FISCAL RESEARCH CENTER

PROPERTY TAX IN GEORGIA

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Introduction

This report discusses the structure of the property tax in Georgia and the various provisions that make up the structure of the property tax. We start by providing a summary view of how the property tax works, and then present a more detailed discussion of the property tax system in Georgia.

The Basic Framework of the Property Tax

There are several steps involved in implementing the property tax. The following are the basic elements in implementing the property tax.

1. Identify each piece of property and legal owner as of January 1^{st}.
2. Determine if the property is taxable or legally exempt.
3. Determine its fair market value, also known as the appraised value.
4. Multiply the appraised value by the assessment ratio, which for most property in Georgia is 40 percent, to arrive at the assessed value.
5. Subtract any exemptions, such as a homestead exemption, to arrive at the taxable value.
6. Determine the property tax rate (millage rate).
7. Multiply the assessed value by the property tax rate.
8. Subtract any tax credits to arrive at the tax liability.
9. Collect the taxes levied.

Table 1 presents an example of how property tax is determined.

TABLE 1. AN EXAMPLE OF A TAX CALCULATION

Fair Market Value (Appraised Value)	$100,000
Multiply by the assessment ratio of 40 percent	x 0.4
Assessed Value	$40,000
Deduct $10,000 Homestead Exemption	-$10,000
Taxable Value	$30,000
Apply tax rate of 19 mills	x 0.019
Gross Tax Liability	$570
Deduct Homeowner Credit ($8,000 times tax rate of 19 mills)	-$152
Net Tax Liability	$418

Property taxes can be levied by each jurisdiction in which the property is located. Thus, such a calculation is made for every taxing jurisdiction in which the property is located, although the same appraised value is the basis for the property tax for each jurisdiction. A property is taxed by the State, the county, either the county or city school system, by a municipality if the property is located in a municipality, and by a special authority established by Constitutional amendments if the property is located within the boundary of the authority.[1] In addition, there are special service districts and community improvement districts for which a county or municipal in which the district lies imposes an additional property tax.

What Is Taxed?

In Georgia, the property tax is a tax on the value of all real and tangible personal property unless exempt. Real property includes land and improvements that are considered fixed to the land, while personal property includes items such as inventory, equipment, and motor vehicles. Intangible personal property, e.g., stocks and bonds, are not taxed as part of the property tax.[2]

In order to implement the property tax it is necessary to locate each piece of property and identify the owner of the property. Since the owner of the property as of January 1st is the person responsible for paying the tax, it is necessary to know the owner and the owner's address. Each year numerous properties are sold, subdivided,

[1] There are authorities, such as development authorities and hospital authority that were created by Constitutional amendment that have the power to levy property taxes.
[2] The taxation of intangible property ceased beginning in 1997. There are two intangible taxes, the Real Estate Transfer Tax and the Intangible Recording Tax. We do not consider these property taxes in this report.

combined or physically changed, so it is necessary to record these changes of ownership and property characteristics and do so accurately in order for the property tax to be applied properly.

The property tax is imposed on real property by those governments in which property is located, not by those governments where the owner lives. The same is true for tangible personal property of a nonresident. For personal property, for example an automobile, owned by an individual who is a resident of the State, the tax is imposed where the individual has his or her permanent residence. An airplane owned by an individual is taxed at its primary home base, while a boat is taxed at the owner's residence unless it is functionally located elsewhere at least 184 days a year.

What Property Is Exempt?

The second step in implementing the property tax is to determine whether property is exempt from the property tax. The following are categories of real property that are exempt:

- Government property;
- Places of religious worship and burial, i.e., cemeteries;
- Property owned by and operated exclusively as a church;
- Parsonages;
- Institutions of purely public charity;
- Property of nonprofit hospitals used in connection with their operation;
- Educational institutions such as colleges, incorporated academy, other seminary of learning;
- Property of public libraries or any other literary associations;
- Property of a nonprofit home for the aged or the mentally disabled.

The exemption of these properties is not based just on the nature of the use of the property, but must be owned by the institution using the property. Thus, if a private school operated out of a commercial building that the school rented, that building would not be exempt from property taxes. In general, property owned by nonprofits is not exempt unless the nonprofit fits one of the above categories. There are other exemptions for narrowly defined property, such as that owned and used by the PTA.

The following are categories of personal property that are exempt from property taxes:

- Household goods such as clothing and furniture used in the home;
- Selected agricultural property, including fertilizer and equipment of family farms;
- All tools and implements of trade of manual laborers in an amount not to exceed $2,500;
- Domestic animals in an amount not to exceed $300;
- Foreign merchandise in transit;
- Tangible personal property of a single taxpayer that does not exceed a total of $7,500 in value, excluding motor vehicles, trailers, and mobile homes;
- Motor vehicles used for driver education, for transporting disabled students, by religious groups, or held by dealers;
- Motor vehicles owned or leased by a veteran awarded the Purple Heart or Medal of Honor or owned by a nonresident armed forces member;
- Property which has been installed to reduce air or water pollution.

Tax at What Value?

The third step is to determine the value of the property. In general, the property tax in Georgia is based on fair market value as of January 1st. Georgia code defines fair market value as “the amount a knowledgeable buyer would pay for the property and a willing seller would accept for the property at an arm’s length, bona fide sale.” (GA Code 48-5-2) In general, fair market value would be equivalent to the selling price.

The county Board of Tax Assessors, through the chief appraiser and staff, is responsible for determining the fair market value of most property located in the county. The state determines the value for certain property, including property owned by public utilities, airlines, and railroad. The State must approve the property tax base, also known as the digest.

Some property is assessed at current use value, which is the price that a property would sell for if the future owners had to use the property in its current use. For example, if a tract of land located in an urban area was being used for agricultural purposes, its market value would reflect the land's potential use for urban development, while its current use value would be based on its continued use in agricultural. Current use value will generally be lower than fair market value.

There are two programs or categories of property for which current use value is the basis for property taxation. The first program is the Conservation Use program, which was adopted in 1991 and whose intended purpose is to reduce conversions of agricultural land to residential or commercial use due to the pressure from the property tax burden.[3] The program is for agricultural land, timberland, and environmentally sensitive land. There is a limit of 2000 acres owned by a single, non-corporate owner, where a family farm is considered a single owner. Eighty percent of gross income must come from bona fide conservation uses. The eligible property does not include the residence, but does include barns, etc. The owner must sign a covenant not to convert the use of the land for 10 years. If the use of the land is converted to a use not allowed under the covenant agreement before the end of the covenant, a fine is levied equal to twice the property taxes savings over the life of the covenant.

In 2005, the Conservation Use program reduced assessed value by $5,980.8 million. The reduction in property tax revenue, i.e., the difference between what property tax revenue would have been based on fair market value and actual property tax revenue, was $150.9 million. Most of the land in the Conservation Use program

[3]The annual change in the total current use valuation for conservation use property is limited to three percent and the change over the covenant period is limited to 34.39 percent.

is in counties that are experiencing increasing property values due to increased demand for residential or commercial development.

The Residential Transitional program is aimed at reducing the pressure on home owners to sell due to increasing property value because the area is changing from single-family residential use to uses such as commercial, industrial, multi-family, etc. The owner signs a 10-year covenant to maintain the qualifying use of the property. The property that is eligible for the program is homesteaded property and the surrounding land up to 5 acres.

There are a number of other categories of property that are not appraised at fair market value. Property that is declared to be rehabilitated historic or landmark historic is valued for 8 years after acquisition at the greater of the purchase price or the appraisal of fair market value at the time it is certified by the Department of Natural Resources. Brownfield property (i.e., contaminated property) is valued for 10 years at the lesser of the purchase price or the appraisal of fair market value. Antique cars are valued at $100 regardless of their age or condition. The value of computer software is set by law at the value of the medium on which the software is written, e.g., a CD.

Appeals

If the property owner disagrees with the value that is placed on the property, the owner can appeal. Once the owner has been notified as to the value on which the property tax will be based, the owner has 45 days (30 days if the taxes can be paid in installments) to file an appeal to the County Board of Assessors.[4] The assessors' office reviews the appeal and makes a change in the value if appropriate. If the owner is not satisfied at that point, the next step is to continue the appeal to the independently appointed 3-person Board of Equalization. The Board hears the case and makes a determination; in such hearing the assessor has the burden to defend the value given. If either the owner or the assessor disagrees with the ruling of the Board of Equalization, the appeal goes to Superior Court. If the value is changed in the

[4] It is also possible to use an arbitration procedure for the appeal.

appeals process, the new value cannot be changed for 2 years unless there is a change to the property and an on-site inspection is made by the local board of tax assessors.

Assessment Ratio

The fair market value is multiplied by the assessment ratio to arrive at the assessed value, which is the basis for the property tax. In Georgia, the assessment ratio for most property is 40 percent, but there are some exceptions.

Standing timber is taxed only once following its harvesting, and then it is taxed on 100 percent of its fair market value. The Department of Revenue provides a weighted average sales price for each product class by county or region that is used to determine the fair market value. While growing timber is not taxed each year, the land on which the trees grow is taxed each year. Standing timber does not include Christmas trees, ornamental trees, and orchard trees. The reason that timber is treated this way reportedly was due to the vast differences across counties in how timber was being valued. In 2005, the assessed value of timber, i.e., its fair market value, was $540.7 million, and the property tax levied was $14.6 million.

Certain agricultural property is assessed at 75 percent of the rate at which other property is assessed, i.e., it is assessed at 30 percent of fair market value. This preferential agricultural assessment program was adopted in 1981. To qualify for this preference, the owner must sign a contract stating that the property will remain in agricultural use for 10 years. The program is available only to individual or family farms and applies to up to 2000 acres and the first $100,000 of fair market value owned by the individual. Residences are not included in the program. If the contract is breached, there is a penalty, which depends on when the contract was violated. For example, if the violation occurs in the first year, the penalty is 5 times the tax savings, while if it occurs in the 10^{th} year, the penalty is 3 times the tax saving. In 2005, the reduced assessed value was $194.7 million and the tax saving was $4.3 million.

Some cities and independent (i.e., city) school systems have received authority to assess property at rates different than 40 percent. For example, the cities of Dalton and Gainesville assess property at 100 percent of fair market value, the city of Dublin and the Dublin Independent school system use a 47 percent assessment rate, and the city of Decatur and the Decatur Independent school system use a 50 percent assessment rate. These assessment ratios apply only to the property taxes in these jurisdictions. For county and state property taxes levied on property within these cities an assessment ratio of 40 percent applies.

Partial Exemptions

Homestead Exemptions

For certain types of properties there are partial exemptions. The most important of these are homestead exemptions, which apply to owner occupied housing. The owner must apply for these homestead exemptions. The home must be the individual's primary residence, and thus, vacation homes, rental property, etc. are not eligible for homestead exemptions. An owner can claim a homestead exemption for only one property. The State has specified several different homestead exemptions that a home owner can claim. In general these exemptions only apply to State, county, and county school system property taxes; exceptions are noted below. The State homestead exemptions are:

- *Standard homestead exemption*. This is the basic homestead exemption and is $2000, a value established in 1938. The exemption applies to taxes levied for operations and maintenance, but not for property taxes levied for general obligation bonds.

- *Elderly exemption*. Owners who are 65 years of age or over are allowed a 100 percent exemption from the State property tax on their home and up to 10 acres.

- *Low income elderly exemptions*. These homestead exemptions are $4000 for non-school property taxes and $10,000 for school property taxes. To quality, the owner must be 65 years of age or over (62 for the $10,000 school property tax exemption) and have a family income of less than $10,000. Income does not include income from retirement sources, pensions, and disability benefits, up to the maximum benefit under Social Security.

- *Disabled veteran and surviving spouse exemption*. This exemption is $50,000 and is available to veterans who are 100 percent disabled. The exemption applies to all property taxes. An un-remarried surviving spouse is allowed to retain the exemption.

- *Surviving spouse exemption*. An un-remarried surviving spouse of a member of the armed forces who was killed in action is allowed a $50,000 homestead exemption. The exemption applies to all property taxes.

- *Surviving spouse of a peace officer or firefighter*. An un-remarried surviving spouse of a peace officer or firefighter killed in the line of duty is granted a homestead exemption equal to the full value of the home.

- *Floating homestead exemption*. This exemption equals the increase in assessed value, other than due to an expansion or renovation, since the property became eligible for the exemption; the value of the exemption is reset to zero when the property is sold or transferred other than to a spouse. In effect, this homestead exemption means that the taxable value of the property does not increase. Eligible homeowners must be 62 years of age or over and have family income of less than $30,000. This exemption applies only to State and county taxes, not for taxes levied by schools or municipalities. This exemption cannot be used with other homestead exemptions.

Many local governments (counties, school systems, and municipalities) have, through separate state legislation and then approved by local referendum, adopted other homestead exemptions or modified the State homestead exemptions. These local government exemptions only apply to the particular government's property tax. There is a wide variation in the nature of these local homestead exemptions, but some commonalities exist.

- Most but not all municipalities have established homestead exemptions. For example the standard homestead exemption is $15,000 for the City of Atlanta and $20,000 for the City of Decatur, while Avondale Estates and Roswell have no standard homestead exemptions.

- Many county governments have increased the value of the standard homestead exemption. For example, the standard homestead exemption is $15,000 for Fulton County and $8,000 for Forsyth County, but both have exemptions of only $2,000 for schools. However, the standard homestead exemptions for Banks County and Morgan County are $2,000.

- A number of schools systems, particularly in the Atlanta area, provide a 100 percent homestead exemption from school property taxes for elderly. For example, Cobb County provides such an exemption for an owner 62 years of age or over, while in Forsyth County the owner has to be over 65 years of age. Fayette county provides a 100 percent exemption for anyone 65 and over with income of less than $15,000 and a 50 percent exemption for anyone 65 and over with income more than $15,000.

- Since 2001, a number of jurisdictions have adopted a floating homestead exemption, which requires state legislation and approval in a local referendum. Such exemptions are in place for 14 school systems, 16 municipalities, and 25 county governments. This exemption equals the increase in assessed value since the property became eligible for the exemption. Once the property is sold or transferred, the value of the homestead exemption starts at zero again. In effect, this homestead exemption freezes the assessed value of the property until it is sold. In Columbus-Muscogee County a local Constitutional amendment was passed in 1982 that freezes the assessed value for homesteaded property until the property is sold or transferred, other than to a spouse. These floating homestead exemptions are in addition to other homestead exemptions that might apply.

Freeport Exemption

The Freeport exemption applies to certain business inventory. Georgia law (§48-5-48.2 O.C.G.A.) allows an exemption of some percentage of certain classes of inventory from local taxation. The three classes of inventory that can be exempted are: 1) manufacturer's inventory in process, 2) finished goods manufactured in Georgia still held by the manufacturer, and 3) finished goods in warehouses awaiting out-of-state shipment.

The Freeport exemption is a local option tax exemption that must be submitted to local voters before it may be used. There must be separate referendum questions on each of the three classes of inventory. Based on action by local governing bodies, the amount of the Freeport exemption on these three classes of inventory may be 20 percent, 40 percent, 60 percent, 80 percent, or 100 percent. Over 50 percent of all inventory in Georgia qualified for this type exemption in 2005. One-hundred thirty of 159 counties and 142 of the 180 school districts have opted to provide a 100 percent Freeport Exemption. Only 124 of 653 cities and towns provide a 100 percent Freeport; 418 cities provide no Freeport Exemption. (Matthews, 2006).

Property Tax Rates and Levies

The assessed value net of exemptions is the taxable value. To determine property taxes owed (i.e., the levy), the taxable value is multiplied by the property tax rate. The property tax rate is usually expressed in mills, which are dollars per thousand, although sometimes the tax rate is expressed as percent, which are dollars per hundred. Thus, a tax rate of 25 mills is the same as a tax rate of 2.5 percent.

The governing body of the local governments determines their property tax rates, usually in the summer. If the jurisdiction is going to raise its property tax rate, there are certain actions that it must take, including holding 3 public hearings. A rate increase, however, is not measured against the rate imposed in the previous year, but rather the rate that would generate the same revenue as the previous year but with the current property values, exclusive of new construction. If the jurisdiction receives sales tax revenue from a local option sales tax (LOST), the jurisdiction must roll back the property tax rate in order to reduce the property tax levy by the amount of the LOST revenue received in the preceding year.

For 2007, school property tax rates ranged from 3.633 mills to 23.625 mills, while county property tax rates ranged from 3.834 mills to 20.98 mills.[5] The State imposes a tax of 0.25 mills.[6] The weighted average property tax rate in 2006 was 30.8 mills, calculated by dividing total property taxes levied by the property tax base, net of exemptions, for the State property tax.

County school systems are limited by the Constitution to a maximum rate of 20 mills, although they can exceed that limit if voters approve an increase. Independent school systems are not subject to that rate limit. In 2007, 25 of the 159 county school systems had a property tax rate of 18 mills or more, while 4 of the 21 city school systems had a rate of 18 mills or more.

There are no other statewide property tax rate limits, however, some counties and municipalities are subject to a property tax rate limit.

[5] Some school systems are allowed to use sales tax for operation purposes, which allows them to have property tax rates that are much lower than other school systems.
[6] State law actually allows the Governor to set the state property tax rate each year, but governors have not chosen to set a rate other than 0.25 mills.

Homeowner Tax Relief Credits

In 1998, the State began a tax credit program to provide property tax relief for homeowners. The credit equals the property tax rate times the credit base, which currently is $8,000. Thus, if the property tax rate was 20 mills, the credit is $160. The credit is subtracted from the property tax levy before the home owner pays the property tax.

Essentially, this credit program is equivalent to an increase in the homestead exemption of $8,000, that is, the tax reduction with the credit is the same as for a homestead exemption increase of $8,000. Initially, the credit was granted for general county and school property taxes (municipal rates were not included) and the credit base was $4,000. Over time municipal taxes were added and the credit base was increased to $8,000. The State provides a grant to the local government to cover the reduction in property tax revenue collected by the local government due to the credit.

Collection

Owners are mailed tax bills, generally in the summer or early fall. The date the taxes are due varies by government, but generally the tax must be paid in the fall. A few jurisdictions allow the taxpayer to pay by installment. The county tax commissioner may be responsible for collecting the property taxes for several governments.

If the owner does not pay the property taxes on time, he or she is assessed a one-time penalty of 10 percent of the tax liability and an interest charge of 1 percent per month on the unpaid taxes and penalty due. If the owner does not pay the property tax, the government can impose a lien on the property. Ultimately, if the owner does not pay the tax liability, the government can foreclose on the property and auction it off on the court house steps. By law, the property tax lien is the first lien. Thus, if a lending institution was to foreclose because the mortgage was in default, that institution would be paid from proceeds from the sale of the property only after the property taxes had been paid. This is one of the reasons that mortgage companies require that monthly mortgage payments include an amount to pay the property taxes.

Who Is Responsible?

There are several agencies that have some responsibility for the administration of the property tax.

- The county Board of Tax Assessors is responsible to determining the value of the property within the county. The Board of Tax Assessors uses information on the sale of real property from the Clerk of Superior Court. This information gives the change in ownership and sales price, which is used in determining the fair market value of all property.
- Department of Revenue is responsible for determining the value of certain property. In particular, public utilities, airlines, and railroads.
- The Board of Equalization hears appeals. The Board members are appointed by the Grand Jury and serve 3-year terms.
- The Department of Revenue is responsible for approving the property tax base, also known as the digest. The Department makes sure that the property is assessed at the proper level, i.e., 40 percent and the individual properties are assessed uniformly.
- The governing body of each jurisdiction is responsible for setting the property tax rate for that jurisdiction. Thus, the county board of commissioners sets the county government tax rate, the school board of the school systems sets the tax rate for education, and the city council sets that tax rate for the municipality.
- The Tax Commissioner, or Tax Receiver, obtains the data on value from the Board of Tax Assessors to prepare the tax bill. The Tax Commissioner mails the tax bill and collects the revenue.
- The state legislature passes laws that affect how each of these agencies can operate. The agencies must act within the limits of state law.

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