

# **Property Tax Guide for Georgia Citizens**

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# Property Taxation

Property tax is an ad valorem tax--which means according to value-- based upon a person's wealth. Wealth is determined by the property a person owns.

All real property and all personal property are taxable unless the property has been exempted by law. (O.C.G.A. 48-5-3) Real property is land and generally anything that is erected, growing or affixed to the land; and personal property is everything that can be owned that is not real estate.

Property taxes are charged against the owner of the property on **January 1** and against the property itself if the owner is not known. (O.C.G.A. 48-5-9) Unless otherwise specified, property tax returns are to be filed between January 1 and April 1 with the county tax commissioner's office or in some counties the county tax assessor's office has been designated to receive returns. (O.C.G.A. 48-5-10, 48-5-18)

Real property is taxable in the county where the land is located, and personal property is taxable in the county where the owner maintains a permanent legal residence unless otherwise provided by law. (O.C.G.A. 48-5-11)

For most counties, taxes are due by December 20, but this may vary from county to county. If taxes are not collected on the property, it may be levied upon and ultimately sold even though the property may have changed hands during the year. The property tax money collected by the local government is used to pay for the support of services provided by the local and state government.

## How is Property Assessed?

The intent and purpose of the laws of this state are to have all property and subjects of taxation returned at the value which would be realized from the cash sale, but not the forced sale, of the property and subjects as such property and subjects are usually sold except as otherwise provided in this chapter. (O.C.G.A. 48-5-1)

### Assessed Values

In Georgia property is required to be assessed at 40% of the fair market value unless otherwise specified by law. (O.C.G.A. 48-5-7)

Property is assessed at the county level by the Board of Tax Assessors. The State Revenue Commissioner is responsible for examining the digests of counties in Georgia in order to determine that property is assessed uniformly and equally between and within the counties. (O.C.G.A. 48-5-340)

The tax bills received by property owners from the counties will include both the fair market value and the assessed value of the property. Fair market value means "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." (O.C.G.A. 48-5-2)

Property owners that do not agree with the assessed value on their proposed assessment can file an appeal with the county board of equalization. (O.C.G.A. 48-5-311)

### Historic Property

Historic property that qualifies for listing on the Georgia or National Register of Historic Places may qualify for preferential assessment.

The preferential assessment shall extend to the building or structure, the real property on which the building or structure is located, and not more than two acres surrounding the building or structure. The real property receiving preferential assessment may not be changed for a period of nine years. Property under this special program must be certified by the Department of Natural Resources as rehabilitated historic property or landmark historic property.

### **1. Rehabilitated Historic Property**

Rehabilitated historic property may qualify for preferential assessment where the rehabilitation:

- has increased the fair market value by not less than 50 percent, or,
- if income producing property, the fair market value has increased by not less than 100 percent, or,
- real property that is primarily residential but partially income-producing, the fair market value has not increased by not less than 75 percent.

### **2. Landmark Historic Property**

Landmark historic property may qualify for preferential assessment:

- where the property has been certified by a local government as landmark historic property, and
- where local ordinances extend the preferential assessment to:
  1. tangible income-producing real property,
  2. tangible non income-producing real property, or
  3. a combination of tangible income-producing real property and non income-producing real property.

## **Special Assessment Programs**

There are other special assessment programs available to property owners. These special programs include:

### **1. Preferential Agricultural Property**

Bona fide agricultural property can be assessed at 75 percent of the assessment of other property. This means that this type of property is assessed at 30 percent of fair market value rather than 40 percent. Property that qualifies for this special assessment must be maintained in its current use for a period of ten years.

### **2. Conservation Use Property**

Bona fide agricultural property can be assessed at its current use value rather than the fair market value. Property that qualifies for this special assessment must be maintained in a current use for a period of ten years.

### **3. Environmentally Sensitive Property**

Property can be assessed at its current use value rather than the fair market value when the property is maintained in its natural condition and meets the requirements set by the Department of Natural Resources. Property that qualifies for this special assessment must be maintained in a current use for a period of ten years.

### **4. Forest Land Property**

Property that qualifies can be assessed at its current use value rather than fair market value when the property is primarily used for the good faith subsistence or commercial production of trees, timber, or other wood and wood fiber

products and excludes the entire value of any residence located on the property. This 15-year covenant agreement between the taxpayer and local board of assessors is limited to forest land tracts consisting of more than 200 acres when owned by an individual or individuals or by any entity registered to do business in Georgia.

## **5. Brownfield Property**

Property which qualifies for participation in the State's Hazardous Site Reuse and Redevelopment Program and which has been designated as such by the Environmental Protection Division of the Department of Natural Resources may qualify for preferential assessment.

This special program provides for the preferential assessment of environmental and contaminated property by freezing the value for ten years as an incentive for developers to clean up the property and return it to the tax rolls. It also allows an eligible owner to recoup the eligible costs associated with the cleanup of this type property against their tax liability.

## **6. Residential Transitional Property**

Property can be assessed at its current use value, rather than fair market value, when it is used for residential purposes but located in an area that is changing to, or being developed for, a use other than residential.

## **Timber**

Standing timber is not taxed until sold or harvested, at which time it is taxed based upon 100 percent of its fair market value. There are three types of sales and harvests that are taxable:

- lump sum sales where the timber is sold at a specific price regardless of volume,
- unit price sales where the timber is sold or harvested based on a specific price per volume,
- owner harvests where a land owner harvests his own timber and sells it by volume.

## **Equipment, Machinery, and Fixtures**

Equipment, machinery, and fixtures are assessed at 40 percent of fair market value.

The tax assessor may value the equipment, machinery, and fixtures of a going business to reflect the fair market value of the business as a whole. When no ready market exists for the sale of equipment, machinery, and fixtures, a fair market value may be determined by resorting to any reasonable, relevant, and useful information available.

This information may include, but is not limited to, the original cost of the property, depreciation or obsolescence, and any increase in value by reason of inflation. Other determining factors include:

- existing zoning of property;
- existing use of property;
- existing covenant or restrictions in deed dedicating the property to a particular use; or
- any other important factors.

Tax assessors have access to any public records in order to discover information.

(O.C.G.A. 48-5-2 , O.C.G.A. 48-5-7, O.C.G.A. 48-5-7.1, O.C.G.A. 48-5-7.2, O.C.G.A. 48-5-7.3, O.C.G.A. 48-5-7.4, O.C.G.A. § 48-5-7.6.)

## Tax Rate

The tax rate, or millage, in each county is set annually by the board of county commissioners, or other governing authority of the taxing jurisdiction, and by the Board of Education. A tax rate of one mill represents a tax liability of one dollar per \$1,000 of assessed value. The average county and municipal millage rate is 30 mills.

The State mill rate on all real and personal property is being phased out. In 2015 the State mill rate was .05. Beginning January 1, 2016, there is no State levy for ad valorem taxation.

Municipalities also assess property taxes based upon county-assessed values and rates established by the municipal governing authority.

Property in Georgia is assessed at 40% of the fair market value unless otherwise specified by law.

**Example:** The assessed value--40 percent of the fair market value--of a house that is worth \$100,000 is \$40,000. In a county where the millage rate is 25 mills the property tax on that house would be \$1,000; \$25 for every \$1,000 of assessed value or \$25 multiplied by 40 is \$1,000.

## When are Property Tax Returns Due?

Property taxes are due on property that was owned on January 1 for the current tax year. The law provides that property tax returns are due to be filed with the county tax receiver or the county tax commissioner between **January 1 and April 1** (O.C.G.A. 48-5-18).

### Residents

Residents of Georgia are required to file a return of their real property in the county where the real property is located. Residents of Georgia are required to file a return on personal property in the county where they have a legal residence, unless the personal property is used in connection with a business located elsewhere.

### Boats

Boats that are kept in a county other than where the owner lives are returned where they are kept for at least 180 days or more out of the year.

### Airplanes

Airplanes that are hangared in a county other than where the owner lives are returned to the county where they are hangared.

### Nonresidents

Nonresidents that have real or personal property located in Georgia are required to file a return for the property in the county where the property is located.

### No Requirement To File A Return Every Year

If a taxpayer filed a property tax return or paid taxes on their property the year before and does not file a return on their property for the current tax year, then they are considered to have filed a return on the same property at the same valuation as the year before. And they are considered to have claimed the same homestead exemptions and personal property exemptions as they had in the previous year.

### **Penalty For Failure To File Return**

A 10% penalty will be assessed on any property upon which a taxpayer fails to file a property tax return before the expiration of the time to file returns: for instance, property that was acquired since their last return or property upon which improvements were made.

### **Real Estate Transfer Tax Form Considered Filing Return**

If a taxpayer acquires property in the previous tax year and a real estate transfer tax form was filed and the real estate transfer tax paid, then they are considered to have filed a property tax return on the same property at the same valuation as was transferred in the previous year. But if any improvements are made to the property after it is transferred, they should file a property tax return for the current tax year. And they must still file for homestead exemption and personal property exemption.

### **Payment of Taxes**

The Tax Commissioner in the county is responsible for collecting property taxes for the county, school and State. And in some counties the Tax Commissioner may collect property taxes for the city.

**Taxes are Due by December 20** - Unless otherwise specifically stated in the law, property taxes are due by December 20.

**An Earlier Deadline** - Some counties have an earlier deadline for payment of property taxes, and some require the taxes to be paid in two installments.

In counties where the real property is located in more than one county, the tax is paid to the county where the majority of the property is located. The county tax commissioner or the county tax receiver in that county will remit the proportionate share of taxes to the other counties.

**Click the link below to contact your local property tax officials:**

<https://dor.georgia.gov/county-property-tax-facts>

## **Property Tax Exemptions**

Generally, a homeowner is entitled to a homestead exemption on their home and land underneath provided the home was owned by the homeowner and was their legal residence as of January 1 of the taxable year. (O.C.G.A. § 48-5-40)

### **Application for Homestead Exemption**

To be granted a homestead exemption, a person must actually occupy the home, and the home is considered their legal residence for all purposes. Persons that are away from their home because of health reasons will not be denied

homestead exemption. A family member or friend can notify the tax receiver or tax commissioner and the homestead exemption will be granted. (O.C.G.A. § 48-5-40)

Application for homestead exemption must be filed with the tax commissioner's office, or in some counties the tax assessor's office has been delegated to receive applications for homestead exemption.

A homeowner can file an application for homestead exemption for their home and land any time during the prior year up to the deadline for filing returns. To receive the homestead exemption for the current tax year, the homeowner must have owned the property on January 1 and filed the homestead application by the same date property tax returns are due in the county. Property tax returns are required to be filed by April 1. Homestead applications that are filed after this date will not be granted until the next calendar year. (O.C.G.A. § 48-5-45)

Failure to apply by the deadline will result in loss of the exemption for that year. (O.C.G.A. § 48-5-45)

### **Exemptions Offered by the State and Counties**

The State of Georgia offers homestead exemptions to all qualifying homeowners. In some counties they have increased the amounts of their homestead exemptions by local legislation above the amounts offered by the State. As a general rule the exemptions offered by the county are more beneficial to the homeowner.

### **Homestead Exemptions Offered by the State**

- **Standard Homestead Exemption**  
The home of each resident of Georgia that is actually occupied and used as the primary residence by the owner may be granted a \$2,000 exemption from state, county and school taxes except for school taxes levied by municipalities and except to pay interest on and to retire bonded indebtedness. The \$2,000 is deducted from the 40% assessed value of the homestead. The owner of a dwelling house of a farm that is granted a homestead exemption may also claim a homestead exemption in participation with the program of rural housing under contract with the local housing authority. (O.C.G.A. § 48-5-44)
- **Individuals 65 Years of Age and Older May Claim an exemption from state tax on their home and 10 acres of land surrounding the home**  
Individuals 65 years of age or over may claim an exemption from all state ad valorem taxes on their home and up to 10 acres of land surrounding the home. Ad valorem tax for state purposes will be due on the assessed value of land that exceeds the 10 acre limitation. (O.C.G.A. § 48-5-48.3)
- **Individuals 65 Years of Age and Older May Claim a \$4,000 Exemption**  
Individuals 65 years of age or over may claim a \$4,000 exemption from all state and county ad valorem taxes if the income of that person and his spouse does not exceed \$10,000 for the prior year. Income from retirement sources, pensions, and disability income is excluded up to the maximum amount allowed to be paid to an individual and his spouse under the federal Social Security Act. The social security maximum benefit for 2016 is \$63,336. The owner must notify the county tax commissioner if for any reason they no longer meet the requirements for this exemption. (O.C.G.A. § 48-5-47)
- **Individuals 62 Years of Age and Older May Claim Additional Exemption for Educational Purposes**  
Individuals 62 years of age or over that are residents of each independent school district and of each county school district may claim an additional exemption from all ad valorem taxes for educational purposes and to retire school bond indebtedness if the income of that person and his spouse does not exceed \$10,000 for the prior year. Income from retirement sources, pensions, and disability income is excluded up to the maximum amount allowed to be paid to an individual and his spouse under the federal Social Security Act. The social security maximum benefit for 2016 is \$63,336. The owner must notify the county tax commissioner if for any reason they no longer meet the requirements for this exemption. This exemption may not exceed \$10,000 of the homestead's assessed value.(O.C.G.A. §48-5-52)

- Floating Inflation-Proof Exemption**  
 Individuals 62 years of age or over may obtain a floating inflation-proof state and county homestead exemption, except for taxes to pay interest on and to retire bonded indebtedness, based on natural increases in the homestead's value. If the appraised value of the home has increased by more than \$10,000, the owner may benefit from this exemption. Income, together with spouse or any other person residing in the house cannot exceed \$30,000. This exemption does not affect any municipal or educational taxes and is meant to be used in the place of any other state and county homestead exemption. (O.C.G.A. § 48-5-47.1)
- Homestead Exemption for Disabled Veteran or Surviving Spouse**  
 Any qualifying disabled veteran may be granted an exemption of \$60,000 plus an additional sum from paying property taxes for state, county, municipal, and school purposes. The additional sum is determined according to an index rate set by United States Secretary of Veterans Affairs. The amount for 2016 is \$73,768. The value of the property in excess of this exemption remains taxable. This exemption is extended to the unremarried surviving spouse or minor children as long as they continue to occupy the home as a residence. (O.C.G.A. § 48-5-48)
- Homestead Exemption for Surviving Spouse of U.S. Service Member**  
 The unremarried surviving spouse of a member of the armed forces who was killed in or died as a result of any war or armed conflict will be granted a homestead exemption from all ad valorem taxes for state, county, municipal and school purposes in the amount of \$60,000 plus an additional sum. The additional sum is determined according to an index rate set by United States Secretary of Veterans Affairs. The amount for 2016 is \$73,768. The surviving spouse will continue to be eligible for the exemption as long as they do not remarry. (O.C.G.A. § 48-5-52.1)
- Homestead Exemption for Surviving Spouse of Peace Officer or Firefighter**  
 The unremarried surviving spouse of a peace officer or firefighter killed in the line of duty will be granted a homestead exemption for the full value of the homestead for as long as the applicant occupies the residence as a homestead. (O.C.G.A. § 48-5-48.4)

The homestead exemptions offered by the State can be represented by the following table:

Code	Description of Qualifications	County M&O Tax	County Bond Tax	School M&O Tax	School Bond Tax	State Tax
S1	Regular Owner Occupied Principal Residence	\$2,000	0	\$2,000	0	\$2,000
SC	Age 65	\$2,000	0	\$2,000	0	100% on home and up to 10 contiguous acres of land AND \$2,000 on balance of value
S3	Age 62 Net Income of Applicant & Spouse is less than \$10,000	\$2,000	0	\$10,000	\$10,000	\$2,000
S4	Age 65 Net Income of Applicant & Spouse is less than \$10,000	\$4,000	\$4,000	\$10,000	\$10,000	100% on home and up to 10 contiguous acres of land AND \$4,000 on balance of value
S5	100% Disabled Veteran; Unremarried Surviving Spouse of Disabled Veteran	\$73,768	\$73,768	\$73,768	\$73,768	\$73,768
SD	Age 65 - 100% Disabled Veteran; Unremarried Surviving Spouse of Disabled Veteran	\$73,768	\$73,768	\$73,768	\$73,768	100% on home and up to 10 contiguous acres of land AND \$73,768 on balance of value



<b>SS</b>	Unremarried Surviving Spouse of US Service Member killed in action	\$73,768	\$73,768	\$73,768	\$73,768	\$73,768
<b>SE</b>	Age 65 - Unremarried Surviving Spouse of US Service Member killed in action	\$73,768	\$73,768	\$73,768	\$73,768	100% on home and up to 10 contiguous acres of land AND \$73,768 on balance of value
<b>SG</b>	Unremarried Surviving Spouse of a Firefighter or Peace Officer killed in the line of duty	100%	100%	100%	100%	100%
<b>S6</b>	Age 62 Federal Adjusted Gross Income of Applicant and all other persons residing in the home is less than \$30,000	Floating on home and up to 5 acres of land	0	\$2,000	0	Floating on home and up to 5 acres of land
<b>S8</b>	Age 62 Federal Adjusted Gross Income of Applicant and all other persons residing in the home is less than \$30,000 AND net income of Applicant and Spouse is less than \$10,000	Floating on home and up to 5 acres of land	0	\$10,000	\$10,000	Floating on home and up to 5 acres of land
<b>S9</b>	Age 65 Federal Adjusted Gross Income of Applicant and all other persons residing in the home is less than \$30,000 AND net income of Applicant and Spouse is less than \$10,000	Floating on home and up to 5 acres of land	\$4,000	\$10,000	\$10,000	100% on home and up to 10 acres of land

### Homestead Valuation Freeze Exemption

The Constitution of Georgia allows counties to enact local homestead exemptions. A number of counties have implemented an exemption that will freeze the valuation of property at the base year valuation for as long as the homeowner resides on the property. Even as property values continue to rise the homeowner's taxes will be based upon the base year valuation. This exemption may be for county taxes, school taxes, and/or municipal taxes, and in some counties age and income restrictions may apply. In some counties the law may allow for the base year valuation to be increased by a certain percentage each year.

Homeowners should contact the county for details about this exemption in their county. The following counties have implemented this type of exemption:

Baldwin	Glynn
Barrow	Greene
Camden	Gwinnett
Carroll	Habersham
Chatham	Henry
City of Atlanta	Liberty
Cherokee - eff. 01/01/2009	McIntosh
Clarke	Meriwether
Cobb	Murray
Dade	Muscogee
Dekalb	Oconee
Douglas	Pierce
Effingham - eff. 01/01/2009	Putnam

Fannin	Toombs
Floyd	Towns - eff.01/01/2009
Forsyth	Walton
Fulton	Ware
Gilmer	White

## Contact

The State offers basic homestead exemptions to taxpayers that qualify, but your county may offer more beneficial exemptions. Whether you are filing for the homestead exemptions offered by the State or county, you should contact the tax commissioner or the tax assessor's office in your county for more information or clarification about qualifying for homestead exemption.

### Additional contact information:

- Contact the County Tax Commissioner's office for more information on billing and collection of property taxes.
- Contact the County Board of Tax Assessor's office for more information on property assessment values and appealing a property assessment.

**Click the link below to contact your local property tax officials:**

<https://dor.georgia.gov/county-property-tax-facts>

## Freeport Exemption

The governing authority of any county or municipality may elect, with the approval of the voters, to exempt the following types of tangible personal property:

- Inventory of goods in the process of being manufactured or produced including raw materials and partly finished goods;
- Inventory of finished goods manufactured or produced within this State held by the manufacturer or producer for a period not to exceed 12 months;
- Inventory of finished goods on January 1 that are stored in a warehouse, dock, or wharf which are destined for shipment outside this State for a period not to exceed 12 months;

The percentage of exemption can be set at 20, 40, 60, 80 or 100 percent of the inventory value. Over sixty percent of Georgia counties and cities have adopted the Freeport Exemption at some level.

Application for freeport exemption should be made with the Board of Tax Assessor's within the same time period that returns are due in the county. Applications filed after that time can receive a partial exemption for that year up to June 1.

(O.C.G.A. 48-5-48.1, O.C.G.A. 48-5-48.2)

# Taxpayer Bill of Rights

Senate Bill 177, Act 431 was signed April 30, 1999 and became effective January 1, 2000. The bill has two main thrusts:

- prevention of indirect tax increases resulting from increases to existing property values in a county due to inflation,
- and enhancement of an individual property owner's rights when objecting to and appealing an increase made by a county board of tax assessors to the value of the owner's property.

## **Rules for Rollback of Millage Rate When Digest Value Increased by Reassessments**

The Revenue Commissioner developed rules and regulations to implement the terms and provisions of O.C.G.A. 48-5-32.1.

### **Prevention of Indirect Tax Increases**

Each year there are two types of value increases made to a county tax digest, increases due to inflation, and increases due to new or improved properties. There are no additional requirements if the levying authority rolls back the millage rate each year to offset any inflationary increases in the digest. If it does not, a local levying authority must notify the public that taxes are being increased.

Local levying authorities would include the county governing authorities, school boards and municipal governing authorities.

The Revenue Commissioner will not authorize the collection of taxes on any digest without a showing by the official submitting the digest that the local levying authorities have complied with the law.

### **• Rollback of Millage Rate to Offset Inflationary Increases**

When the total digest of taxable property is prepared, Georgia Law requires that a rollback millage rate must be computed that will produce the same total revenue on the current year's new digest that last year's millage rate would have produced had no reassessments occurred.

If the county elects to set their millage rate higher than the rollback rate, they will be required to hold three public hearings, place notices of the increase in the paper and issue press releases.

### **• Notification of Tax Increase With Three Public Hearings**

The levying authority must hold three public hearings allowing the public input into the proposed increase in taxes. Two of these public hearings may coincide with other required hearings associated with the millage rate process, such as the public hearing required by O.C.G.A Section 36-81-5 when the budget is advertised, and the public hearing required by O.C.G.A. Section 48-5-32 when the millage rate is finalized. One of the three public hearings must begin between 6:00 PM and 7:00 PM in the evening.

### **• Publish Notice in Paper One Week Before Each Hearing**

The levying authority must publish a notice in the paper one week in advance of each of these three public hearings.

- **Press Release to Explain Tax Increase**

The levying authority must issue a release to the press explaining its intent to increase the taxes.

- **Enhanced Taxpayer Rights During Appeal**

The Georgia General Assembly has significantly increased the rights of property owners whose values are changed by the board of tax assessors. The highlights of these changes are listed below.

- **Explanation With Change of Assessment Notice**

The change of assessment notice must give the property owner a name and telephone number of a knowledgeable person to call if they have questions about the value change or appeal procedures. If the increase exceeds 15%, the notice must include a simple, non-technical explanation of the basis for the change along with a statement informing the property owner that they may view, or have inexpensive copies made of those tax records used by the assessors to determine the value change.

- **Assessors Must Provide Grounds for Rejection of Property Owner's Appeal**

When a property owner elects to assert a position as the basis for their appeal and the board of tax assessors rejects this position, the board must include in their rejection notice back to the property owner the grounds for the rejection. Thereafter, the board of tax assessors must stick to those grounds and not assert new grounds later in the appeal process. If the property owner asserts a new position, the board of tax assessors may assert new grounds for rejecting the new position.

- **Burden of Proof on the Board of Tax Assessors**

When the board of tax assessors changes the value returned by a property owner, the board has the burden of proving, by a preponderance of the evidence, the validity of the change. This burden continues to be on the board of tax assessors even if the appeal goes to superior court, although the judge is not bound to either the board of tax assessors' or the property owner's value when determining, or having determined by a jury, the question of final value.

- **One Time Option to Reschedule Hearing and Superior Court Proceeding**

If the board of equalization, which hears property owner appeals, schedules the appeal at a time inconvenient to the property owner, there is a onetime option for the owner to request a different and more convenient time, even one occurring as early as 8:00 AM or as late as 7:00 PM. This property owner accommodation is extended to the superior court proceeding, should the appeal go that far, where the owner may request a hearing at a convenient time.

- **Property Owner Could Recover Court Costs and Fees**

In certain instances, the property owner may recover court costs and reasonable attorney fees incurred in the appeal hearing before the superior court. The property owner could recover these costs and fees if the court finds the final value to be 85% or less (80% for commercial property) of the board of equalization's determination of value. This would not apply, however, if the property owner had failed to return the property for taxation.

- **Property Owner Can Record Conversations**

The property owner has the right to make an audio recording of any conversations with assessors or appraisers when

such recordings are relative to the owner's assessment, appeal, arbitration or related proceedings. The owner must provide his or her own equipment.

#### • Tax Commissioner to Provide Brochure About Property Tax Laws and Procedures

The tax commissioner, assisted by the board of tax assessors, is required to develop and make available an informational brochure that explains the county's property tax laws and procedures. This brochure will contain information about exemptions and preferential assessment programs available in the county along with instructions on how to apply. The brochure will be available in the tax offices and will also be mailed to individuals purchasing property. If the General Assembly creates a new exemption or preferential assessment program, the brochure will be mailed to everyone who may be eligible for the new program.

## Property Tax Appeals

Georgia law provides a procedure for filing property tax returns and property tax appeals at the county level.

Taxpayers may file a property tax return (declaration of value) in one of two ways:

- by paying taxes in the prior year on their property the value which was the basis for tax becomes the declaration of value for the current tax year (O.C.G.A. 48-5-20), or
- by filing a PT-50R, PT50P, PT50A or PT50M return of value between January 1 and April 1. In some counties property tax returns are filed with the county tax commissioner and in other counties returns are filed with the county board of tax assessors.

The county board of tax assessors must send an annual assessment notice which gives the taxpayer information on filing an appeal on real property (such as land and buildings affixed to the land). If the county board of tax assessors disagrees with the taxpayer's return on personal property (such as airplanes, boats or business equipment and inventory), the board must send an assessment notice which gives the taxpayer information on filing an appeal.

Upon receipt of this Assessment Notice, the property owner desiring to appeal the assessment may do so within 45 days of the date the Assessment Notice was mailed. The taxpayer's appeal may be based on taxability, value, uniformity, and/or the denial of an exemption. The written appeal is filed with the County Board of Tax Assessors.

#### Appeal of Assessment Form PT-311-A

The state of Georgia provides a uniform appeal form for use by property owners. In that initial written dispute, the property owner must declare their chosen method of appeal.

In order to protect your appeal rights, **do not send your appeal form to the Department of Revenue.**

**In all instances the appeal is filed with the County Board of Tax Assessors, and if the board of tax assessors has adopted a written policy consenting to electronic service, the taxpayer may email an appeal to the board of assessors.**

**The taxpayer must select one of the three options below when filing an appeal:**

**Appeal to the County Board of Equalization:** The appeal based on value, uniformity, taxability or denial of exemption is filed by the property owner and reviewed by the board of assessors. The board of assessors may change the assessment and send a new notice. The property owner may appeal the assessment in the amended

notice within 30 days. This second appeal made the property owner or any initial appeal which is not amended by the board of assessors is automatically forwarded to the Board of Equalization. A hearing is scheduled and conducted and the Board of Equalization renders its decision at the conclusion of the hearing. If the taxpayer is still dissatisfied, an appeal to Superior Court may be made.

**Appeal to a Hearing Officer:** The taxpayer may appeal to a Hearing Officer, who is a state certified general real property or state certified residential real property appraiser and is approved as a hearing officer by the Georgia Real Estate Commission and the Georgia Real Estate Appraiser Board, when the issue of the appeal is the value or uniformity of value of non-homestead real property, but only when the value is equal to or greater than \$1,000,000. If the taxpayer is still dissatisfied with the decision of the hearing officer, an appeal to Superior Court may be made.

**Appeal to an Arbitrator:** An appeal of value may be filed to Arbitration by filing your appeal specifying Arbitration with the board of assessors within 45 days of the date of the notice. The Board of Assessors must notify the taxpayer of the receipt of the arbitration appeal within 10 days. The taxpayer must submit a certified appraisal of the subject property within 45 days of the filing of the notice of appeal which the board of assessors may accept or reject. If the taxpayer's appraisal is rejected the board of assessors must certify the appeal to the county clerk of superior court for arbitration. The arbitration is authorized by the judge and a hearing is scheduled within 30 days. The arbitration will issue a decision at the conclusion of the hearing, which is a final and which may not be appealed further. If the taxpayer's value is determined by the arbitrator to be the value, the county is responsible for the clerk of the superior court's fees, if any, and the fees and costs the arbitrator. If the board of assessors' value is determined by the arbitrator to be the value, the taxpayer is responsible for the clerk of the superior court's fees, if any, and the fees and costs the arbitrator.

**The Department of Revenue may not over-ride the board of assessors, board of equalization, hearing officer, arbitrator or Superior Court** regarding individual appraisals and assessments. The Local Government Services Division of the Georgia Department of Revenue is charged with general supervision of ad valorem tax administration across the state including; annual approval of tax digests; the training and certification of tax officials; and regularly scheduled audits of each of the 159 county boards of assessors.

In order to facilitate the mass appraisal process, the Revenue Commissioner has adopted **specific procedures through the Appraisal Procedures Manual and other Rules and Regulations** regarding tax administration. These procedures are designed to arrive at a basic appraisal value of real and personal property and to provide guidance for the local tax assessors to provide fair market value under normal circumstances. When unusual circumstances are affecting value, they should be considered. In all instances, the appraisal staff will apply Georgia law and generally accepted appraisal practices to the basic appraisal values required by this manual and make any further valuation adjustments necessary to arrive at the fair market values.

For additional information about the appeals procedure in the county, you should contact the board of tax assessors.

### **Appeals to the Superior Court**

- **Written notice of appeal must be filed within 30 days to the county board of tax assessors**  
Once a decision has been made by the county board of equalization or a hearing officer, the taxpayer may appeal their decision to the superior court of the county by mailing or filing with the county board of tax assessors a written notice of appeal. The written notice of appeal should be mailed or filed within 30 days from which the decision of the county board of equalization was mailed.
- **Ad valorem taxes must be paid**  
Before the superior court can hear an appeal, the ad valorem taxes must be paid in an amount equal to the last year in which taxes were determined to be due. (O.C.G.A. 48-5-29)

- **Notification of certification of notice of appeal to clerk of superior court**  
The county board of tax assessors will certify the notice of appeal to the clerk of the superior court. The taxpayer or their attorney or agent will be served with a copy of the notice of appeal with the civil action file number assigned to the appeal.
- **Appeal heard by superior court**  
In most cases the appeal will be heard before a jury at the first term of court unless questions of law are at issue in the appeal.
- **Property Owner Could Recover Court Costs and Fees**  
In certain instances, the property owner may recover court costs and reasonable attorney fees incurred in the appeal hearing before the superior court. The property owner could recover these costs and fees if the court finds the final value to be 85% or less (80% for commercial property) of the board of equalization's determination of value. This would not apply, however, if the property owner had failed to return the property for taxation.

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

### Contact

- The County Tax Commissioner's office for more information on billing and collection of property taxes.
- The County Board of Tax assessor's office for more information on property assessment values and appealing a property assessment.

## Franchises

A franchise tax is a tax on the right or privilege of doing business in a state. The following rights or privileges of doing business in this State are specified in O.C.G.A. 48-5-420. All franchises, including those not otherwise specifically mentioned, are to be reported for taxation by March 1 with the county or municipality.

### Rights and Privileges Granted by this State to a Franchise

- Exercise of the power of eminent domain;
- Use of any public highway or street;
- Use of land above or below any highway or street;
- Construction and operation of railroads;
- Common carriage of passengers or freight;
- Construction and operation of any plant for the distribution and sale of gas, water, electric lights, electric power, steam heat, refrigerated air, or other substances by means of wires, pipes, or conduits laid under or above any street, alley, or highway;
- Construction and operation of any telephone plant or telegraph plant;
- All rights to conduct wharfage, dockage, or crantage business;
- All rights to conduct any express business or for the operation of sleeping, palace, dining, or chair cars;
- All rights and privileges to construct, maintain, or operate canals, toll roads, or toll bridges; and
- The right to carry on the business of maintaining equipment companies, navigation companies, freight depots, passenger depots, and every other similar special function dependent upon the grant of public powers or privileges not allowed by law to individuals or involving the performance of any public service.

O.C.G.A. 48-5-420. - 48-5-425.

# Taxation of Public Utilities

## Public Utilities

The chief executive officer of each public utility is required to make an annual return to the Revenue Commissioner on or before March 1 for the current January 1 preceding on all property located in this State. The assessment of all properties owned by public utility companies and airline companies are proposed by the State Board of Equalization and then assessed by each county's board of tax assessors.

The assessment of railroad equipment companies are determined by the State Board of Equalization. The taxes are collected by the Revenue Commissioner and distributed to various counties.

## Commissioner Report to the County Board of Tax Assessors

At least once a year the Revenue Commissioner makes a report to the county board of tax assessors in each county of the public utility property located in each county. This report is a distribution as determined by the Revenue Commissioner based upon:

- The location of the various classes of property;
- The gross or net investment in the property;
- Any other factor reflecting the public utility's investment in property;
- Significant business factors that reflect how the property is used;
- Pertinent mileage factors; and
- Any other factors which in the Revenue Commissioner's judgment are reasonably calculated to distribute fairly and equitably the property between the various tax jurisdictions.

## Railroad Equipment Car Companies

Each railroad equipment car company whose railroad equipment cars travel in this State is required to make a property tax return of the value of all cars of the company to the Revenue Commissioner on or before March 1 in each year for the activity in the State during the preceding calendar year. The tax collected by the State is based on the proportion of the value of the cars that the car-wheel miles traveled in the State bear to the total car-wheel miles traveled everywhere and a weighted average of the effective tax rates in all jurisdictions within the State having miles of railroad track.

## Airlines

Each airline company doing business in this State is required to make an annual property tax return of the value of each type and model of flight equipment to the Revenue Commissioner on or before March 1 in each year for the preceding calendar year. The distribution to each tax jurisdiction is based as closely as possible upon plane hours.

O.C.G.A. 48-5-510. - 48-5-546.

# Taxation of Financial Institutions

## Local Business License Tax



Georgia cities and counties may impose a tax on the gross receipts of financial institutions located within their respective jurisdictions. This tax is known as the Local Business License Tax and is filed on Form PT-440 with the cities and counties.

### **State Occupation Tax**

The State also imposes a gross receipts tax known as the State Occupation Tax which is filed on Form 900. The State Occupation Tax and copies of the Local Business License Tax Forms are filed with the State each year by March 1.

The law provides for cities and counties that choose to impose the gross receipts tax to set a levy of not more than the State rate of 0.25 of one percent. A city or county may establish a minimum tax levy of \$1,000.

### **Other Taxes**

In addition to the tax on gross receipts, financial institutions are subject to personal property taxes, real property taxes, corporate net worth taxes, and corporate income taxes (see Taxpayer Services Division for questions about corporate net worth taxes and corporate income taxes).

O.C.G.A. 48-6-90. - 48-6-98.

### **Contact**

For information on filing the Local Business License Tax Form PT-440 contact the county or local municipality.

For information on filing the State Occupation Tax Form 900 call 1-877-423-6711.

## **About Unclaimed Property**

### **Unclaimed Property Act**

The Disposition of Unclaimed Property Act protects the rights of owners of abandoned property and relieves those holding the property of the continuing responsibility to account for the property.

Under the Act, when someone holds property (holder) that belongs to someone else (owner), but has lost contact with the owner for a specified period (holding period), that holder must turn over (remit) the property to the State. The State serves as the custodian for any property remitted under the Act allowing the owners or their heirs an opportunity to claim their property in the future.

### **What Types of Property are Remitted to the State?**

Anyone holding abandoned property must remit it to the State when they have held the property for longer than the holding period.

Companies must report abandoned property to the State of the last known address of the owner. When the owner address information is unknown, incomplete or foreign, the holder company reports unclaimed property to their state of incorporation.

The Act provides for the remittance of property and funds in the possession of the holder which are owned by another from:

- banking and financial organizations,
- insurance companies,
- utilities,
- dissolution of a business association or person,
- a fiduciary, and
- a court, public corporation, public authority, public officer, or political subdivision.

Other types of unclaimed property remitted to the State as custodian are:

- property issued or owed in the ordinary course of the holder's business,
- sums owing on traveler's checks and money orders, unclaimed court ordered refunds from business associations, gift certificates or credit memos,
- unpaid wages
- employee benefit trust distributions and income,
- safe deposit boxes,
- bequeathed property, and
- intangible personal property (stocks, bonds, etc.) held or owing in this State.

**When is Property Considered Abandoned and Remitted to the State?**

Unclaimed property is reported and remitted annually after the holding period has expired. For insurance companies, the report year is the calendar year beginning January 1 and ending December 31--the report is due the following May 1. For all others, the report year is the fiscal year beginning July 1 and ending June 30--the report is due the following November 1.

The holding period is the time that must elapse before the property is considered abandoned and reportable to the State. The duration depends on the type of property held:

Wages	1 year from payday
Company Liquidation Proceeds	1 year from sell date
Safe Deposit Boxes	2 years from drilling date
Money Orders	7 years from issue date
Travelers Checks	15 years from issue date
All Other Property	5 years from last contact

## **Georgia Will Return the Property at NO CHARGE TO THE OWNER!**

Individuals or companies that locate unclaimed property for a fee are known as locators. They often approach Georgia citizens.

If a locator offers to help the prospective owner of unclaimed property find property that is rightfully theirs, THEY SHOULD CALL THE DEPARTMENT OF REVENUE'S UNCLAIMED PROPERTY SECTION FIRST! Signing an agreement with a locator can be costly. Our section will assist the prospective owner in locating and reclaiming their property FOR FREE!

### **How to Keep Property From Becoming Unclaimed**

- Open all correspondence from businesses that handle your money. They are required by law to notify you before sending your money to the State;
- Keep an accurate record of all financial matters;
- Notify all banks and companies of a new address when moving;
- At least once a year, make a deposit or withdrawal on all bank accounts;
- Cash all checks received promptly;
- Contact the company immediately if stock dividends are no longer received; and
- Inform a family member, attorney, or trusted friend of the whereabouts of all financial records.

### **Contact**

For additional questions about unclaimed property, please call or write as follows:

**Telephone Hours:** Monday - Friday, 8:00 a.m. - 4:45 p.m. (excluding state holidays)

**Telephone Number:** (855) 329-9863

**Fax:** (404) 724-7013

#### **Mailing Address:**

Georgia Department of Revenue  
Unclaimed Property Program  
4125 Welcome All Road  
Atlanta, Georgia 30349

**Email:** [ucpmail@dor.ga.gov](mailto:ucpmail@dor.ga.gov)

## **Contact Information For Questions About Your Property Tax Bill or Property Tax Assessment**

### **Your Property Tax Bill**

Contact the County Tax Commissioner's office for more information on billing and collection of property taxes.

### **Your Property Tax Assessment or Appeal**

Contact the County Board of Tax assessor's office for more information on property assessment values and appealing a property assessment.

See link below to contact your county tax officials:

<https://dor.georgia.gov/county-property-tax-facts>