

HB 92 – HB 581 (2024) Revisions

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Summary

This legislation revises several provisions from HB 581 (2024) and makes other changes related to property taxes and sales taxes.

Property Tax Generally:

- For all homestead exemptions: Taxpayers are now able to apply for the homestead exemption beyond the historic deadline of April 1st; they may apply up to the end of their 45-day window to appeal their notice of assessment.
- Requires each taxing authority to approve and submit their estimated rollback rate to the board of tax assessors (BOA) and the tax commissioner at least 15 days before that year's mailing of the notice of assessment (NOA).
 - If an estimated rollback rate is not timely submitted, then the NOA for that specific jurisdiction will include an estimate of taxes owed based upon the property's current assessed value and the prior year's millage rate for such jurisdiction, which is similar to how NOA's were prepared prior to HB 581 (2024).

Revisions to HB 581 (2024)

- Limits the floating homestead exemption's applicability to only the homestead and no more than five acres of immediately surrounding land, unless the property is enrolled under the preferential assessments for Conservation Use (CUVA) or Forestland Protection (FLPA), in which cases the floating homestead exemption is limited to the homestead dwelling and the lesser of two acres or that local government's minimum acreage requirement for zoning.
- Clarifies that a surviving spouse may continue the floating homestead exemption without the need to apply or reapply following their spouse's death.
- Local governments that opted out of HB 581 and which do not have a generally applicable floating homestead exemption or freeze for their jurisdiction:
 - Requires the jurisdiction to vote to opt out of HB 581 again in 2027. To opt out again, the local government must complete three public hearings and pass a resolution to do so, otherwise the floating homestead exemption from HB 581 becomes effective for 2027 and thereafter.
 - A disclaimer is added to the tax bill stating the name of the governing authority that opted out of HB 581 and providing the main phone number to contact that governing authority.
- Allows local governments that opted out of the HB 581 floating homestead exemption to rescind their decision to opt out and join HB 581's exemption prospectively by adopting a

resolution to do so by April 30 for tax year 2025, or by March 1 of any year from tax year 2026 through 2029.

Sales Tax:

- Adds language so that cities representing less than five percent of the municipal population counting only cities that levy a property tax are not necessary for an intergovernmental agreement regarding the Floating Local Option Sales Tax (FLOST).
- Establishes a local sales and use tax exemption for Education Special Purpose Local Option Sales Tax (ESPLOST) funds used by school districts on projects associated with such tax, but only if the school district has a generally applicable floating or frozen homestead exemption.

This legislation became effective April 1 of 2025 and is applicable to taxable years beginning on or after 2025.