



**CITY COUNCIL  
ATLANTA, GEORGIA**

**23-O-1514**

**AN ORDINANCE BY COUNCILMEMBERS ANDREA L. BOONE, MATT WESTMORELAND, JASON WINSTON, JASON DOZIER, DUSTIN HILLIS, MARCI COLLIER OVERSTREET, ANTONIO LEWIS AND KEISHA SEAN WAITES AS SUBSTITUTED AND AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES PART III – LAND DEVELOPMENT CODE, APPENDIX E (ATLANTA HOUSING CODE OF 1987), ARTICLE 1 - (POLICY AND ADMINISTRATION), SECTION 6.- DEFINITIONS AND SECTION 19. – HIGHLY HAZARDOUS CONDITIONS, TO INCLUDE VISIBLE MOLD AS A HAZARDOUS VIOLATION; AND FOR OTHER PURPOSES.**

WHEREAS, Part III - Land Development Code, Appendix E (“Atlanta Housing Code of 1987”) of the City of Atlanta (the “City”) Code of Ordinances establishes maintenance of the minimum requirements necessary for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential property in the City of Atlanta; and

WHEREAS, there has been a rise in complaints regarding the presence of mold in many multifamily properties throughout the City of Atlanta due to lack of proper maintenance by landlords and property managers; and

WHEREAS, according to the Center for Disease Control and Prevention (“CDC”) mold can cause many health effects, for some people it may be a stuffy nose, sore throat, coughing or wheezing, burning eyes, or skin rash; however, for people with asthma or other respiratory issues, the reactions can be more severe; even healthy people constantly exposed to mold can develop severe illnesses and allergies; and

WHEREAS, residents of the most impacted properties represent the city’s most vulnerable populations, including tens of thousands of low-income households with children; and

WHEREAS, many landlords and property managers of multi-family properties fail to properly remediate mold, which only exacerbates the problem and the ongoing health and safety risks to occupants; and

WHEREAS, the Atlanta City Council desires to establish specific guidelines to identify and remediate the presence of mold growth to effectuate prompt and effective resolutions to protect the health and safety of tenants who may be living in substandard conditions.

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

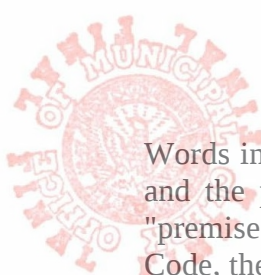
SECTION 1. That Part III - Land Development Code, Appendix E (Atlanta Housing Code Of 1987), Article 1 (Policy and Administration), Section 6.- Definitions is amended as follows (added text is in underlined font):

Sec. 6. - Definitions.

2023-36 (23-O-1514)

PAGE 1 OF 8





Words in this Code used in the present tense include the future tense; the singular includes the plural; and the plural includes the singular. Whenever the words "building", "dwelling", "dwelling unit", "premises", "rooming house" "rooming unit", "boarding house", or "boarding unit" are used in this Code, they shall be construed as though they were followed by the words "or any part thereof."

The following terms used or referred to in this Code shall have the respective meanings:

APPLICABLE PROVISIONS OF THIS CODE shall mean:

Sections 19 through 29 of this Code for a building used or intended for use as a dwelling, vacant dwellings or a building with special uses. Whenever the applicable standard for a building, with special uses set forth in Section 26 conflicts with any standard contained in Sections 20 through 25, the standard specified in Section 26 shall apply.

*Abandoned vehicle* shall mean any vehicle left unattended in the same location for 30 days or more.

*Basement* shall mean that portion of a building having less than one half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

*Boarded Dwelling* shall mean a dwelling which has been made inaccessible by boarding as prescribed in [Section 29](#) of this Code.

*Boarding House* shall mean any dwelling consisting of one or more rooming units, in which the owner or operator rents space to five to fifteen persons with one or more meals regularly served either as part of the rental or for a separate charge.

*Brush* shall mean uncultivated woody shrubs or woody grasses such as bamboo not part of a planned, maintained landscape.

*Building* shall mean an edifice of any kind composed of parts joined together in some form, including, but not limited to garages, sheds, fences, accessory structures, and appurtenances.

*Building with Special Uses* shall mean a rooming house, boarding house, dormitory, emergency shelter, group house, residential care facility or like facility.

*Cellar* shall mean that portion of a building having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

*City* shall mean the City of Atlanta, Georgia.



*Complaint* shall mean any expression of concern, protest or dissatisfaction to the Director relating to the implementation or enforcement of this Code which reasonably specifies the suspected violations of this Code, and which identifies the complaining party and the specific location of the dwelling suspected to be in violation of this Code.

*Complex* shall mean three or more buildings sharing common areas and having unified ownership or management.

*Conviction* shall mean a judgement by the Court, finding a defendant guilty as charged on a particular date, concerning a particular property, of violating either a single or multiple provision(s) of this Code or any previously enacted City of Atlanta Housing Code. When applied to findings of violations of either single or multiple provisions of this Code by corporate entities, conviction shall have no criminal connotation or criminal meaning.

*Corporate Entity* shall mean a partnership, joint venture, association, corporation, or any other legal entity recognized by the laws of the State of Georgia.

*Court* shall mean the Municipal Court of Atlanta or other Court of competent jurisdiction.

*Director* shall mean the director of the bureau of code compliance, their authorized representative, or the commander of the Atlanta Police Department's Code Enforcement Section. Hereinafter, any reference to the director of the bureau of buildings in this chapter shall mean the director of the bureau of code compliance, or the commander of the Atlanta Police Department's Code Enforcement Section.

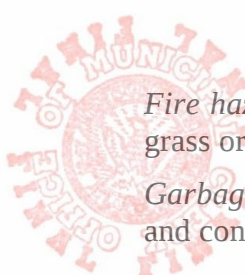
*Dormitory* shall mean a dwelling used for institutional living and sleeping purposes by ten (10) or more persons.

*Dwelling* shall mean any building, along with its appurtenances, used or intended to be used, wholly or in part, for human habitation or for the inhabitants use.

*Dwelling Unit* shall mean any portion of a building used, intended, or designed as a separate abode and used, intended or designed for living, sleeping, cooking and eating therein.

*Extermination* shall mean the control or eradication of infestation by removing or making inaccessible materials that may serve as food, breeding places or harboring places for pests, vermin or rodents and shall include pest control by poisoning, spraying, trapping, fumigating or any other recognized, legal and effective pest eradication procedure.

*Family* shall mean persons related by blood, marriage, or operation of law.



*Fire hazard* shall mean vegetation, which is dry and combustible, including but not limited to weeds, grass or clippings, dead shrubs, trees or their parts, and other combustible vegetative materials.

*Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Grade* shall mean the average elevation of the ground adjoining a building.

*Habitable Room* shall mean an enclosed floor space arranged, used, or intended to be used for any combination of living, sleeping, or eating purposes. Space devoted exclusively for a bathroom, water closet compartment, kitchen, laundry, pantry, foyer, hallway, closet, or storage space shall not in and of itself be considered a habitable room.

*Infestation* shall mean the presence within or around a dwelling of pests, vermin, or rodents in such numbers or with such frequency as may be substantially detrimental to the health, safety, or general welfare of the occupants and of the general public thereof.

*Junked vehicle* shall mean any motor vehicle, mobile home, bus, travel trailer, utility trailer, boat, construction equipment including, trucks and tractor trailer, farm equipment, including mowers, motorcycles, self-propelled motorized device of any kind (or parts thereof) not within a completely enclosed structure which is inoperable, ruined, wrecked, dismantled, partially dismantled, discarded, abandoned, or which is otherwise rendered inoperable, unsafe, or which cannot be legally operated on as a means of transportation or which does not bear a current registration or a current license plate or a current state required inspection sticker.

*Lawn* shall mean an area of land planted with grasses or other durable plants, which are maintained at a short height and used for aesthetic and recreational purposes.

*Mold remediation* shall mean mold remediation of that portion of the dwelling unit or premises affected by mold, or any personal property of the tenant affected by mold, performed consistent with guidance documents published by the United States Environmental Protection Agency, the United States Department of Housing and Urban Development, the American Conference of Governmental Industrial Hygienists (the Bioaerosols Manual), Standard Reference Guides of the Institute of Inspection, Cleaning and Restoration for Water Damage Restoration and Professional Mold Remediation, or any protocol for mold remediation prepared by an industrial hygienist consistent with said guidance documents.

*Naturescape* shall mean landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for chemical pesticides, herbicides, fertilizers, and watering. All nuisance plants are prohibited.

*Nuisance Plants Prohibited:*

Kudzu (*Pueraria Montana* var. *lobata*), Chinese wisteria (*Wisteria sinensis*)



Prohibited in naturescapes:

Thorny olive (*Elaeagnus pungens*), Autumn olive, (*Elaeagnus umbellata* Thunb)

Chinese privet (*Ligustrum sinense*)

*Nuisance* shall mean any condition, act or occurrence that results in annoyance, harm, inconvenience, or damage to another; and the fact that the act or occurrence may otherwise be lawful shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinary reasonable person.

*Occupant* shall mean any person over one (1) year of age living in, using, or having possession of a dwelling, except that a temporary guest shall not be considered an occupant.

*Operator* shall mean the person or persons, if any, with whom the owner has an agreement to manage, lease, rent, control, maintain or care for rental property, vacant property, or a building with special uses.

*Owner* shall mean any person or persons having any individual, joint, or common title or interest in real property defined by the laws of the State of Georgia as a legal or equitable estate or interest.

*Owner-Occupied Dwelling* shall mean any dwelling occupied in the entirety by its owner and/or the family of the owner.

*Party in Interest* shall mean a person in possession of property or having title or interest in property as defined by the laws of the State of Georgia as a legal or equitable estate or interest in property, and shall include, but not be limited to an executor, administrator, guardian, or trustee.

*Person* shall mean an individual, partnership, joint venture, association, corporation, or any other legal entity recognized by the laws of the State of Georgia.

*Plumbing* shall mean all of the following supplied facilities and equipment: gas pipes, water pipes, garbage disposal units, waste pipes, water closets, hot water heaters, sinks, lavatories, bathtubs, shower baths, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water, sewer or gas lines.

*Premises* shall mean a lot, plot, or parcel of land, including dwellings, buildings, or structures thereon.

*Property* shall mean buildings, dwellings, land and whatever is erected or growing upon or affixed thereto.



*Rental Dwelling Unit* shall mean a dwelling unit for which periodic payments or other consideration is received in exchange for use and possession thereof.

*Rooming House* shall mean any dwelling space consisting of one or more rooming units in which the owner or operator rents space to five through fifteen persons.

*Rooming Unit* shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping but not for cooking purposes.

*Rubbish, Litter and Debris* shall mean combustible and noncombustible waste materials except garbage. Such shall include, but not be limited to: paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral material, glass, crockery and the residue from the burning of wood, coal, coke and other combustible material.

*Safety hazard* shall mean the presence of unrestricted growth of brush, vines or vegetation which creates a hazard on the premises or to adjacent property or overhangs the right of way in such a way as to impede the free and full use of the right of way.

*Secured Dwelling* shall mean a vacant dwelling to which unforced entry by persons cannot be readily made through the said dwelling's doors, windows, or other openings of sufficient size to facilitate entry by persons.

*Substandard Dwelling* shall mean a dwelling in which any condition exists that is set forth in [Section 19](#) or that does not meet the applicable requirements set out in Article II herein.

*Substantial Compliance* shall mean the existence in the subject building or dwelling unit of no more than three (3) violations of this Code, none of which constitutes a violation of [Section 19](#).

*Supplied* shall mean contracted for, furnished by, installed by or under the control of the owner or operator of property.

*Surface, all-weather* shall mean any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to prevent vehicle wheels from making direct contact with soil, sod or mud and which effectively prevents the depositing of soil, sod or mud onto streets from areas required to be treated.

*Thicket* shall mean an area of dense or tangled growths of brush or vines.

*Uncultivated* shall mean not part of a planned, maintained landscape.



*Unfit for Human Habitation* shall mean the existence on property of any condition that is set forth in [Section 19](#) of this Code.

*Utility Services* shall mean water, gas, electric and sewer services.

*Vacant* shall mean unoccupied.

*Vacant lot* shall mean a parcel of land devoid of an edifice of any kind.

*Vegetative growth* shall mean any and all uncultivated growth exceeding a height or length of 12 inches, as measured from the surface of the ground, of any lot, tract or parcel of land.

*Weed* shall mean all unrestricted vegetative growth, including nuisance plants.

*Visible evidence of mold* shall mean the existence of mold in the residential dwelling unit that is visible to the naked eye as determined by a health officer or a Code Enforcement Officer.

*Workmanlike Maintenance and Repair* shall mean maintenance and repair made in a reasonable skillful manner and ordinarily performed, under similar conditions and like circumstances, by persons in that trade or profession.

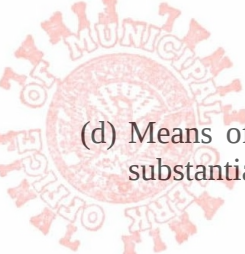
## SECTION 2

That Part III - Land Development Code, Appendix E (Atlanta Housing Code Of 1987), Article 1 (Policy and Administration), Section 19.- Highly Hazardous is amended as follows (added text is in underlined font):

Sec. 19. -

It shall be unlawful for any owner or operator to allow, or for any occupant to cause the following highly hazardous property conditions, any of which may constitute a nuisance as defined in Section 6 and 12.

- (a) Roofs, floors or supporting members, including, but not limited to, girders, sills, joists and studs, which show thirty-three percent (33%) or more damage or deterioration or which are of sufficient size or strength to safely support imposed loads;
- (b) Non-supporting enclosing or outside walls or coverings which show fifty percent (50%) or more damage or deterioration;
- (c) Defective or improperly maintained electrical, heating, ventilation, sanitation or like facilities which endanger or insufficiently protect the health, safety or general welfare of the occupants;



(d) Means of egress and ingress, which in the determination of the Director, are defective or unsafe, or substantially smaller than the dimensions required by law;

(e) Vacant Dwellings which are open and unsecured against unforced entry;

(f) Conditions which, in the determination of the Director, are dilapidated, decayed, unsafe, unsanitary or that unreasonably expose occupants or the general public to illness, disease or physical injury;

(g) Conditions which in the determination of the Director, unreasonably expose occupants to rain, moisture or cold air;

(h) The presence of visible mold growth, as determined by a health officer or a Code Enforcement Officer;

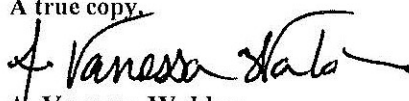
(I) Any other condition which, in the determination of the Director, is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the occupants or general public.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict only.

SECTION 4: That the Director of Code Compliance and/or their authorized representative, or the commander of the Atlanta Police Department's Code Enforcement Section will take necessary action to ensure the ability to enforce and otherwise effectuate the amendments contained in this ordinance within 90 days upon approval of this ordinance.

SECTION 5: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of the Atlanta Housing Code, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

A true copy,

  
A. Vanessa Waldon  
Municipal Clerk

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

OCT 02, 2023

OCT 11, 2023