option to reschedule conference

85



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 16 Amending Appeal Code OCGA 48-5-311 Superior Court

If at end of 45 day review period, BOA does not hold conference  
taxpayer's value becomes final value for year

If taxpayer does not participate in settlement conference cannot  
be awarded fees and costs when appeal settled in superior court

86



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 16 Amending Appeal Code OCGA 48-5-311 Superior Court

If no agreement reached at settlement conference...notice to taxpayer that filing fees must be paid within 10 days of date of conference

Filing fee of \$25

Within 30 days of receipt of payment to clerk of superior court  
BOA certifies notice of appeal and other papers

87

p.72



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 18 Amending Code OCGA 48-5-345 Digest

As part of digest submission counties to include...

- 1) number,
- 2) overall value and
- 3) percentage total

of all real property parcels under appeal to BOE, arbitration, hearing officer and superior court and also provide "number of taxpayers failing to appear at any hearing for the prior tax year"

\*Information to be made available on DOR website

88

p.72



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 18 Amending Code OCGA 48-5-345 Digest

No county subject to  
assessment of additional state  
tax due for lower overall  
assessment ratio



89

p.72



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Section 19 Amending Code OCGA 48-5-405 Municipal Taxation

Municipalities may levy a mill rate to support and maintain  
public schools upon all taxable property within the limits of the  
independent school system (formerly municipality)

90

p.73



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Sections 20, 21 & 22 Amending Codes OCGA 48-5-492, 493, 494 Mobile Home Taxation

Deadline to obtain location permit for current year and pay taxes due changes from May 1<sup>st</sup> to **April 1<sup>st</sup>**



91

p.74



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Sections 20, 21 & 22 Amending Codes OCGA 48-5-492, 493, 494 Mobile Home Taxation

Penalty for failure to attach and display decal goes to \$100 to no more than \$300 (formerly \$25 to \$200)

Upon proof of purchase of decal prior to summons fine no more than \$50 (formerly \$25) but if person owns more than one mobile home in an individual mobile home park then maximum fine for such person not exceed \$1000

92

p.74



Georgia Department of Revenue

effective 1/1/16

**House Bill 202 – Section 23  
Amending Code OCGA 48-5-5C1  
Motor Vehicle - TAVT and MARTA**

Amending Distribution of TAVT for counties with MARTA tax.



93

p.76



Georgia Department of Revenue

effective 1/1/16

**House Bill 202 – Sections 24 & 25  
Amending Codes OCGA 48-6-2 & 4  
Real Estate Transfer Tax**

Intent that the actual consideration of real and personal property conveyed be shown separately on the PT-61

Disclosure of amount of tax and actual consideration made on PT-61

94

p.77



## Georgia Department of Revenue

effective 1/1/16

### House Bill 202 – Sections 26 Amending Code OCGA 48-8-3 Sales Tax Exemption

Adds new paragraph '96' regarding exemptions from sales and use tax.

This specific exemption is for the sale or use of construction materials used in the construction of buildings at a private college

Expires 6/30/2016 - Exemption claimed in form of refund

95

p.78



## Georgia Department of Revenue

### House Bill 202 – Sections 27 Effective Dates

Section 1, 2, and 3 become effective upon their approval by the Governor (**May 6, 2015**)

Section 13 and 15 become effective on **July 1, 2015**

Remaining sections become effective **January 1, 2016**... Including Sections 9, 12, and 15 with regards to all appeals filed.

96



Signed and effective 5/4/15

p.79



## Georgia Department of Revenue

### House Bill 215 Equalized Homestead Option Sales Tax



Leaves the current HOST statute in place but adds a new type of HOST called the **Equalized Homestead Option Sales Tax** (EHOST).

- cannot be levied if LOST is in effect;
- approval of EHOST requires the simultaneous approval of a SPLOST
- a special procedure is included for DeKalb County, but not Rockdale County, to repeal HOST and replace it with EHOST plus the requisite SPLOST

97

Signed and effective 5/6/15

p.100



## Georgia Department of Revenue



### House Bill 234 Filing Returns, Licensing MV or Paying Tax

When the filing of any document or the payment of any tax or license fee pursuant to title 48 or any law relating to the taxation and licensing of automobiles, trucks, or trailers falls on a Saturday, Sunday, legal holiday, or **day on which the Federal Reserve Bank is closed**, the making of the return, the filing of the paper or document, or the payment of the tax or license fee shall be postponed by the person required to take such action until the first day following which is not a Saturday, Sunday, legal holiday, or day on which the Federal Reserve Bank is closed."

98



## Georgia Department of Revenue

New Year's Day  
 Martin Luther King Jr Day  
 Washington's Birthday  
 Memorial Day  
 Independence Day  
 Labor Day  
 Columbus Day  
 Veterans Day  
 Thanksgiving Day  
 Christmas Day

Holiday Policy: When holiday falls on Saturday, Federal Reserve Banks and Branches will be open the preceding Friday. For holidays falling on Sunday all Federal Reserve offices will be closed the following Monday

99

Signed and effective 5/6/15

p.101



## Georgia Department of Revenue

### House Bill 322 – Section 2 U S Savings Bonds / Unclaimed Property

United States savings bonds which are unclaimed property and subject to the provisions of the 'Disposition of Unclaimed Property Act,' shall escheat to the State of Georgia three years after becoming unclaimed property and all property rights to such **United States savings bonds or proceeds from such bonds shall vest solely in the State of Georgia.**



100

p.106



## Georgia Department of Revenue

Signed and effective 5/6/15

### House Bill 374 – Section 1 Farm Equipment Exemption for Farm Products Producer

Amends OCGA 48-5-41.1(c)(1) regarding farm equipment exemption by specifically defining '**lease purchase agreement**' as a financing agreement under which:

1. A family owed qualified farm products producer **has possession and control** of farm tractors , combines, or other farm equipment other than motor vehicles equipment and uses such farm equipment directly in the production of agricultural products; and
2. The **payments** made pursuant to such financing agreement are **credited toward the purchase** of such farm equipment.



p.107



## Georgia Department of Revenue

### House Bill 374 – Section 2 Self Propelled Farm Equipment in Dealer Inventory

Amends OCGA 48-5-504 regarding self propelled farm equipment in **dealer inventory** by specifically adding the term '**forestry**'



Self propelled farm equipment owned by a dealer and held in inventory for sale or resale **shall not be taxed** until it is transferred and then otherwise, if at all, becomes subject to taxation.

Farm equipment means any vehicle as defined in Code Section 40-1-1 which is self-propelled and which is designed and used primarily for agricultural, horticultural, **forestry** or livestock raising operations.

102

p.108



## Georgia Department of Revenue

Signed and effective 5/12/15

### House Bill 457 Self Propelled Watercraft in Dealer Inventory

OCGA 48-5-504.40 amended to reinstate the dealer inventory exemption from January 1, 2016 through December 31, 2019.



103



## Georgia Department of Revenue

Signed and effective 3/31/15

### Senate Bill 82 Alternative Ad Valorem Tax Distribution

Amends OCGA 40-2-152 by providing for a new distribution formula for AAVT (Alternative Ad Valorem Tax) proceeds collected by DOR on IRP vehicles



104

p.110



## Georgia Department of Revenue

### Senate Bill 82 – Section 1 AAVT Benchmark Formula

First distribution on or before August 1, 2015

The AAVT will be distributed to counties based on the **2013 benchmark** ad valorem tax digest **(\$9,007,200)** for IRP vehicles determined by the ad valorem tax paid to qualified tax jurisdictions

Year 2015 – 100%  
Year 2016 – 80%  
Year 2017 – 60%  
Year 2018 – 40%  
Year 2019 – 20%

105

p.111



## Georgia Department of Revenue

### Senate Bill 82 – Section 1 AAVT Vehicle Ratio Formula

Any **remaining funds** remaining after satisfying the benchmark will be distributed by the following formula:

$$(\$15,948,038 - \$9,007,200 = \$ 6,940,838)$$

- The Commissioner shall determine the ratio of IRP vehicles registered and attributed to each county
- The allocated proceeds shall then be distributed based on the ratio of each qualified tax jurisdiction within the county

106

p.113



Signed and effective 3/31/15

## Georgia Department of Revenue

### Senate Bill 82 – Section 2 & 3 Unclaimed Property

The commissioner shall publish the 'Georgia Unclaimed Property List' on the Department's website.

**Search** Unclaimed Property

[Click Here](#)

All funds received shall be deposited in the State General Fund, however the commissioner may deduct moneys necessary to cover the direct administrative expenses require to identify,, locate, secure, and transmit abandoned property prior to depositing such funds.

107

p.121



Signed 4/16/15 - effective 7/1/15

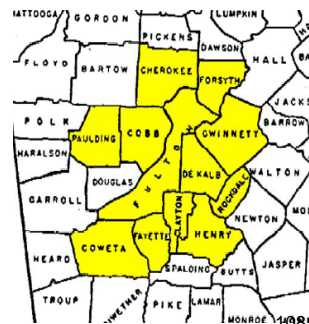
## Georgia Department of Revenue

### Senate Bill 100 – Section 4-4 Emissions Inspection



July 1, an emission county may issue a temporary operating permit for a vehicle that has failed an emission inspection

- Must have liability insurance
- Must pay taxes and penalties
- Issued for 30 days, no registration fees
- Not renewable



p.149



## Georgia Department of Revenue

### Supreme Court CPF v Fulton Co BOA

CPF purchased real property in 2011 from 'Freddie Mac' for \$207,000...Fulton BOA appraised the property in 2012 for \$340,000.

Court ruled that the sale from the government agency is included in the definition of bona fide arms length transaction and the government was acting in its own best interest even when the resulted in financial loss.

109

p.160



## Georgia Department of Revenue

### Supreme Court SJN v Fulton Co BOA

SJN filed suit against Fulton BOA to challenge the assessors method of valuing development authority leasehold property ... basically stating that the 50% ramp up method used by assessors equated to an unauthorized tax exemption.

Court ruled that SJN did not prove that the development authority leasehold was improperly valued and the court has previously upheld the ramp-up method of valuation.

110



## Georgia Department of Revenue

### **'Pending' Court of Appeals** **Ballard & Mock v Newton Co BOA**

In 2012, Ballard and Mock purchased 22 properties at Newton County tax sale. For 2013, the board of assessors appraised the properties at a value greater than the tax sale price.

**Ballard & Mock:**

Tax sale constitutes arms length transaction...tax commissioner acting in governments best interest.

**County:**

Forced sale - not arms length...title did not pass through sheriff to tax sale purchaser...therefore record owner not acting in best interest.

111