

For Atlanta, Georgia to create Code of Ordinances PART II - CODE OF ORDINANCES—GENERAL
ORDINANCES Chapter 30 - BUSINESSES ARTICLE XXVI - Short Term Rentals

ARTICLE XXVI. – Short Term Rentals

Sec. 30-1521. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Short-Term Rental (STR) means the rental of a primary residence or portion thereof for a period of less than 30 nights, for which the guest compensates an owner or lessee of the unit.

STR Oversight Authority The STR Oversight Authority is the designated City of Atlanta office responsible for Short-Term Rentals.

Primary Residence means a housing unit in which an owner or lessee resides for the majority of the year.

Homestay An STR unit is a homestay if the owner or lessee who is hosting a short-term guest occupies that dwelling unit as his or her primary residence for the majority of the year, and if the owner or lessee hosts one or more guests in a bedroom or some portion of the unit and is generally present for the duration of the rental period.

Un-Hosted Primary Residence STR A unit is an Un-Hosted Primary Residence STR if the owner or lessee occupies the dwelling unit as his or her primary residence for the majority of the year, but leaves his or her unit for a period of time – for example, over a weekend, when traveling for work, or while on vacation – and rents out all or part of the unit in his or her absence.

Short Term Vacation Rental A Short Term Vacation Rental (STVR) is an entire residential unit that is not a primary residence and is rented to guests on a short-term basis.

Listing Platform or "platform" means a marketplace, in whatever form or format, which facilitates short-term rentals through advertising, matchmaking, or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenue, including booking fees or advertising revenue, from providing or maintaining the marketplace. Merely publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

Host means any person who is the owner of a dwelling unit who offers or provides that dwelling unit, or portion thereof, for short-term rental or short term vacation rental use or a person who is the tenant of a dwelling unit, or portion thereof, who offered or provided a short term rental.

Host Representative means any person who performs any task on behalf of or as an agent of the host for the purpose of the short term rental or short term vacation rental. Cleaning crews are considered host representatives.

Guest means any person or persons renting a short-term rental or bed and breakfast unit.

Sec. 30-1522. - Intent.

It is the intent of the council in enacting this article to:

- (1) Serve and protect the health, safety and welfare of the general public.
- (2) Make properly permitted short-term rentals a legal use in residential neighborhoods.
- (3) Establish a uniform set of rules and regulations governing short-term rentals.
- (4) Protect the character of residential neighborhoods.
- (5) Protect the city's housing stock and promote equitable distribution of benefits from short-term rentals.

Sec. 30-1523. - Oversight Authority

- (a) The City of Atlanta STR Oversight Authority shall establish administrative rules that are clear and equitable for all City of Atlanta residents, hosts, owners, operators and listing platforms.
- (b) The City of Atlanta STR Oversight Authority shall establish application fees not to exceed \$25 for homestay permits, \$100 for Un-Hosted Primary Residence STR permits or \$500 for Short Term Vacation Rental permits.
- (c) The City of Atlanta STR Oversight Authority shall establish a reasonable response time requirement.
- (d) The City of Atlanta STR Oversight Authority shall establish a safety checklist to ensure that each dwelling has at a minimum working carbon monoxide detector, smoke detector, fire extinguisher, functioning door and window locks, first aid kit and disclosure of any audio, video or similar surveillance equipment.
- (e) The City of Atlanta STR Oversight Authority shall establish administrative rules to ensure that each dwelling posts a welcome card that includes useful information as determined by the City of Atlanta STR Oversight Authority for the benefit and safety of guests and community in a fashion that is easy to read in a high visibility location.
- (f) The City of Atlanta STR Oversight Authority shall post a complete sample permit application for each type of permit to its website.
- (g) The City of Atlanta STR Oversight Authority shall establish a lottery process for equitable distribution of Short Term Vacation Rental permits.
- (h) The City of Atlanta STR Oversight Authority shall establish a review process that incorporates public input in its administrative rules.
- (i) The City of Atlanta STR Oversight Authority and its administrative rules shall comply with City of Atlanta general ordinance Part II, Chapter 3 for transparency.

Sec. 30-1524. - General Requirements

- (a) The host, owner or operator must complete and submit a permit application following the process defined by the City of Atlanta STR Oversight Authority which shall include address, parcel number, property owner's name, proof of ownership, proof of primary residence if applicable, safety checklist, interior and exterior photographs depicting the current state of the property, the requested type(s) of short term rental use, the requested number of guests, a site plan and a floor plan that includes dimensions, room type, the location of any required safety equipment and the location of any required posted information. The application shall include the necessary information for the City of Atlanta STR Oversight Authority to determine where the photographs are taken in relation to the site and floor plans.
- (b) The host, owner, operator or listing platform shall maintain liability insurance on the property, which covers the short term rental use and guests.
- (c) The host, owner, operator or listing platform must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.
- (d) The dwelling unit shall comply with all current and applicable building codes and shall have a certificate of occupancy from the City of Atlanta.
- (e) Permits shall be renewed annually.
- (f) The length of stay of guests shall not exceed 30 days.
- (g) No displays of goods, products, services, or other advertising shall be visible from outside of the dwelling.
- (h) No activities other than lodging shall be provided.
- (i) No additional off-street parking is required.

- (j) Use of fireworks is not permitted.
- (k) Short-term rentals are not permitted in accessory dwelling units.
- (l) Host or host representative 24/7 emergency contact information shall be provided to the City of Atlanta and posted in the dwelling unit. The host shall agree to respond to any emergencies within the reasonable response timeline as defined by the City of Atlanta STR Oversight Authority.
- (m) A maximum of 8 guests shall be allowed, unless a special exception is granted by the City of Atlanta STR Oversight Authority and documented on that dwelling unit's permit.
- (n) Permits shall be limited to one per residential lot/parcel.
- (o) The listing platform shall ensure that any listings in the City of Atlanta have valid and current Short Term Rental permit for the listed use.
- (p) The host, owner, operator or listing platform shall maintain records for a minimum of two years.
- (q) Permits are issued on an annual basis and may be revoked at any time for non-compliance or for any other reason as set forth in the City of Atlanta STR Oversight Authority administrative regulations.
- (r) Permits are non-transferable and may be revoked at any time for any reason including disturbing the peace or failure to comply with applicable ordinances at the discretion of the City of Atlanta.
- (s) Violations of this subsection shall be punishable in accordance with section 1-8 of the City of Atlanta Code of Ordinances.

Sec. 30-1525. - Listing Platforms

- (a) Listing platforms must have a valid permit from the City of Atlanta STR Oversight Authority to list any dwellings within the City of Atlanta.
- (b) Listing platforms applying for a permit shall submit a permit application to the City of Atlanta STR Oversight Authority.
 - (1) The application shall be sworn to by the applicant or agent thereof and must include the following:
 - a. Completed listing platform permit application form included all requested plans, policies, and specifications;
 - b. City business license, (occupational tax certificate);
 - c. Insurance documentation and acknowledgement that the city is indemnified and held harmless for all liability related to short term rental operation;
 - d. Address and contact information for the City of Atlanta STR Oversight Authority to contact the listing platform;
 - e. Application fee of \$100.00.
- (c) The listing platform permit fee shall be \$20,000.00 annually for 1000 listings, \$20.00 for each additional listing in excess of 1000 listings.
- (d) The City of Atlanta STR Oversight Authority will accept and issue annual listing permit applications at its discretion. The annual listing platform permit application shall be valid for 12 months as of the date of the original issuance of the permit and shall thereafter expire. Upon expiration, no listing platform is guaranteed a permit renewal. Any interested listing platform shall be allowed the opportunity to apply for a new annual permit from the City of Atlanta STR Oversight Authority.

- (e) At the City of Atlanta STR Oversight Authority's discretion, permits may be issued up to 12 months in advance to enable listing platforms to secure future reservations in compliance with this ordinance.
- (f) Upon permit revocation or suspension, the city will not refund any permit fees previously paid to the city.
- (g) Listing platforms shall ensure that any listings on its platform in the City of Atlanta have valid permits in accordance with Sec. 30-1524, Sec. 30-1526, Sec. 30-1527, Sec. 30-1528, Sec. 30-1529 and Sec. 30-1530 and shall cancel any future bookings should permits be revoked.
- (h) Listing platforms must provide a monthly data report. Reporting requirements will be defined through administrative regulations, communicated directly to listing platforms, and published on the city's website.
- (i) Violations of this subsection shall be punishable in accordance with section 1-8 of the City of Atlanta Code of Ordinances.
- (j) Platforms may be cited \$1000 per day per violation and subject to permit revocation

Sec. 30-1526. - Hosts

- (a) Hosts must have a valid permit from the City of Atlanta STR Oversight Authority to list any dwellings within the City of Atlanta on a listing platform.
- (b) The application shall indicate the host's desired type or types of Short Term Rental permit, the host's plan for meeting City of Atlanta STR Oversight Authority's reasonable response time requirements and shall include proof of minimum \$1,000,000.00 liability insurance.
- (c) Short Term Vacation Rental permit applications shall be signed by three citizens of the city certifying to the character of the applicant.
- (d) Hosts shall be subject to a background investigation by the City of Atlanta police as part of the permit application process.
- (e) The host permit must be renewed annually.
- (f) The host shall not employ host representatives without a valid permit.
- (g) Violations of this subsection shall be punishable in accordance with section 1-8 of the City of Atlanta Code of Ordinances.
- (h) Hosts may be cited \$1000 per day per violation and subject to permit revocation

Sec. 30-1527. - Host Representatives

- (a) Host representatives must have a valid permit from the City of Atlanta STR Oversight Authority to support operations in the City of Atlanta.
- (b) Host representatives shall be subject to a background investigation by the City of Atlanta police as part of the permit application process.
- (c) The permit shall be renewed annually.
- (d) Violations of this subsection shall be punishable in accordance with section 1-8 of the City of Atlanta Code of Ordinances.

Sec. 30-1528. - Homestays

- (a) Dwellings permitted for homestay shall comply with Sec. 30-1523.
- (b) The homestay operation shall be managed and carried on by a person who: is a full-time resident of the property; and is present during the homestay term for the entire time lodgers are staying at the property. To be a "full time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. For purposes of this ordinance, a person can only have one primary, full time residence, and the homestay must be operated

from that primary, full time residence. In order to be "present during the homestay term," the full time resident shall be at the property overnight and not away on vacation, visiting friends or family, traveling out of town for business or personal reasons, etc. during the homestay term. However, the full-time resident may be temporarily absent from the property for purposes related to normal residential activities such as shopping, working, attending class, etc.

- (c) Homestay permits shall be limited to one per person, at any given time.
- (d) Shall be limited to a maximum of two rooms in the unit.
- (e) Shall be limited to a maximum of 90 days per year.
- (f) No exterior signage shall be allowed for homestays.
- (g) Violations of this subsection shall be punishable in accordance with section 1-8 of the City of Atlanta Code of Ordinances.

Sec. 30-1529. - Un-Hosted Primary Residence STRs

- (a) Dwellings permitted for Un-Hosted Primary Residence STRs must comply with Sec. 30-1523.
- (b) Un-Hosted Primary Residence STRs permits shall be limited to one per person, at any given time.
- (c) The permit application shall require proof of primary residency for a minimum of 90 days.
- (d) The recipient of any new permit shall post a copy of same on a sign not less than six square feet with the words "Notice of Issuance of Un-Hosted Primary Residence STR Permit" in letters not less than four inches high in a conspicuous place on the effected property so that the sign and the permit can be easily viewed from the public street on which the property fronts. Said sign shall be posted no later than 24 hours after the issuance of the permit and shall not be removed for 30 days. The sign is only required for new permits and is not required for permit renewal.
- (e) Shall be limited to a maximum of 90 days per year.
- (f) Violations of this subsection shall be punishable in accordance with section 1-8 of the City of Atlanta Code of Ordinances.

Sec. 30-1530. - Short Term Vacation Rentals

- (a) Dwellings permitted for Short Term Vacation Rentals must comply with Sec. 30-1523.
- (b) Un-Hosted Primary Residence STRs permits shall be limited to two per entity, at any given time.
- (c) The applicant shall post a copy of the permit application on a sign not less than six square feet with the words "Notice of Application for Short Term Vacation Rentals Permit" in letters not less than four inches high in a conspicuous place on the affected property so that the sign and the permit can be easily viewed from the public street on which the property fronts. Said sign shall be posted no later than 24 hours after the filing of the permit application and shall not be removed for 30 days. The sign is only required for new permit applications and is not required for permit renewal.
- (d) Shall be limited to a maximum of 90 days per year.
- (e) Shall be limited to no more than 2 per land lot within the limits of the City of Atlanta.
- (f) Violations of this subsection shall be punishable in accordance with section 1-8 of the City of Atlanta Code of Ordinances.

Sec. 30-1531. – Transient Occupancy Tax

Transient occupancy taxes (TOT) shall be collected for short-term rentals and paid to the City of Atlanta, pursuant to Chapter 146, Article V of the Atlanta Code of Ordinances. Collection and remittance of TOT is the responsibility of the host. If a listing platform is used, and the City of Atlanta has a voluntary collection

agreement, or equivalent, with that hosting platform, TOT may be collected and remitted directly to the City by the hosting platform. The host must maintain records of TOT paid, even if paid by a hosting platform, for two (2) years.

Sec. 30-1532 - Sec. 30-1540. – Reserved.

NOTE: Need to add Chapter 146, Article V to add Short Term Rental Tax to align with a rate similar to current hotel/motel taxes.

NOTE: Need to add to Part 16 – Zoning for all residential districts.

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