



Georgia Department of Revenue
Policy Bulletin SUT-2023-01
City of Atlanta Gulch Enterprise Zone Redevelopment Project
(Also Known as Centennial Yards)

Purpose: This Policy Bulletin provides guidance on sales tax on retail sales transactions within the City of Atlanta Gulch Enterprise Zone Redevelopment Project (also known as Centennial Yards).

Publication Date: May 25, 2023.

Authority: O.C.G.A. § 36-61-2; O.C.G.A. §§ 36-88-3 through 36-88-10; O.C.G.A. Title 48, Chapter 8; City of Atlanta Ordinance No. 17-O-1737; City of Atlanta Resolution No. 10-R-1228; Georgia Department of Community Affairs Certification of Chronically Underdeveloped Area (Nov. 20, 2017).

Scope: A Policy Bulletin is intended to provide guidance to the public and to Department personnel. It is a written statement issued to apply principles of law to a specific set of facts or a general category of taxpayers, superseding all conflicting documents and oral directives previously issued by the Department. A Policy Bulletin does not have the force or effect of law and is not binding on the public. It is, however, the Department's position and is binding on agency personnel until superseded or modified by a change in statute, regulation, court decision, or subsequent Policy Bulletin.

Issues:

1. What is the City of Atlanta Gulch Enterprise Zone Redevelopment Project?
2. What is the enterprise zone infrastructure fee?
3. Which sales qualify for the 5% sales tax exemption?
4. When will the 5% sales tax exemption and the enterprise zone infrastructure fee take effect?
5. How must retailers report and remit the enterprise zone infrastructure fee?
6. How must retailers report and remit sales tax on sales that qualify for the 5% sales tax exemption?

7. Is a retail sale subject to the enterprise zone infrastructure fee or the 5% sales tax exemption if the sale is made by a seller from a place of business located outside the Enterprise Zone?

8. Are uses within the Enterprise Zone of tangible personal property purchased outside the Enterprise Zone subject to the enterprise zone infrastructure fee or the 5% sales tax exemption?

9. How must retailers report and remit sales tax on sales that do not qualify for the 5% sales tax exemption?

Discussion of Issues:

1. What is the City of Atlanta Gulch Enterprise Zone Redevelopment Project?

“The City of Atlanta Gulch Enterprise Zone” (hereinafter “Enterprise Zone”) is an area in downtown Atlanta designated for redevelopment by the Atlanta City Council pursuant to O.C.G.A. § 36-88-6(g).¹ The development project within the Enterprise Zone is also known as Centennial Yards.

2. What is the enterprise zone infrastructure fee?

The enterprise zone infrastructure fee is a 5% fee levied by the City of Atlanta on retail sales of tangible personal property and taxable services that are (i) sold by a retailer from a place of business located within the Enterprise Zone **and** (ii) received by a purchaser within the Enterprise Zone.² The enterprise zone infrastructure fee will be offset by an exemption from the 4% state tax and the 1% Local Option Sales Tax (a total exemption of 5%).³

3. Which sales qualify for the 5% sales tax exemption?

The 5% sales tax exemption applies only to retail sales to which the enterprise zone infrastructure fee applies.

4. When will the 5% sales tax exemption and the enterprise zone infrastructure fee take effect?

The 5% sales tax exemption and the enterprise zone infrastructure fee will take effect on July 1, 2023.

5. How must retailers report and remit the enterprise zone infrastructure fee?

Retailers must report and remit the enterprise zone infrastructure fee directly to the City of Atlanta. Retailers should contact the City of Atlanta for more information.

¹ City of Atlanta Ordinance No. 17-O-1737. The boundaries of the Enterprise Zone are depicted in Exhibit A of City of Atlanta Ordinance No. 17-O-1737.

² *Id.* at p. 3.

³ *Id.*; O.C.G.A. § 36-88-6(g); O.C.G.A. § 36-88-3(8.1).

6. How must retailers report and remit sales tax on sales that qualify for the 5% sales tax exemption?

Retailers must report and remit sales tax on qualifying sales to the Department on the Georgia sales tax return using jurisdiction code “Fulton County (Centennial Yards) 803.” Sales tax jurisdiction codes, reporting codes, and rates are updated quarterly and published at <https://dor.georgia.gov/taxes/business-taxes/sales-use-tax/sales-tax-rates-current-historical-and-upcoming>. Instructions on how to report and remit sales tax are at <https://dor.georgia.gov/sales-use-tax-instructions>.

7. Is a retail sale subject to the enterprise zone infrastructure fee or the 5% sales tax exemption if the sale is made by a seller from a place of business located outside the Enterprise Zone?

No. Retail sales made by sellers from a place of business located outside the Enterprise Zone are not subject to the enterprise zone infrastructure fee or the 5% sales tax exemption.

8. Are uses within the Enterprise Zone of tangible personal property purchased outside the Enterprise Zone subject to the enterprise zone infrastructure fee or the 5% exemption?

No. Uses within the Enterprise Zone of tangible personal property purchased outside the Enterprise Zone are not subject to the enterprise zone infrastructure fee and do not qualify for the 5% exemption.

9. How must retailers report and remit sales tax on sales that do not qualify for the 5% sales tax exemption?

“Dealers” (as defined in O.C.G.A. § 48-8-2) making sales sourced to the Enterprise Zone that do not qualify for the 5% sales tax exemption must remit tax on such sales at the rate applicable in Fulton County within the City of Atlanta. Current sales tax rates are available at <https://dor.georgia.gov/taxes/business-taxes/sales-use-tax/sales-tax-rates-current-historical-and-upcoming>. Dealers must report such sales to the Department on the Georgia sales tax return using jurisdiction code “Fulton County (City of Atlanta) 060A” and jurisdiction code “State of Georgia 000” as applicable.

For more information, please contact the Department at 1-877-423-6711 from 8:00 a.m. to 5:00 p.m. ET, Monday through Friday, excluding holidays. For forms and other information, visit the Department’s website at dor.georgia.gov.