

City of Atlanta Short Term Rental Ordinance: 20-O-1656

The following is provided to support the public with understanding the City of Atlanta's Short Term Rental Ordinance: 20-O-1656. We have split the frequently asked questions in two portions: one portion focused on FAQs asked by the community and another portion focused on FAQs asked by those who may have existing or are seeking to provide short term rental accommodations.

Timeline for Completion of Section 2-45 Requirements

Pursuant to Section 2-45 of the City of Atlanta Code of Ordinances, the establishment or change in fees require notice to the public. This includes: 1) a notice of pending legislation establishing any such fee or fee change to be published at least once in a newspaper of general circulation not less than 30 days prior to final council action pertaining to any such fee or fee change; 2) a period of not less than 45 days after the introduction of any legislation proposing any such new fee or fee change for the public to submit written comments to the council c/o the municipal clerk; 3) at least one public hearing to be held by the appropriate standing committee of the council regarding the legislation proposing any such new fee or fee change; and 4) written notice of legislation proposing any such new fee, or charge or to increase the amount of any existing fee, or charge provided, for information purposes only, to the Atlanta Planning Advisory Board (APAB) and each neighborhood planning unit (NPU) neighborhood organizations within 45 days after the introduction of any such legislation.

Below is the timeline of events between substitution of the legislation and anticipated adoption.

Tuesday, January 12, 2021: Legislation substituted and held in Community Development/Human Services Committee.

Thursday, February 11, 2021: Completion of 30-Day Public Notice Period (starting January 12.)

Wednesday, February 22, 2021: Legislation to move forward in Community Development/Human Services Committee favorable on condition of a public hearing on March 1 at the Full Council meeting.

Friday, February 26, 2021: Completion of 45-Day Public Comment Period (starting January 12.)

Monday, March 1: Public hearing in Full Council meeting and anticipated adoption.

Frequently Asked Questions by the Community

What does this legislation do?

This legislation serves three purposes:

- to ensure short-term rental hosts can operate in the City of Atlanta, are responsible, and are appropriately taxed;
- to set expectations of the community standards for the public safety and general welfare of the City of Atlanta as pertains to the home sharing industry; and
- and to ensure guests and the City have the appropriate point of contact in the event of an emergency, violation, or disturbance.

Will it ban short term rentals?

No, this legislation will not ban short term rentals. This legislation ensures short term rentals can operate in a manner that aligns with our collective community development goals, public safety, and the general welfare of the City.

How does this affect long term rentals or month to month rentals?

This regulation only applies to short term rentals. Short term rentals are accommodations where in exchange for money a residential dwelling unit is rented for less than 30 consecutive days.

Does this mean short term rentals are currently operating illegally?

No. There are periods in which technology and new industries emerge and these innovations often outpaces the law. This is the case with the homesharing industry. Short term rentals have quickly emerged, and there was a need to specifically address short term rentals in the code, as such we have drafted this specific piece of regulation.

What is required of short term rentals?

Short term rentals are required to:

- pay a \$150 fee annually to obtain a short-term rental certificate;
- provide written rules on parking, noise, and acknowledge compliance with community standards;
- assign a short term rental agent; and
- provide 24-hour contact information.

What about party houses?

Party houses were addressed in Councilmember J.P. Matzigkeit's legislation 19-O-1393. This Short Term Rental legislation aligns with that legislation by outlining penalties for short term rentals that violate the code.

How will this affect my community?

This legislation will ensure we have the adequate contact information for short term rentals, appropriately tax short term rentals, and ensure that the City of Atlanta can continue to benefit from the economic and cultural benefits of the short term rental industry.

What about communities that have short term rental restrictions in place?

Communities, such as covenants, which have a short term rental restriction in place will continue to have these restrictions upheld.

Who are the sponsors?

The author of this legislation is Council Members Andre Dickens and Council Member Matt Westmoreland. The legislation is co sponsored by: Jennifer Ide, Amir Farokhi, Antonio Brown, Michael Julian Bond, and Joyce Sheperd.

Frequently Asked Questions by the Short Term Rental Community

Who can be a short term rental agent?

To ensure equitable participation in the short term rental industry, the owner or authorized long-term tenant of a property can assign a short term rental agent. This individual is responsible for any violations at the property and must provide 24-hour contact information.

Is there a limit on the number of short term rentals?

The use of a short term rental is a property right. All short term rental agents may obtain a certificate for their primary residence and two additional properties without any additional requirements, fees, permits, licenses, zoning or related restrictions.

Is a business license required?

All short term rental agents may obtain a certificate for their *primary residence and two additional properties* **without** any additional requirements, fees, permits, licenses, zoning or related restrictions.

How do I get a short term rental certificate?

The Department of City Planning will issue short term rental certificates pursuant to the provisions set forth in [Ordinance 20-O-1656](#). This will include the completion of an application and an annual \$150.00 fee.

Are short term rentals subject to taxes?

Short-term rentals are subject to applicable state and local taxes and are responsible for payment of them as established by state and local laws. Short-term rentals are subject to the hotel-motel tax of 8% of the charge furnishing short-term rentals as allowed under State law (in Section 48-13-51(a)(5) and Section 48-13-51(b)(7)(a).)

How will short term rental application data and agent data be used?

Short term rental agents' data will be used to contact the short term rental agent in the event of a disturbance, violation, or emergency at the property. The Police Department will maintain a record of all violations of the City Code.

Can my application be denied?

If the short term rental is found in violation of the code on more than three occasions future applications may be denied for a designated period of time. To ensure equity and fairness, short term rental agents will be afforded an opportunity to appeal violations or denials.

What are the penalties for non compliance?

Short term rentals will be fined for violations. And when a short term rental has accumulated three violations for a particular property, the city is authorized to revoke any certificate and reject applications for a designated period of time.

When does this go into effect?

The legislation will be enacted on September 1 and there will be a grace period for short term rentals to get a short term rental certificate. Should there be any delays due to the realities of the pandemic or programming, the public will be notified.

Will my short term rental be shut down until the City has the certificate system in place?

No. The legislation will be enacted on September 1 and there will be a grace period for short term rentals to get a short term rental certificate. Applicants will be provided a provisional certificate which will allow short term rental agents to continue to operate while their certificate is processed.