

The House Committee on Regulated Industries offers the following substitute to HB 165:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated,
2 relating to prohibited acts regarding alcoholic beverages, so as to provide that counties and
3 municipalities with approval of the local housing authority board of commissioners may
4 provide certain exceptions relating to the sale of alcoholic beverages for consumption on the
5 premises near housing authority property; to provide for related matters; to provide for an
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to
10 prohibited acts regarding alcoholic beverages, is amended by revising subsection (e) of Code
11 Section 3-3-21, relating to sales of alcoholic beverages near churches, school buildings, or
12 other sites, as follows:

13 "(e)(1) As used in this subsection, the term 'housing authority property' means any
14 property containing 300 housing units or fewer owned or operated by a housing authority
15 created by Article 1 of Chapter 3 of Title 8, the 'Housing Authorities Law.'

16 (2) No person knowingly and intentionally may sell any alcoholic beverages for
17 consumption on the premises within 100 yards of any housing authority property. This
18 subsection shall not apply at any location for which a license has been issued prior to
19 July 1, 2000, nor to the renewal of such license. Nor shall this subsection apply at any
20 location for which a new license is applied for if the sale of alcoholic beverages for
21 consumption on the premises was lawful at such location at any time during the 12
22 months immediately preceding such application. A county or municipality may provide
23 for an exemption from this subsection for an applicant by adopting one of the two
24 methods set forth below:

25 (A) Requiring the applicant to make an application to the county or municipality for
26 such an exemption which the county or municipality shall forward to the local housing

27 authority board of commissioners for review. Within 30 days after receiving such
28 application, the local housing authority board of commissioners shall provide the
29 county or municipality with a recommendation to grant or deny such exemption or
30 provide no recommendation and, after the 30 day period for review and
31 recommendation by the local housing authority board of commissioners expires or the
32 local housing authority board of commissioners makes a recommendation or returns
33 such application without recommendation, whichever is earlier, a county or
34 municipality shall be authorized by resolution, ordinance, or administrative order to
35 exempt such applicant from this subsection and provide for such sales by such
36 applicant; or
37 (B) Requiring the applicant to file an application with the county or municipality with
38 the written recommendation for approval of such application by the local housing
39 authority board of commissioners. The county or municipality shall be authorized by
40 resolution or ordinance to exempt such applicant from this subsection and provide for
41 such sales by such applicant."

42 **SECTION 2.**

43 This Act shall become effective upon its approval by the Governor or upon its becoming law
44 without such approval.

45 **SECTION 3.**

46 All laws and parts of laws in conflict with this Act are repealed.