

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for a text amendment relating to short-term rentals and for other purposes. This text amendment is County-wide.

PETITION NO: D1-2023-1467 TA-24-1246762

PROPOSED USE: Short-term rentals, and for other purposes.

LOCATION: County-wide.

PARCEL NO. : N/A

INFO. CONTACT: Yvonne Trammell, Special Projects Coordinator

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for a text amendment relating to short-term rentals and for other purposes. This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: (June 2025) CC-1: Full cycle deferral; CC-2: Denial; CC-3: Approval; CC-4: Full cycle deferral; CC-5: Approval. (Feb. 2024) CC-1: Full cycle deferral; CC-2: No Vote Taken; CC-3: Full cycle deferral; CC-4: Full cycle deferral; CC-5: Two-cycle deferral. (August 2024) CC-1: Approval; CC-2: Deferral; CC-3: Approval; CC-4: Full cycle deferral; CC-5: Denial. (April 2024) CC-1: Two-cycle deferral; CC-2: No vote taken; CC-3: Two-cycle deferral; CC-4: Two-cycle deferral; CC-5: Approval. (December 2023) CC-1: Full cycle deferral; CC-2: Deferral; CC-3: Deferral; CC-4: Full cycle deferral; CC-5: Deferral.

PLANNING COMMISSION: (July 8, 2025) Two-cycle deferral. (March 4, 2025) Two-cycle deferral. (September 12, 2024) Three-Cycle Deferral. (May 2, 2024) Two-Cycle Deferral. (Jan. 9, 2024) Two-Cycle Deferral.

PLANNING STAFF: Approval.

STAFF ANALYSIS: This proposal introduces a new term and definition. Short term rental is: “the rental of a room, lodging or overnight accommodations for a period not exceeding thirty (30) consecutive days.” This term shall encompass the rental of a vacation home, residential dwelling, guestroom, or other overnight lodging that an owner advertises through a marketplace facilitator such as but not limited to Airbnb.com. Booking.com, Hometogo.com and or VRBO.com. In summary, the proposed regulatory framework consists of the following: • By-right, residential, accessory use (administrative approval) • Annual application submitted to the Business License Division for permit: • Name, address, telephone number and email address of STR agent with 24- Hour contact information. • Application Fee • Business License required • Number and location of parking spaces allocated to the premises • Taxation – 8% This item has been deferred since the January 9, 2024, Board of Commissioners meeting. This is the third draft of the ordinance, released March 3, 2025. Although concerns still remain with this 3rd draft there is strong support for DeKalb County to implement regulations on Short-Term Rentals (STRs). Planning Staff recommends a phased regulatory approach, beginning with the registration, permitting, and taxation of current listings. The specifics regarding the implementation of the ordinance, such as posting of the 24-hour contact information or sharing of STR location data, shall be finalized within the

implementation window described in the ordinance. Additionally, Planning Staff is collaborating with Code Compliance, Business License and the Solicitor's Office to address enforcement and licensing concerns. Staff is finalizing a cost analysis to determine the permitting fee, so that it can cover the cost of additional staff and a software management system. Therefore, it is the recommendation of the Planning & Sustainability Department that the application be for **"Approval"**.

PLANNING COMMISSION VOTE: (July 8, 2025) Two-Cycle Deferral 8-1-0. Commissioner West moved, Commissioner Osler seconded for a two-cycle deferral to the November 2025 zoning agenda. Commissioner Costello opposed. **(March 4, 2025) Two-Cycle Deferral 7-0-0.** Jan Costello moved, Jon West seconded for a two-cycle deferral to the July 2025 zoning agenda. Winton Cooper was not present for this vote. **(September 12, 2024) Three-Cycle Deferral 8-1-0.** Jana Johnson moved, Jon West seconded for a 3-cycle deferral to the March 2024 zoning agenda, with the request that the next time this case comes before the Planning Commission, someone from the DeKalb County Legal Department be present. Jan Costello opposed. **(May 2, 2024) Two-Cycle Deferral 7-0-0.** Jon West moved, Vivian Moore seconded for a two-cycle deferral to the September 2024 zoning agenda, per staff recommendation. **(Jan. 9, 2024) Two-cycle deferral 9-0-0.** Jon West moved, Sarah Zou seconded for a 2-cycle deferral to the May 2024 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (June 2025) CC-1: Full cycle deferral 5-0-0; **CC-2:** Denial 10-0-0. Community Council District 2 requests stronger quality of life enforcement, public availability of 24/7 contact information, and consideration of limiting short-term rentals to homestead properties; **CC-3:** Approval 5-4-0; **CC-4:** Full cycle deferral 8-0-2; **CC-5:** Approval 5-0-1. **(February 2025) CC-1:** Full-cycle deferral 3-0-0; **CC-2:** No Vote Taken; **CC-3:** Full-cycle deferral 10-0-0; **CC-4:** Full-cycle deferral 10-0-0; **CC-5:** Two-cycle deferral 7-0-0. **(August 2024) CC-1:** Approval (2-1-0) with the following conditions: 1) if the property is rented for 180 days or more, a SLUP should be required; and, 2) the homeowner should complete an affidavit stating they reside at the home full-time and have a homestead exemption. **CC-2:** Deferral 8-0-0. **CC-3:** Approval 7-0-1. **CC-4:** Full cycle deferral 9-0-0. **CC-5:** Denial 7-0-1. **(April 2024) CC-1:** Two-cycle deferral 3-0-0; **CC-2:** No vote taken; **CC-3:** Two-cycle deferral (12-0-0) to allow for additional time for this item to be vetted and for previous comments to be clarified; **CC-4:** Two-cycle deferral 10-0-0; **CC-5:** Approval 9-0-0. **(Dec. 2023) CC-1:** Full Cycle Deferral 7-0-0. Full cycle deferral, with request that the following feedback be issued to appropriate departments: 1. A separation of a single room STR verse an entire unit STR. A single room STR is more of a hotel. 2. SLUP to inform neighborhood *versus* notification to the neighbors that a property owner has applied for a Business License to operate an STR. CC 1 felt a SLUP was necessary. 3. Parking regulations per unit. 4. Clear description of penalties and what they apply to as it pertains to taxes and fees – page 5 shows no escalation in offense from your 1st to 5th (\$100, \$500, \$1,000, revoked). 5. Too based upon the "honor system" – how will DeKalb know who is paying for a BL or not, who is tracking that? 6. A portion of the funds should circulate to Staff this appropriately through Business License Department and Code Enforcement. 7. Change language in legal and proper payment to "property owner" or "representative". **CC-2:** Deferral 10-0-0. Comments included: not enough restrictions, not enough enforcement, and revenue should be allocated to administration of ordinance. **CC-3:** Deferral 6-1-0. CC-3 recommended deferral until a better draft is crafted which considers information that will be coming from the community via Engage DeKalb, including information on how the proposed tax revenues will be distributed. **CC-4:** Full cycle deferral 11-0-0. **CC-5:** Deferral 8-0-0.

Planning Commission Hearing Date: July 8, 2025
Board of Commissioners Hearing Date: July 24, 2025

STAFF ANALYSIS

CASE NO.:	TA-24-1246762	File ID #: 2023-1467
Address:	County-wide	Commission District: All
Request:	As initiated by District 5 Commissioner, Mereda Davis Johnson, and following subsequent discussions of the Planning, Economic Development, and Community Services (PECS) Committee, the County is exploring an ordinance regulating short- term rentals. This multi-faceted proposal represents the collaboration of the following departments: Planning & Sustainability, Law, Code Compliance Administration, Finance, and the Solicitor-General's Office. Short-term rentals are currently not regulated, yet they exist and consideration of how to manage them, particularly, within single-family zoning districts is needed.	
Applicant/Agent:	Director of Planning & Sustainability	
Sections of the Zoning Ordinance Affected by Amendments:	Chapter 27 Zoning Ordinance, to amend section 4.1.3 (Use Table) and to amend section 4.2.15 (Bed and Breakfast Inn, Home Stay, and Short-Term Rental) related to the introduction of regulations of short-term rental accommodations.	

STAFF RECOMMENDATION: Approval

This proposal introduces a new term and definition. *Short term rental* is: “the rental of a room, lodging or overnight accommodations for a period not exceeding thirty (30) consecutive days.” This term shall encompass the rental of a vacation home, residential dwelling, guestroom, or other overnight lodging that an owner advertises through a marketplace facilitator such as but not limited to Airbnb.com, Booking.com, Hometogo.com and or VRBO.com. In summary, the proposed regulatory framework consists of the following:

- By-right, residential, accessory use (administrative approval)
- Annual application submitted to the Business License Division for permit:
- Name, address, telephone number and email address of STR agent with 24- Hour contact information.
- Application Fee
- Business License required
- Number and location of parking spaces allocated to the premises
- Taxation – 8%

This item has been deferred since the January 9, 2024, Board of Commissioners meeting. This is the third draft of the ordinance, released March 3, 2025. Although concerns still remain with this 3rd draft there is strong support for DeKalb County to implement regulations on Short-Term Rentals (STRs). Planning Staff recommends a phased regulatory approach, beginning with the registration, permitting, and taxation of current listings. The specifics regarding the implementation of the ordinance, such as posting of the 24-hour contact information or sharing of STR location data, shall be finalized within the implementation window described in the ordinance.

Additionally, Planning Staff is collaborating with Code Compliance, Business License and the Solicitor's Office to address enforcement and licensing concerns. Staff is finalizing a cost analysis to determine the permitting fee, so that it can cover the cost of additional staff and a software management system. Therefore, it is the recommendation of the Planning & Sustainability Department that the application be for "***Approval***".

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 24 PERTAINING TO AN EXCISE TAX ON SHORT TERM RENTALS
AND CHAPTER 27 PERTAINING TO ZONING AND FOR OTHER PURPOSES.**

WHEREAS, pursuant to O.C.G.A. § 48-13-51(b), the Governing Authority of DeKalb County is authorized to levy an excise tax at a rate not to exceed (8%) eight percent of the charge for the furnishing for value to the public of any room or rooms, lodgings, or accommodations; and

WHEREAS, Section 24-84 of the Code of DeKalb County currently provides for a tax of (8%) eight percent on the rent for occupancy of a guestroom in a hotel in the unincorporated area of the county, as authorized by state law; and

WHEREAS, the DeKalb County Board of Commissioners is vested with authority to regulate land use through the adoption of planning and zoning ordinances which reasonably relate to the public health, safety and general welfare of its citizens; and

WHEREAS, the use of residential rooms or dwellings as lodgings has become an increasingly popular option for travelers and tourists seeking temporary accommodations for business affairs, vacations, or other leisure.

WHEREAS, use of residential dwellings as lodgings should not interfere with the peaceful and quiet enjoyment of residential neighborhoods; and

WHEREAS, the DeKalb County Board of Commissioners finds that this ordinance will protect and preserve the health, safety, and general welfare of the County by establishing a framework of regulations for short term rentals in residential zoning districts; and

NOW, THEREFORE, be it ordained by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapters 24 and 27 of the Code of DeKalb County, as Revised 1988, be amended as follows:

PART I. ENACTMENT

By amending Chapter 24, Article VIII, to add reserved sections to read as follows:

Secs. 24-172 – 24-174. Reserved.

By adding Article IX to Chapter 24 to read as follows:

ARTICLE IX. EXCISE TAX ON SHORT TERM RENTALS ORDINANCE

Sec. 24-175. Definitions.

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

“Innkeeper” means any person that furnishes for value to the public any rooms, lodgings or accommodations located in unincorporated DeKalb County for use as a short term rental.

“Occupant” means any person who, in exchange for compensation, occupies a vacation home, residential dwelling, guestroom, or other overnight lodging for a period not exceeding thirty (30) consecutive days.

“Short term rental agent” means owner, or person designated by the owner, subject to the provisions outlined herein. Agent shall post his or her contact information on the premises, be on call twenty-four (24) hours each day for the entire length of the stay, and authorized to receive complaints and accept service of process.

“Short term rental” means the rental of any room, lodging or overnight accommodations for a period not exceeding thirty (30) consecutive days. This term shall encompass the rental of a vacation home, residential dwelling, guestroom, or other overnight lodging that an owner advertises through a marketplace facilitator such as but not limited to: Airbnb.com, Booking.com, Hometogo.com and/or VRBO.com.

Sec. 24-176. Imposition; tax rate.

There shall be imposed, assessed, levied and paid an excise tax of (8%) eight percent of the rent for occupancy of a short-term rental in the unincorporated area of the county, as authorized by O.C.G.A. § 48-13-51(b).

Sec. 24-177. Exemptions.

(a) No tax shall be imposed under this article upon any of the following:

- (1) Overnight lodgings, rooms, or accommodations furnished for a period of more than thirty (30) continuous days;
- (2) Overnight lodgings, rooms, or accommodations furnished as a result of an emergency if the occupant certifies in writing that he or she is staying in such accommodations as a result of their residence having been destroyed by fire, natural disaster or other casualty; or
- (3) Overnight lodgings, rooms, or accommodations furnished for a period of one (1) or more days for use by federal, state or local government officials or employees when traveling on official business.

Sec. 24-178. Collection by innkeeper; receipt to occupant and collection schedules.

Every innkeeper operating a short term rental in the county and renting overnight lodgings, rooms, or accommodation not exempted under section 24-177 of this article shall, at the time of collecting the rent from the occupant, give the occupant a receipt therefor upon request. In all cases of transactions upon credit or deferred payment, the payment of tax to the operator may be deferred

in accordance therewith, and the operator shall be liable therefor at the time and to the extent that these credits are incurred in accordance with the rate of tax owing on the amount thereof. The County's Business License Division of the Department of Planning & Sustainability shall have the power to adopt rules and regulations prescribing methods and schedules for the collection and payment of such tax.

Sec. 24-179. Permit, registration of innkeeper and certificate of authority.

- (a) Every person engaging or about to engage in business as an operator of a short term rental in the county shall obtain a permit issued by the County's Business License Division of the Department of Planning & Sustainability according to the provisions established in chapter 27, article 4 of this Code. Persons engaged in such business prior to the enactment of this article must register with the County's Business License Division no later than 30 days after the date that this article becomes effective. Failure to comply with the permit requirements and/or supplemental regulations established in chapter 27 is a violation of this article.
- (b) Every person engaging or about to engage in business as an operator of a short term rental in the county shall immediately register with the County's Business License Division on a form provided by the Department of Planning & Sustainability. This registration shall set forth the name under which the person or legal entity transacts business or intends to transact business, the location(s) of the person's short term rental and such other information to facilitate the collection of the tax as the Business License Division may require. The registration shall be signed by the owner if a natural person; in case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the registration. The Business License Division shall, within ten (10) days after such registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of the registrant. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy. This certificate shall be nonassignable and nontransferable and shall be surrendered immediately to the County's Business License Division of the Department of Planning & Sustainability upon the cessation of business at the location named or upon its sale or transfer.
- (c) If the County's Business License Division of the Department of Planning & Sustainability deems it necessary in order to facilitate initial registration hereunder of innkeepers or prior to the date of imposition of tax as set forth in this article, the Business License Division may prescribe provisions therefor other than those provided in this section. Those provisions shall be made to effect the purposes of this article. For these purposes, those provisions shall be in lieu of those provided herein. The registration and the certificate thereof shall have the same effect as that provided herein.

Sec. 24-180. Determinations, returns, payments.

- (a) *Due date.* The tax imposed by this article shall become due and payable from the occupant at the time of occupancy of any short-term rental in this county, except as provided above. All taxes collected by any innkeeper are due and payable to the Business License Division

of the Department of Planning & Sustainability on or before the twentieth day of the month following each monthly period.

- (b) *Filing of returns.* On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed with the County's Business License Division of the Department of Planning & Sustainability, in such form as the Business License Division may prescribe, by every innkeeper during that monthly period who has not yet paid the tax, and made return in regard to the related occupation which is the subject of the tax.
- (c) *Contents of return.* All returns shall show the gross rent, taxable rent, amount of tax collected or otherwise due for the related period and such other information as required by the County's Business License Division of the Department of Planning & Sustainability.
- (d) *Delivery of return and remittance.* An innkeeper shall file and deliver the return, together with the remittance of the net amount of tax due to the County's Business License Division of the Department of Planning & Sustainability.
- (e) *Collection fee.* Innkeepers collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. A "hotel/motel excise tax form" must be completed. The rate of the deduction shall be the same rate authorized for deductions from state sales and use tax under O.C.G.A. § 48-1-1- *et seq.*, as now or hereafter amended.

Sec. 24-181. Deficiency determinations.

If the County's Business License Division of the Department of Planning & Sustainability is not satisfied with the return of the tax imposed by this article or the amount of such tax required to be paid to the county by any innkeeper, it may compute and determine the amount required to be paid pursuant to the procedures outlined in section 24-90 of this chapter.

Sec. 14-182. Determination if no return made.

If an innkeeper fails to make a return under this article, the County's Business License Division of the Department of Planning & Sustainability shall make an estimate of the amount of the gross room rentals of the innkeeper pursuant to the procedures outlined in section 24-91 of this chapter.

Sec. 24-183. Authority of the Department of Planning & Sustainability.

The County's Business License Division of the Department of Planning & Sustainability is hereby authorized to administer and enforce the provisions of this article in accordance with section 24-94 of this chapter.

Sec. 24-184. Penalties and interest for failure to pay tax; license suspension or revocation.

Any innkeeper who fails to pay any tax to the county or any portion of the taxes specified by this article within the time required shall pay a late payment penalty, in addition to the taxes, plus interest on the unpaid tax or any portion thereof as specified by section 2-112; failure to pay said taxes, penalty and interest shall subject the person to business license suspension or revocation in accordance with section 15-48.

Sec. 24-185. Enforcement; fraudulent returns; violations and criminal penalties.

The provisions of this article may be enforced by authorized county employees, including police officers, code compliance officers, and/or inspectors. Failure to comply with the provisions in this article shall be punishable as provided in section 1-10 of this Code.

(a) *Fraudulent returns.* Any innkeeper who violates a provision of this article; fails to furnish a return, supplemental return or other data required by the Business License Division of the Department of Planning & Sustainability; or who renders a false or fraudulent return, upon citation by an authorized county employee and conviction of the violation in a court of competent jurisdiction, which includes the Magistrate Court of DeKalb County, shall be subject to fine and/or imprisonment in accordance with section 1-10.

(b) *Criminal penalties.*

- (1) Pursuant to O.C.G.A. § 48-13-58.1, it shall be unlawful for any innkeeper to willfully fail to make a return and pay the taxes due under this article by the date provided. If the tax liability is \$10,000.00 or less, any person who violates this section shall be guilty of a misdemeanor. If the tax liability is more than \$10,000.00, any person who violates this section shall be guilty of a felony.
- (2) Pursuant to O.C.G.A. § 48-13-59, any innkeeper who fails, neglects, or refuses to collect the tax as provided in this article shall be deemed guilty of a misdemeanor and shall be liable for payment of the tax himself or herself. Upon a conviction thereof, any person who violates this section shall be subject to a fine of not more than \$100.00 or confinement in the county jail for not more than three (3) months, or both fine and confinement.
- (3) Pursuant to O.C.G.A. § 48-13-60, any innkeeper who makes a false or fraudulent return with intent to evade the tax shall be deemed guilty of a misdemeanor. Upon conviction thereof, any person who violates this section shall be punished by a fine of not less than \$100.00 but not more than \$300.00 or confinement in the county jail for not less than thirty (30) days nor more than three (3) months, or both fine and confinement.

By amending Chapter 27, Section 4.1.3 (Table 4.1), by replacing it with the Use Table attached hereto as Exhibit 1 to read as follows:

Sec. 4.1.3. – Use table.

Note to Codifier: please insert the Use Table attached hereto as Exhibit 1.

By amending Chapter 27, Section 4.2.15, to add language to read as follows:

Sec. 4.2.15. – Bed and breakfast inn, ~~and home stay~~ and short term rentals.

By adding new subsection C. to read as follows:

C. The following supplemental regulations apply to all short term rentals:

1. No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as a short term rental, as defined by this Code, without first obtaining a permit from the County's Business License Division of the Department of Planning & Sustainability and complying with the regulations contained in this section.
2. No permit issued under this section 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.
3. Applicants shall submit an application for a short term rental permit to the County's Business License Division on an annual basis. Application fees shall be established by the department. Such application shall include:
 - a. Name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a permit is sought;
 - b. Address of the dwelling unit to be used as a short term rental;
 - c. Name, address, telephone number and email address of the short term rental Agent, which shall constitute his or her 24-hour contact information. An owner may serve as the rental Agent and is responsible for notifying the department of a change to the rental Agent and/or any such contact information within five (5) business days of said change;
 - d. Owner's sworn acknowledgement that he or she has received a copy of this section, reviewed it and understands such requirements;
 - e. The number and location of parking spaces allotted to the premises;
 - f. Owner's agreement to use his or her best efforts to assure use of the premises by occupants will neither disrupt the neighborhood nor interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
 - g. Any other information the County's Business License Division of the Department of Planning & Sustainability deems necessary to achieve the objectives of this section.
4. The director of the Department of Planning & Sustainability is hereby authorized to deny an application, or a renewal thereof, for a short term rental permit under this subsection pursuant to section 15-45 of this Code. Furthermore, the director shall suspend or revoke a short term rental permit based on the determination that one or more of the conditions outlined in section 15-45 has occurred.

5. Any owner who is adversely affected or aggrieved by a final decision of the director shall have the right to appeal such denial, suspension, or revocation to the hearing officer pursuant to the procedures outlined in section 15-46 of this Code. An appeal shall be based on a claim that the director's decision was based on an erroneous finding of a material fact or an incorrect application of this Code or other applicable laws and regulations.
6. All short term rentals shall be subject to an excise tax pursuant to chapter 24 of this Code.
7. All short term rentals shall be subject to nuisance and noise regulations pursuant to chapter 16 of this Code.

By amending Chapter 27, Section 9.1.3 to add the following language to read as follows, in alphabetical order:

Sec. 9.1.3. – Defined terms.

Bed and breakfast: Accessory use of a single-family detached dwelling by the homeowner who resides in the dwelling, to provide sleeping accommodations to customers. Breakfast ~~is~~ may also be provided to the customers at no extra cost. For the purpose of this definition, the term “customer” means a person who pays for the sleeping accommodations for fewer than thirty (30) consecutive days. The length of stay for guests in a bed and breakfast may not exceed seven (7) consecutive days, and guests may not re-register for at least thirty (30) days from the termination date of their previous stay.

Home stay bed and breakfast residence: A single-family dwelling in which is provided not more than two (2) rooms for not more than four (4) people for overnight rental and a morning meal to transient persons for compensation on a nightly basis by the occupant of said dwelling. The length of stay for guests in a home stay bed and breakfast may not exceed seven (7) consecutive days, and guests may not re-register for at least thirty (30) days from the termination date of their previous stay.

Hotel/motel: An establishment, other than a bed and breakfast or short term rental, providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Guest rooms in hotels are accessed via internal corridors, while motels provide access directly from the exterior to each guest room. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

Hotel/motel, extended stay: ~~Any building containing six (6) or more guest rooms rented or leased for sleeping purposes for periods less than one (1) month, but in excess of one (1) week, and that contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves, and ovens. See section 4.2.26.~~

By adding a new term to read as follows, in alphabetical order:

Short term rental: The rental of any room, lodging or overnight accommodations for a period not exceeding thirty (30) consecutive days. This term shall encompass the rental of a vacation home, residential dwelling, guestroom, or other overnight lodging.

PART II. EFFECTIVE DATE

This ordinance shall become effective one hundred and twenty (120) days after adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of 2025.

MICHELLE LONG SPEARS

Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of 2025.

LORRAINE COCHRAN JOHNSON

Chief Executive Officer

DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC

Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

CEDRIC HUDSON

Director, Planning and Sustainability
DeKalb County, Georgia

MATTHEW C. WELCH

Interim County Attorney
DeKalb County, Georgia

SHORT-TERM RENTAL ORDINANCE (2023-1467)

TA-24-1246762

**Department of Planning & Sustainability
Planning Commission
July 2025**

SHORT TERM RENTALS

D1-2023-1467
TA-24-1246762

COMMUNITY COUNCIL

CC1: Full-Cycle Deferral

CC2: Denied

CC3: Approval

CC4: Full-Cycle Deferral

CC5: Approval

STAFF RECOMMENDATION

APPROVAL w/180- day implementation

PLANNING COMMISSION

TWO-CYCLE DEFERRAL (March 2025)

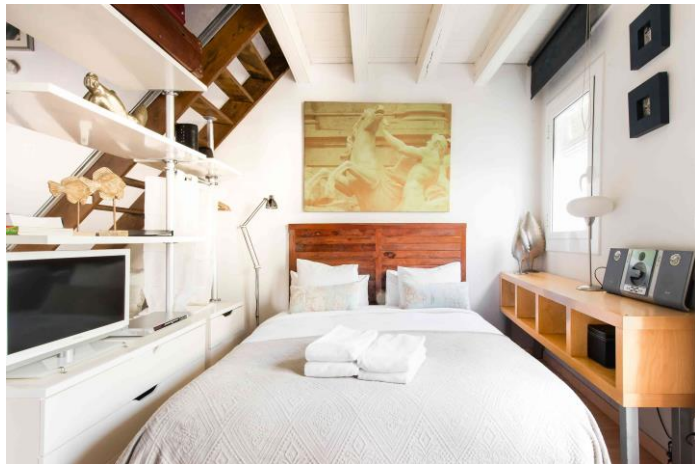
TEXT AMENDMENT

Planning Staff recommends a phased regulatory approach, beginning with the registration, permitting, and taxation of current listings. The specifics regarding the implementation of the ordinance, such as posting of the 24-hour contact information or sharing of STR location data, shall be finalized within the implementation window described in the ordinance.

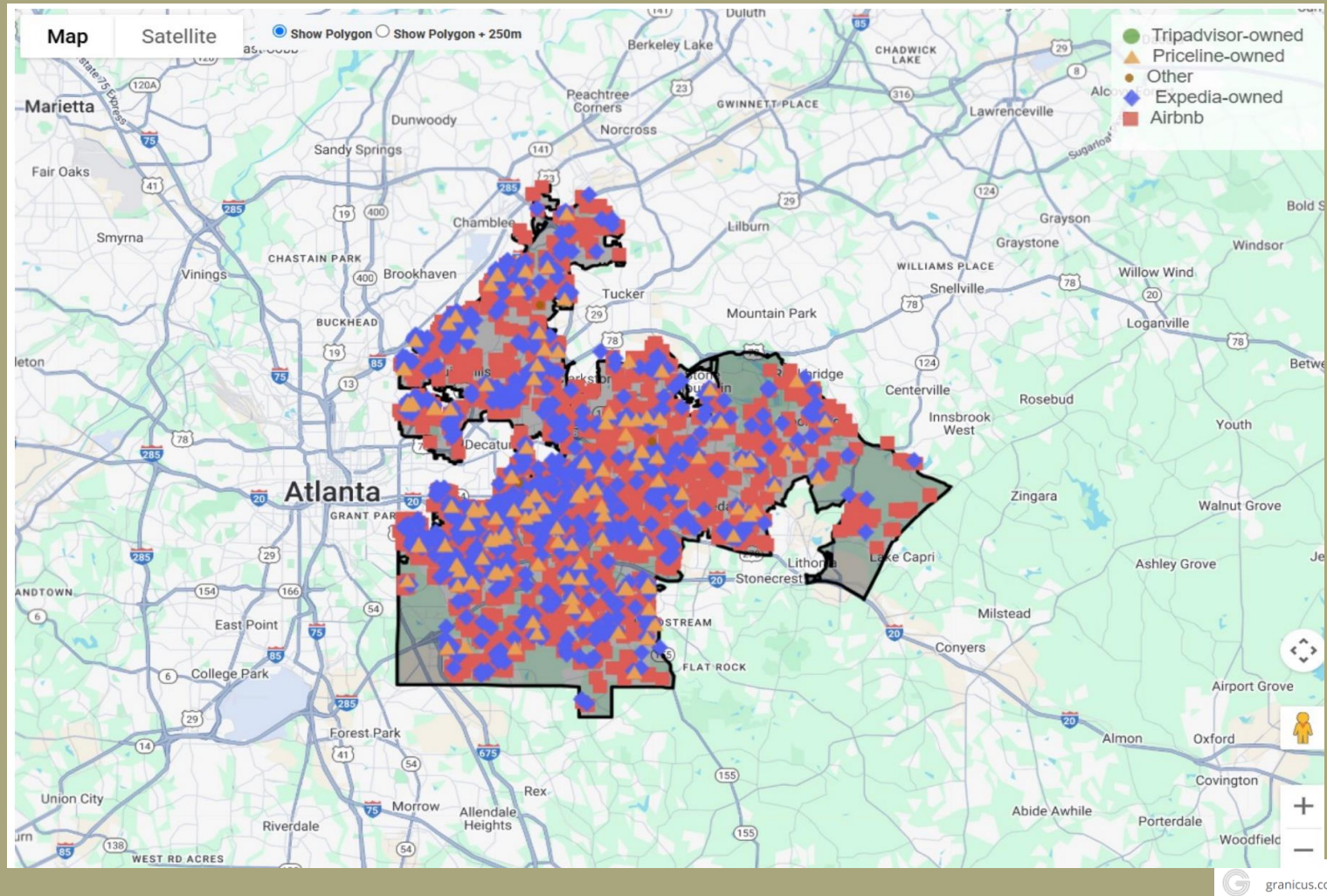
Short-Term Rentals

Short-Term Rentals are currently not permitted in unincorporated DeKalb County. However, they continue to operate.

This ordinance establishes a regulatory framework for STR's in unincorporated DeKalb County. The implementation process is separate.



...in the unincorporated areas of DeKalb County
it is estimated that we have 2,760 listings, representing 2,356 unique rental units



PROPOSAL HIGHLIGHTS

As of March 2025, the proposed regulatory framework consists of the following:

- ☐ By-right, residential, accessory use (administrative approval)
- ☐ Annual application submitted to the Business License Division for permit:
- ☐ Application fee
- ☐ Business License required
- ☐ Number and location of parking spaces allotted to the premises
- ☐ Taxation - 8%

SUPPLEMENTAL REGULATIONS

Obtain a Permit

Non-Transferable

Annual Application

**Sec. 15-45. - Denial, revocation or suspension
of business occupation tax certificate**

**Sec. 15-46. - Appeals
of decisions of the
Director**

Subject to Tax under Ch. 24 of the Code
Subject to Nuisance & Noise regulations under Ch.16 of the Code

APPLICATION REQUIREMENTS



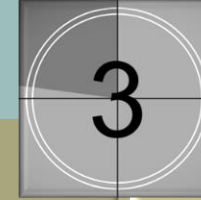
Owner(s) of Record

- Name
- Address
- Telephone Number
- Email Address



Dwelling Unit

- Address of the STR unit must be provided



STR Agent

- Name
- Address
- Telephone number
- Email Address
- 24-hour contact information

Agent is responsible for notification within 5 business days to BL of a change in contact information

APPLICATION REQUIREMENTS

4

Owner(s) Sworn
Acknowledgement

- Received a copy of Supplemental Regulations
- Reviewed & Understand Requirements

5

Parking

- Number and location of spaces allotted to premises

6

Quite Enjoyment of
Neighborhood

- *Agreement by owner to utilize best efforts to ensure occupants will neither disrupt the neighborhood nor interfere with the rights of neighboring property owners to quite enjoyment of their properties*

7

Additional Information

Must provide any information BL deems necessary to achieve the objectives of the supplemental regs

REASONS FOR REVOCATION, PROCESS

Sec. 15-45

False Information

False Name

Public Health Risk

**Felony or Misdemeanor
Conviction**

**Violation of Federal & State
Code**

**Fails to obtain a permit under
15-39**

Sec. 15-46

Types of Appeals

**Denial, Suspension,
Revocation for Application
or Certificate**

**Occupation Tax Assessment
or Classification**

Cease & Desist Orders

**Must file within (15) calendar
days of the appeal**

**Proceedings are open to the
public and recorded**

PROVISIONS

Enforcement By Authorized County Employees

- Police Officers
- Code Compliance Officers
- Inspectors

Fraud

- Failure to furnish a return
- Renders a false or fraudulent return
- Citation and or conviction in court subject to fines and/or imprisonment if convicted

Criminal Penalties

- Tax liability is \$10,000.00 <Misdemeanor; \$10,000.00> Felony
- Failure to collect tax >\$100.00 or confinement in the county jail for not more than 3 months or both fine/jail if convicted
- Intent to evade tax shall be deemed guilty of a Misdemeanor and subject to a fine not < \$100.00 but not >\$300.00 or confinement in the county jail < than (30) days nor more than 3 months or both fine/jail if convicted

STR REGULATORY COMPARISON

		STR Ordinance	Application Fee	Occupancy Tax	Effective Date
Local	City of Atlanta	Yes	\$150.00 per year	8%	3/1/2022
	City Decatur	Yes	\$125.00 per year	8%	2025
	City of Brookhaven	Yes	\$25.00 for 1 year/\$50.00 for 3 years	8%	4/23/2019
	Cobb County	Yes	\$55.00 per year	No	1/1/2023
	DeKalb County	Proposed	\$150.00-\$250.00 per year	8%	
SE US	New Orleans	Yes	<ul style="list-style-type: none">Non-refundable Application Fee: \$50Single NSTR Unit (OSTR): \$150Single CSTR Unit (OSTR): \$1,000Multiple STR Unit (OSTR): \$1,000	6.75%	3/20/2024
	Houston	Yes	\$275.00 per year	17%	1/1/2026
	Birmingham	Yes	\$100.00 per year	<ul style="list-style-type: none">4% to 5% to the State of Alabama1% to 6% to Jefferson County6.5% to the City of Birmingham, plus a per-room fee of \$3 per night	10/13/2021
Nationwide	Denver	Yes	\$150.00 per year	10.75%	4/11/2019
	Miami	Yes	\$136.17	6%	10/17/2017
	New York City	Yes	\$145.00 per year	8.875% + \$2 per day room tax + \$1.50 per day fee to apply	9/5/2023

STR REGULATORY COMPARISON

		Allow Short-Term Rental By Right	Licensing & Registration Options	Regulations	Enforcement
Local	City of Atlanta	Yes	Business License	Only own 2 STR-1 must be registered as primary residence	1) \$300.00 for violations 2) Fines up to several thousand for noise, party violations
	City of Decatur	Yes	Short-term rental permit	Maximum Overnight Occupancy Maximum Daytime Guests Maximum # of STR's	
	City of Brookhaven	Yes	Business License	1) 2 or more citations for a violation of code permit will not be renewed 2) Can't list for than 180 days per calendar year	First Offense: Fines from \$500 to \$4,000 and up to 15 days imprisonment. Second Offense: Fines from \$1,000 to \$6,000 and up to 6 months imprisonment
	Cobb County	Yes	Business License	Must be zoned residential ; Occupancy to (1) person for every 390 sq ft and (1) parking space per bedroom , plus (1) more	1st violation within any 12-month period: \$500 Penalty 2nd violation within any 12-month period: \$750.00 Penalty
	DeKalb County	Yes	Business License	Non-Transferable Supplemental Regs	Failure to comply shall be subject to fine and or imprisonment in accordance with section 1-10.
SE US	New Orleans	Yes	Residential STR Permit: Commercial STR Permit:	One property owner per city square: lottery if applicants exceed the density limits Corporate entities aren't eligible	Fines to suspension or revocation of permits
	Houston	Yes	Business License	Proof of ownership; Comply with noise & sound levels; Must rent for no less that one night	Fines ranging from \$100.00 to \$500.00 each day of the violation
	Birmingham	Yes	Business License	Parking shall be in accordance with Title 1, Chapter 5 of the City of Birmingham Zoning Ordinance.	Focus has primarily been on taxes and not enforcement
Nationwide	Denver	Yes	Business License	Display the host's business license number on advertisement.	\$1,000.00 a day for unregistered rentals
	Miami	Yes	Business License	Excludes children under 3	1) 1 st Offense-\$100.00 2) 2 nd Offense -\$1,000.00 3) 3) \$2,500.00
	New York City	Yes	Business License –Class B Status	1) Register with Mayor's Office of Special Enforcement 2) No more than 2 guests 3) Resident must also be present 4) Guests must have unrestricted access to dwelling	Fines up to \$5,000.00 or (3) times the revenue generated by the STR for each violation. Fines up to \$1,500.00 per violation for processing payments for unregistered hosts

ADDITIONAL STEPS

- ☐ Cost of Business License Fee
- ☐ Additional Staffing
- ☐ Exploring a Software Management System

THANK YOU

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