



**CITY COUNCIL  
ATLANTA, GEORGIA**

**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 (2) AND AMENDED BY COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE AS SUBSTITUTED AND AMENDED BY THE ATLANTA CITY COUNCIL AN ORDINANCE TO PROVIDE FOR THE REGULATION AND TAXATION OF SHORT-TERM RENTALS WITHIN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.(PUBLIC HEARING HELD 3/1/21)**

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 **owners** should be **held accountable** for setting expectations of the community standards for the public safety and general welfare of the City of Atlanta; and

**WHEREAS, Atlanta desires to strengthen and perpetuate the identity and other benefits neighbors derive from being members of their specific communities**

**WHEREAS, an over-abundance of short-term rental units in a community increases a commercial element to residential uses; 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

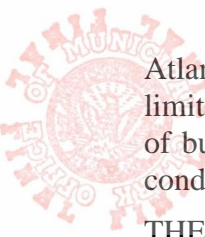
WHEREAS, the use of property as a short term rental is a property right; and

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; and

WHEREAS, the establishment of a framework of regulations by the City of Atlanta which shall govern the operation of short term rentals within the City shall not supersede existing private agreements, leases, or covenants such as condo association rules should such agreements prohibit the operation of certain properties as short term rentals; and

WHEREAS, nothing in the framework of regulations established hereby shall be deemed to alter, affect, supersede or conflict with the requirements of any state or federal law or of the City of Atlanta Code of Ordinances, including but not limited to those within the Atlanta Zoning Ordinance, the Atlanta Housing Code, the Atlanta Building Code, and those provisions within Article III of Chapter 30 of the City of

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Atlanta Code of Ordinances which require registration with the business tax division, including but not limited to, the requirement of the provision of information as deemed necessary to confirm that the type of business to be operated is permitted by the zoning code at the location where the business is to be conducted.

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 or long-term tenant of a short-term rental on the short-term rental license application. Such a person shall be available for and responsive to contact at all times.

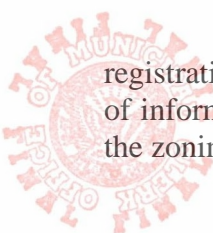
*Short-term rental guests* means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

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

*Short-term rental license* is the license 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 license

- (a) No person or entity 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 license pursuant to the regulations contained in this chapter.
- (b) No licensee shall transfer the right to operate under any license issued under this chapter to any other person or entity by lease, agreement, contract or any other agreement.
- (c) No license issued under this chapter may be operated or shall have any legal effect at any location other than those for which it is issued.
- (d) A short-term rental license may be obtained by a short-term rental owner or the long-term tenant of a short-term rental for their primary residence and one additional dwelling unit without any additional requirements, fees, permits, licenses, zoning or related restrictions.
- (e) Nothing in this chapter shall be deemed to alter, affect, supersede or conflict with the requirements of any state or federal law or of the City of Atlanta Code of Ordinances, including but not limited to those within the Atlanta Zoning Ordinance, the Atlanta Housing Code, the Atlanta Building Code, and those provisions within Article III of Chapter 30 of the City of Atlanta Code of Ordinances which require



registration with the business tax division, including but not limited to, the requirement of the provision of information as deemed necessary to confirm that the type of business to be operated is permitted by the zoning code at the location where the business is to be conducted.

#### Section 20-1005. - Application for short-term rental license

- (a) Applicants for a short-term rental license shall submit, on an annual basis, an application for a short-term rental license to the Department of Planning and Community Development. The application shall be accompanied by a non-refundable application fee in the amount of \$150.00. Such application should include:
- (1) The address of the unit to be used as a short-term rental;
  - (2) The name, address, telephone number and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;
  - (3) The short-term rental agent's signed acknowledgement that he or she has reviewed this Chapter and understands its requirements;
  - (4) The number and location of parking spaces allotted to the premises;
  - (5) The short-term rental agent'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
- (6) Any other information that this Chapter requires the short term rental agent to provide to the city as part of an application for a short-term rental license. 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 short-term rental license applicant 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. Units are encouraged to provide a noise monitoring device.
    - b. Acknowledgement that the maximum occupancy of a short-term rental unit is limited to two adults per bedroom 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) Evidence that the short-term rental license applicant has provided notification via certified United States mail to each property adjacent to of their intent to secure a short-term rental license.
    - a. This notification must include the address of the unit to be used as a short-term rental and the name, address, telephone number and email address of the short-term rental agent.
    - b. This notification must be given to each property adjacent to the property at which the applicant is applying to operate a short-term rental.
    - c. This notification shall be sent certified mail to the address of the adjacent property. For purposes of this section, it shall not be necessary for the applicant to identify and include the name of specific owner of record of the adjacent property in this notification.



(c)

If the rental agent changes, the short-term rental agent shall notify the City of Atlanta within **10 business** days.

#### Section 20-1006.- Short-term rental agent

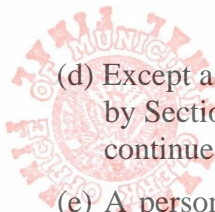
- (a) The owner of a short-term rental shall designate a short-term rental agent on its application for a short-term rental license. A short-term rental owner may also serve as the short-term rental agent.
- (b) The duties of the short-term rental agent are to:
  - (1) **Be available to handle any problems 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;
  - (3) Receive and accept service of any notice of violation related to the use or occupancy of the /premises;
  - (4) Monitor the short-term rental unit for compliance with this chapter; and
  - (5) List the short-term rental license 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 federal or state law or local ordinance related to the operation of a short-term rental, or otherwise fails to demonstrate the ability to comply with local, state or federal law through the operation of the proposed short-term rental. 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) No external signage is permitted, however a legible copy of the short-term rental unit license 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 license 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 short-term rental agent has accumulated three violations for the same property, the city shall revoke any pending licenses and reject all applications for that particular property for a period of 12 consecutive months. Any additional properties listed on the same license that do not have three consecutive violations within a 12-month period remain valid, and the short-term rental agent may continue to serve as the agent. Short-term rental agents shall be afforded an opportunity to appeal and rectify violations. Fully adjudicated violations will be assessed a **\$500** penalty per violation.



- (d) Except as provided herein, 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 license 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. The decision of the Chief Operating Officer may be appealed via Certiorari to the Superior Court of Fulton County. The Chief Operating Officer is authorized to adopt administrative rules which shall govern the implementation of this section including the procedures and processes which shall govern any such appeals. Such procedures and processes must conform to the constitutional principles of due process and shall provide notice and an opportunity to be heard.
- (f) Holders of short-term rental licenses shall ensure that any online platforms which provide a website or websites, and that which the licensee enlists to facilitate their short-term rentals within the City of Atlanta must:
- (i) Provide a phone line and/or website for community members to submit concerns regarding short-term rentals in their neighborhood;
  - (ii) Assist with educating short-term rental agents about this ordinance; and
  - (iii) Within the first year of the ordinance taking effect, meet with the Department of City Planning to provide and receive feedback on implementation.
- (g) 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.
- (h) The Department of Planning and Community Development shall establish and monitor a public intake portal through which citizens can submit questions or complaints via email and telephone.

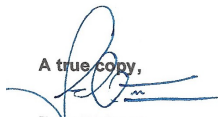
#### Section 20-1010. - Taxes

Short-term rentals are subject to applicable state and local taxes and are responsible for payment thereof as established by state law and the city code. Short-term rentals shall be subject to the hotel-motel tax of 8% of the charge furnishing short-term rentals as permitted under OCGA Section 48-13-51(a)(5) and OCGA Section 48-13-51(b)(7)(a).

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

SECTION 3: That except as provided herein, 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.

A true copy,  
  
Forté Webb III  
Municipal Clerk

ADOPTED as amended by the Atlanta City Council  
APPROVED per City Charter Section 2-403

MAR 15, 2021  
MAR 24, 2021

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