

**CITY COUNCIL
ATLANTA, GEORGIA**

20-O-1656

AN ORDINANCE BY COUNCILMEMBERS ANDRE DICKENS, MATT WESTMORELAND, JENNIFER N. IDE, AMIR R. FAROKHI, ANTONIO BROWN AND MICHAEL JULIAN BOND TO PROVIDE FOR THE REGULATION AND TAXATION OF SHORT-TERM RENTALS WITHIN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, Thousands of Atlanta residents rent their homes on a short-term basis to earn additional income to pay for essential needs and expenses; and

WHEREAS, The City of Atlanta is also a regular host for international conventions, conferences and some of the nation's major sporting events; and

WHEREAS, The additional availability of diverse lodging options helps enhance the city's competitive position to attract such large events that generate tens of millions for the city's economy ;and

WHEREAS, Atlanta has become a one of the country's most popular cities for film and television production; and

WHEREAS, These productions also take advantage of short-term rental stock to house production staff, actors, other employees; and

WHEREAS, Short-term rental guests are more likely than other visitors to shop at a small, locally-owned businesses and restaurants; and

WHEREAS, Short-term rental hosts should be responsible for setting expectations of the community standards for the public safety and general welfare of the City of Atlanta; and

WHEREAS, Home sharing has always existed in the City of Atlanta for purposes beyond leisure--including, but not limited to, temporary housing solutions for traveling healthcare workers, medical stays, families, self-quarantine, and remote workers among other use cases; and

WHEREAS, The use of property as a short term rental is a property right; and

WHEREAS, As the popularity of short-term rental units has grown, it is necessary for the City of Atlanta to establish a framework of regulations;

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That a new Part 20 be added to the Code of Ordinances- Land Development Code, and shall read as follows:

Section 20-1001. - Short title

This chapter shall be known and may be cited as the “City of Atlanta Short Term Rental Ordinance.”

Section 20-1002. - Intent; purpose

It is the purpose of this chapter to protect the public health, safety and general welfare of individuals and the community at large; to facilitate and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the city’s neighborhoods;

Section 20-1003. - Definitions; general provisions

Short-term rental means an accommodation where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days.

Short-term rental agent means a person or organization designated by the owner of a short-term rental on the short-term rental certificate application. Such a person shall be available for and responsive to contact at all times.

Short-term rental guests means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

Short-term rental owner means the owner of record of the property.

Short-term rental certificate is the certificate issued by the Department of City Planning to owners or designated agent of short-term rental units who have submitted the required documentation and met the requirements set for in this Chapter for operation of a short-term rental unit.

Section 20-1004. - Short-term rental certificate

No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term rental unit, as defined in Section 20-1003, without first obtaining a short-term rental certificate pursuant to the regulations contained in this Chapter. No certificate issued under this chapter may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

A person may obtain a certificate for their primary residence and two additional properties without any additional requirements, fees, permits, licenses, zoning or related restrictions. If a person wishes to obtain certificates for more than three properties, they must also obtain a business license from the

Section 20-1005. - Application for short-term rental certificate

- (a) Applicants for a short-term rental certificate shall submit, on an annual basis, an application for a short-term rental certificate to the Department of Planning and Community Development. The application shall be accompanied by a non-refundable application fee in the amount of \$50. Such application should include:
- (1) The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a certificate is sought.
 - (2) The address of the unit to be used as a short-term rental;
 - (3) The name, address, telephone number and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;
 - (4) The owner's signed acknowledgement that he or she has reviewed this Chapter and understands its requirements;
 - (5) The number and location of parking spaces allotted to the premises;
 - (6) The owner's agreement to use his or her best efforts to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
 - (7) Any other information that this Chapter requires the owner to provide to the city as part of an application for a short-term rental certificate. The Chief Operating Officer or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
- (b) Attached to the submission of the application described in this section, the owner shall provide:
- (1) Written rules posted in the short-term rental unit, including:
 - a. Acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the City's noise ordinance;
 - b. Acknowledgement on the maximum occupancy of the short-term rental unit and, if available, the location and the amount of on-site parking.
 - c. Acknowledgement and agreement that violations of this Chapter may result in immediate termination of the agreement and eviction from the short-term rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the city; and
 - (2) Proof of the owner's current ownership of the short-term rental unit;
- (c) If the rental agent changes, the property owner shall notify the City of Atlanta within 30 days.

Section 20-1006.- Short-term rental agent

- (a) The owner of a short-term rental shall designate a short-term rental agent on its application for a short-term rental certificate. A property owner may serve as the short-term rental agent.

(b) The duties of the short-term rental agent are to:

- (1) Be reasonably available to handle any problems arising from use of the short-term rental unit; (2) Keep his or her name and emergency contact phone number posted in a readily visible place in the short-term rental unit;
- (2) Receive and accept service of any notice of violation related to the use or occupancy of the premises; and;
- (3) Monitor the short-term rental unit for compliance with this chapter. (5) List the short-term rental certificate number on each online listing

Section 20-1007. - Grant or denial of application

Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.

Section 20-1008. - Short-term regulation procedure

- (a) A legible copy of the short-term rental unit certificate shall be posted within the unit and include all of the following information:
 - (i) The name, address, telephone number and email address of the short-term rental agent;
 - (ii) The short-term rental unit certificate number
 - (iii) The maximum occupancy of the unit
 - (iv) The maximum number of vehicles that may be parked at the unit; and
- (b) To ensure the continued application of the intent and purpose of this chapter, the Police Department shall notify the owner and agent of a short-term rental unit of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term rental unit agent results in a citation for a code violation or other legal infraction.
- (c) The Police Department shall maintain a record of all violations of City code occurring at or relating to a short-term rental unit. When a property owner has accumulated three violations for a particular property, the city shall revoke any pending certificates and reject all applications for the subject premises for a period of 12 consecutive months.
- (d) Any person violating the provisions of the Code shall be punished as provided by Section 1-8. With respect to violations that are continuous with respect to time, each day the violation continues is a separate offense.

- (e) A person aggrieved by the city's decision to revoke, suspend or deny a short-term rental certificate may appeal the decision in writing to the Chief Operating Officer. The appeal must be filed within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. The Chief Operating Officer or appointed designee shall consider and respond to the appeal in writing within 30 days after receipt. The Chief Operating Officer shall render a determination, which will constitute a final ruling on the application.

- (f) Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, deputy marshal or other duly empowered officer under the city's ordinances, rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

Section 20-1010. - Taxes

Short-term rentals are subject to state sales tax, city taxes, and are liable for payment thereof as established by state law and the city code. Short-term rentals shall be subject to a short-term rental tax of 8% of the total booking costs as allowed under State law in Section 48-13-51(a)(5) and Section 48-13-51(b)(7)(a). The city may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

SECTION 2: That the amendments reflected in this Ordinance shall become effective on July 1, 2021.

SECTION 3: That all ordinances or parts thereof in conflict with this ordinance are hereby waived to the extent of the conflict.

SECTION 4: The provisions of this Ordinance shall be deemed independent and severable. In the event any one or more of the provisions contained herein shall, for any reason, be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance.

CITY COUNCIL
ATLANTA, GEORGIA

20-O-1656

SPONSOR SIGNATURES


Andre Dickens, Councilmember, Post 3 At Large


Jennifer N. Ide, Councilmember, District 6


Matt Westmoreland, Councilmember, Post 2 At Large

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Workflow List:

Atlanta City Council	Completed	10/19/2020 1:00 PM
Community Development/Human Services Committee	Pending	10/27/2020 1:30 PM
Atlanta City Council	Pending	11/02/2020 1:00 PM

RESULT: REFERRED WITHOUT OBJECTION

AN ORDINANCE BY COUNCILMEMBERS ANDRE DICKENS, MATT WESTMORELAND, JENNIFER N. IDE, AMIR R. FAROKHI, ANTONIO BROWN AND MICHAEL JULIAN BOND TO PROVIDE FOR THE REGULATION AND TAXATION OF SHORT-TERM RENTALS WITHIN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

VOTE RECORD - ORDINANCE 20-O-1656						
<input type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <input type="checkbox"/> FIRST READING <input type="checkbox"/> SECOND READING <input type="checkbox"/> THIRD READING <input type="checkbox"/> FOURTH READING <input type="checkbox"/> FIFTH READING <input type="checkbox"/> REFERRED TO COMMITTEE <input type="checkbox"/> HELD IN COMMITTEE <input type="checkbox"/> TABLED <input type="checkbox"/> DEFERRED <input type="checkbox"/> RECONSIDERED <input type="checkbox"/> FILED <input type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> AMENDED <input type="checkbox"/> ACCEPTED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED SUBSTITUTE <input type="checkbox"/> FILED BY COMMITTEE <input type="checkbox"/> REFERRED TO ZRB AND ZC <input checked="" type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED ON SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/COND <input type="checkbox"/> FAVORABLE/AMND/COND <input type="checkbox"/> FAVORABLE AS AMENDED						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
		MICHAEL JULIAN BOND	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		MATT WESTMORELAND	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		ANDRE DICKENS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		CARLA SMITH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		AMIR R FAROKHI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		ANTONIO BROWN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		CLETA WINSLOW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		NATALYN MOSBY ARCHIBONG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		JENNIFER N. IDE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		HOWARD SHOOK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		J. P. MATZIGKEIT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		DUSTIN HILLIS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		ANDREA L. BOONE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		MARCI COLLIER OVERSTREET	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JOYCE M SHEPERD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<input type="checkbox"/> RETURNED AS HELD <input type="checkbox"/> FAVORABLE ON CONDITION <input type="checkbox"/> FAVORABLE/SUB/CONDITION <input type="checkbox"/> QUADRENNIALY TERMINATED <input type="checkbox"/> QUESTION CALLED <input type="checkbox"/> ROUTED TO COW <input type="checkbox"/> SUSTAINED <input type="checkbox"/> OVERRIDEN <input type="checkbox"/> NOT ACCEPTED BY COMMITTEE <input type="checkbox"/> SUSTAINED W/O OBJECTION <input type="checkbox"/> TABLED W/O OBJECTION <input type="checkbox"/> HELD IN COW <input type="checkbox"/> POSTPONED <input type="checkbox"/> RETAINED AS HELD <input type="checkbox"/> REFER TO ZRB AND ZC W/O OBJECTION	
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Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	



PUBLIC NOTICE

ATLANTA CITY COUNCIL

March 1, 2021

1:00 P.M.

The Atlanta City Council will hold a remote public hearing on the following proposed legislation:

20-O-1656 – AN ORDINANCE BY COUNCILMEMBERS ANDRE DICKENS, MATT WESTMORELAND, JENNIFER N. IDE, AMIR R. FAROKHI, ANTONIO BROWN, MICHAEL JULIAN BOND AND JOYCE M. SHEPERD AS SUBSTITUTED AND AMENDED BY COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE TO PROVIDE FOR THE REGULATION AND TAXATION OF SHORT-TERM RENTALS WITHIN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

The public may access the public hearing by the following Conference Bridge: Toll Free Access: (877) 579-6743, Conference ID: 8315991256. Citizens and other interested parties are invited to provide comments at (404) 330-6068. Public comment will be accepted between the hours of 4:00 pm and 7:00 pm on the day before the scheduled meeting and messages should not exceed three (3) minutes.

A copy of the proposed Ordinance is on file in the Office of the Municipal Clerk of the City of Atlanta for the purpose of examination and inspection of the public.