

Georgia

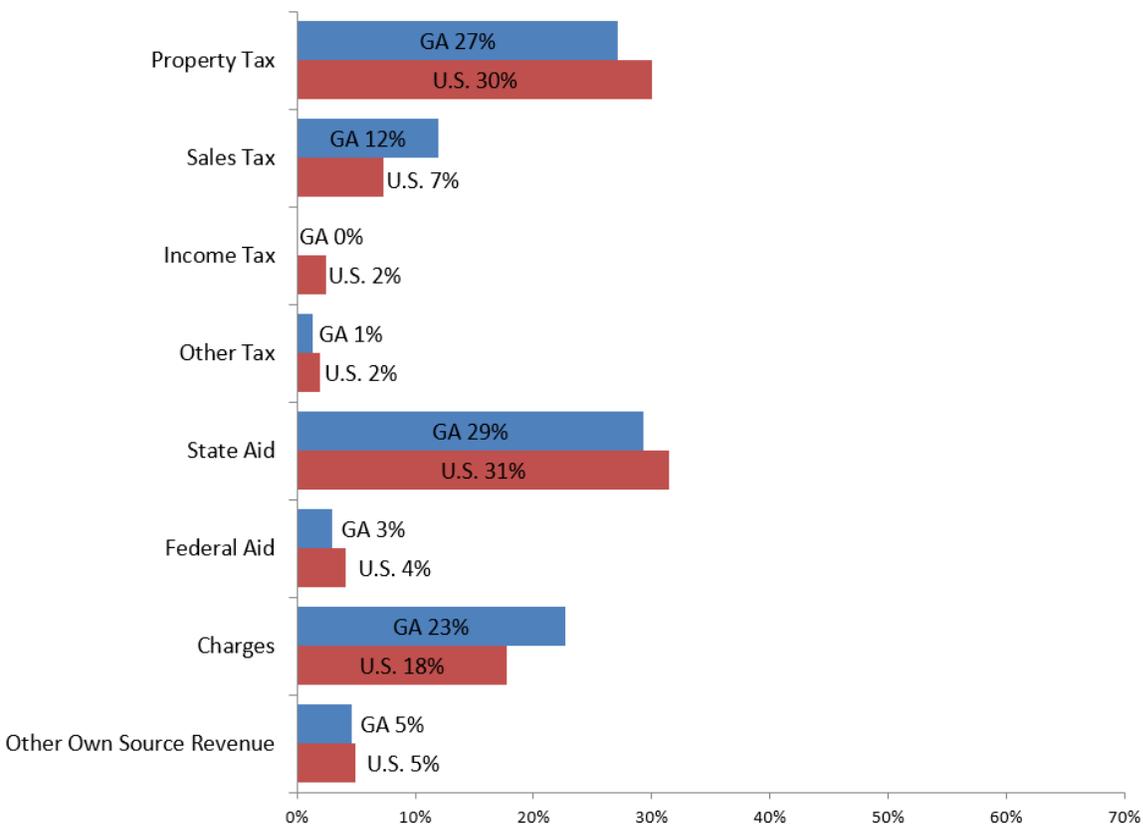
Highlights

Once the primary source of revenue for both the state and local governments in Georgia, the state general property tax was fully phased out in 2016. However, local governments remain very dependent on the property tax, which accounted for 27 percent of general fund revenues in 2017 (figure GA-1).

Local governments in Georgia also derive revenue from a variety of local-option sales taxes, including special sales taxes for education, transportation, or to finance property tax homestead exemptions. In 2017, the state sales tax rate was 4 percent, and the average county sales tax rate was 3.29 percent (Hudson 2004; Walczak and Drenkard 2019).

Georgia allows for current use assessment for certain classes of conservation property (e.g., farm and timber land), but generally property is assessed at 40 percent of fair market value. A notable recent change to property taxation in Georgia was the elimination of property taxes on motor vehicles.

Figure GA-1
Sources of Georgia Local General Revenue, 2017



Source: U.S. Census via Significant Features of the Property Tax

Property Tax Reliance

By most measures, property taxes in Georgia are lower than for other states. For example, Georgia ranks 34th in per capita property taxes (table GA-1).

Table GA-1
Selected Georgia Property Tax Statistics, 2017¹

	Georgia	U.S. Average	Rank (of 51) <i>1 is highest</i>
Per capita property tax	\$1,161	\$1,618	34
Property tax percentage of personal income	2.6%	3.1%	33
Total property tax as percentage of state-local revenue	16.6%	16.2%	20
Median owner-occupied home value ²	\$166,800	\$222,041	31
Median real estate taxes paid for owner-occupied home ²	\$1,510	\$2,412	34
Effective tax rate, median owner-occupied home ³	0.9%	1.1%	27

Sources: [U.S. Census via Significant Features of the Property Tax](#), American Community Survey

¹ All revenue numbers in this table include the state government as well as local governments.

² The statistics for [median owner-occupied home value](#) and [median real estate taxes paid for owner-occupied home](#) are five-year average statistics for years 2014-2018.

³ Calculated as the median real estate tax paid on owner-occupied homes as a percent of the median owner-occupied home value.

Administration and Assessment

Property is assessed annually at 40 percent of fair market value, with certain exceptions as noted below. With the exception of public utility property and certain railroad and airline equipment, assessments are conducted by the county board of tax assessors in each county (table GA-2). The state tax commissioner enforces uniformity in assessment.

Preferential assessment programs are available for conservation of homestead property in areas undergoing conversion to commercial use, for historic preservation, and as an incentive for developers to clean up brownfield property.

Limits on Property Taxation

Limitations on property taxes in Georgia include rate caps on school taxes as well as limits on the rate of assessed value growth. School districts are restricted to a maximum millage rate of 20 mills, excluding amounts for debt service, unless a higher rate is approved by local referendum.

The only direct limitations on assessment growth are on a local option basis by referendum and apply at the individual parcel level to homestead property. Referred to as the Homestead Exemption Valuation Freeze, this exemption is currently offered by 36 of the state's 159 counties, in some cases with restrictions based on age or income (Georgia Department of Revenue).

The Georgia Taxpayer Bill of Rights, signed into law in 1999, may have an indirect constraining effect on assessment growth and on millage rates. First, the law strengthened property owners' rights in appealing assessment increases, placing the burden of proof on local authorities to justify increases on appeal and requiring them to pay the legal costs for owners who receive a 15 percent or larger reduction in assessment as a result of an appeal. Second, to prevent indirect tax increases, the Taxpayer Bill of Rights requires a rollback of local millage rates to offset inflationary growth of the tax base. Should the levying authority wish to set its millage rate above the rollback rate, it is first required to publicize its intent and to hold three public hearings at times and with notice requirements as specified in the law (Georgia Department of Revenue).

Property Tax Relief and Incentives

Property that is exempted from the tax includes government property and certain property of religious institutions, nonprofit hospitals, and eligible charitable and veterans' organizations. In addition, homeowners are eligible for state and local homestead exemptions on their primary residence that vary in amount by county, with additional exemptions for seniors, disabled veterans, surviving spouses of U.S. service members killed in action, and peace officers and firefighters killed in the line of duty. Finally, counties and municipalities may elect, with the approval of the voters, to exempt certain inventories of goods in process and finished goods.

One general economic development incentive is the use of qualified enterprise zones, where local governments may authorize property tax exemptions to eligible businesses for up to 10 years. Local governments are also able to offer property tax relief for economic development purposes when projects are financed through industrial development bonds and a local development authority retains legal ownership of the property (Monacell 2007). Like most states, Georgia also employs tax increment finance; but in Georgia this is called Tax Allocation Districts.

The state also provides incentives through the property tax for conservation. Under certain conditions and limits, agricultural land, forest land, and certain environmentally sensitive land can be assessed based on its current-use value rather than fair market value. Alternatively, agricultural land may be assessed at a preferential rate of 30 percent of fair market value rather than the standard 40 percent.

Table GA-2
Georgia Property Tax Features, 2018

Feature	Georgia	Count for 50 states plus DC
Statewide classification of real property	Yes	25
Assessment of property primarily by county	Yes	31
Limits on property tax rates or levies	Yes	45
Limits on the rate of growth of assessed value	Yes	19
Circuit breaker property tax relief program	No	34

Sources: Significant Features of the Property Tax

Key Property Tax History

Although the general property tax was adopted in 1852, and a 1913 statute, the Georgia Equalization Tax Act, created the position of state tax commissioner to enforce uniform assessments, assessment practices remained inconsistent across the state in the mid-1960s (Hart 1918). A 1965 court decision required the tax commissioner to enforce statewide uniformity in assessments, while subsequent administrative reforms in 1972 consolidated assessment authority at the county level, required minimum levels of staffing and training for assessors and appraisers, and created county and state boards of equalization to hear and adjudicate assessment appeals (Sjoquist 2008).

The state homestead exemption was adopted in 1937, and narrower statewide exemptions (e.g., the exemption for disabled veterans) were adopted at various times since 1957. The year 1999 saw passage of the Taxpayer Bill of Rights as well as the Homeowner Tax Relief Credit, which extended homestead exemptions to county and school district taxes (a 2002 law extended it further to city taxes) with reimbursement from the state to local governments through annual appropriations. Preferential assessment of agricultural property was passed in 1983. Current use assessment was passed in 1991 for agricultural, environmentally sensitive, and transitional residential property and in 2008 for forest land.

Legislation passed in 2010 phased out the quarter mill state property tax levy over five years beginning January 1, 2012. In the 2012 legislative session, House Bill 386 created a new Title Ad Valorem Tax to replace all annual state and local property taxes on motor vehicles purchased after February 2013 with a one-time tax at the time of purchase or first registration of a motor vehicle in Georgia.

Recent Developments

The Georgia Department of Revenue stopped the state's largest county from sending out months-late property tax bills in October 2017, citing problems with Fulton County's issuance of assessments and handling of taxpayer appeals following a revaluation. After public outcry over new assessments issued in May 2017, the Fulton County Commissioners rolled back residential values to 2016 levels and phased in the new assessments over two years. The reissuing of assessments delayed submission of the county's tax digest (an annual report that lists assessed values for all property by taxing district) to the state. The Department of Revenue subsequently rejected the tax digest, questioning the county's legal authority to roll back residential values (Kass 2017; Petchenik 2017). In November 2017, a DeKalb County judge approved a petition authorizing Fulton County to administer an immediate and temporary tax collection to restore flow of funds to the county, 15 cities including Atlanta, and Fulton County Schools and Atlanta Public Schools which had received no revenue since July 2017 (Dixon 2017). The revenue commissioner had approved the last three county digests (2010, 2013, and 2016) on the condition that the county address deficiencies but had not preempted tax collection. A 2018 Fulton County Superior Court ruling ordered the revenue commissioner to accept the 2017 digest but called on the county to address deficiencies that led to the digest being rejected before the 2019 tax digest review cycle (Pendered 2019). Georgia Revenue Commissioner Lynette Riley filed an appeal early in 2019 (Kass 2019). In July 2018, the county and state reached a settlement under which the county agreed not to use the 1880 law to freeze property values in the future and will not have to pay the state any fees or fines relating to the lawsuit (Brasch 2019).

In 2018, Georgia voters passed a constitutional amendment and two legislatively referred referenda related to property taxation. Amendment 3 (House Resolution 51) created a new subclass for timberland property and authorized the legislature to alter the formula used to value forest land. Referendum A (House Bill 820) authorized a homestead exemption for Atlanta that would exempt taxes on any increase in value over 2.6 percent per year (Collins et al. 2019). Referendum B (House Bill 196) explicitly extended property tax exemptions to nonprofit homes for the mentally disabled even if a business corporation finances construction or renovation of a home.

The Georgia Supreme Court ruled in June 2018 that vendors operating out of the city-owned Hartsfield-Jackson International Airport in Atlanta are not liable for property taxes because they are lessees of the City of Atlanta. The county brought the case against a duty-free shop in 2011 (*Clayton County Board of Assessors v. Aldeasa Atlanta Joint Venture*, S18A0430).

References

Brasch, Ben. 2019. "Fulton Signs Deal with State, Saving Homeowners from Paying More Taxes." *Atlantic Journal-Constitution*, July 22. www.ajc.com/news/local/fulton-signs-deal-with-state-saving-homeowners-from-paying-more-taxes/fqfxXAfi6Py92LRmdqXv7M/

Cammenga, Janelle. 2019. "State and Local Sales Tax Rates, 2019." Tax Foundation. (January 30). <https://files.taxfoundation.org/20190130115700/State-Local-Sales-Tax-Rates-2019-FF-633.pdf>

- Collins, Catherine, Daphne A. Kenyon, Bethany Paquin, and Lars Arnesen. 2019. "Vox Populi: Voters Weigh in on School Finance and Property Taxes." *State Tax Notes*. (January 28). www.lincolninst.edu/sites/default/files/sources/events/collins-kenyon_-_vox_populi_voters_weigh_in_on_school_finance_and_property_taxes.pdf
- Dixon, Kristal. 2017. "Judge Allows Fulton County to Collect Property Taxes." *Alpharetta Patch*, November 3. <https://patch.com/georgia/alpharetta/judge-allows-fulton-county-collect-property-taxes>
- Georgia Department of Revenue. "Property Taxes in Georgia." <https://dor.georgia.gov/property-taxes-georgia>
- Georgia Department of Revenue. 2018. "Property Tax Administration 2017 Annual Report." (February). https://dor.georgia.gov/sites/dor.georgia.gov/files/related_files/document/LGS/Property%20Tax%20Digest/Annual_Reports/PT_annual_2017.pdf
- Georgia Department of Revenue. 2017. "A Tax Guide for Georgia Citizens." https://dor.georgia.gov/sites/dor.georgia.gov/files/related_files/document/A%20Tax%20Guide%20for%20Georgia%20Citizens-2017.pdf
- Kass, Arielle. 2019. "As 300,000 Fulton Property Owners Wait, State Appeals in Tax Fight." *Atlanta Journal-Constitution*, January 15. www.ajc.com/news/local-govt--politics/300-000-fulton-property-owners-wait-state-appeals-tax-fight/7vqmtG8AqZ1Om65SATBEON/
- Kass, Arielle. 2017. "Fulton Commissioners Freeze Property Assessments At 2016 Levels." *Atlanta Journal-Constitution*, June 21. www.myajc.com/news/local-govt--politics/fulton-commissioners-freeze-property-assessments-2016-levels/90EExrD48q3ZskkPmQiOxJ/
- Hart, John C. 1918. "Georgia Problems." *Proceedings of the Eleventh Annual Conference Under the Auspices of the National Tax Association*. National Tax Association. New Haven, CT.
- Hudson, Betty J. 2004. "Local Revenue Sources." *New Georgia Encyclopedia*. Updated June 8, 2017. www.georgiaencyclopedia.org/articles/government-politics/local-revenue-sources
- Marr, Chris. 2017. "New \$1.5B Atlanta Falcons Stadium is Taxable, Lawsuit Says." Bloomberg BNA, October 25.
- Monacell, James P. 2007. "Georgia Ad Valorem Tax Incentives Through Bond-Lease Transactions in GA." Bond Practice Briefing. Smith, Gambrell & Russell, LLP. (June). www.sqrlaw.com/resources/briefings/bond_practice/458/
- Muse, Andrea. 2017. "NFL Team's Subsidiary Owes Taxes on Stadium, Georgia Taxpayers Say." *State Tax Notes*. (October 23).
- Petchenik, Mike. 2017. "State of Georgia Halts All Property Tax Collections in Fulton County." WSBTV, October 26. www.wsbtv.com/news/local/state-of-georgia-halts-all-tax-collections-in-fulton-county/630518703

Pendered, David. 2019. "Fulton County Has Two Years to Fix Property Tax Assessments, Court Ruling States." *Saporta Report*, January 8. <https://saportareport.com/fulton-county-has-two-years-to-fix-property-tax-assessments-court-ruling-states/>

Significant Features of the Property Tax. www.lincolninst.edu/research-data/data-toolkits/significant-features-property-tax. Lincoln Institute of Land Policy and George Washington Institute of Public Policy.

Sjoquist, David L. 2008. "A Brief History of the Property Tax in Georgia." FRC Report No. 182. Atlanta, GA: Georgia State University Fiscal Research Center, Andrew Young School of Policy Studies. (August). http://cslf.gsu.edu/files/2014/06/brief_history_of_the_property_tax_in_georgia.pdf

Sjoquist, David L., and John V. Winters. 2008. "Property Tax in Georgia." FRC Report No. 174. Atlanta, GA: Georgia State University Fiscal Research Center, Andrew Young School of Policy Studies. (March). http://cslf.gsu.edu/files/2014/06/property_tax_ingeorgia.pdf

Tax Foundation. "Georgia." <http://taxfoundation.org/state-tax-climate/georgia>

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