

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)

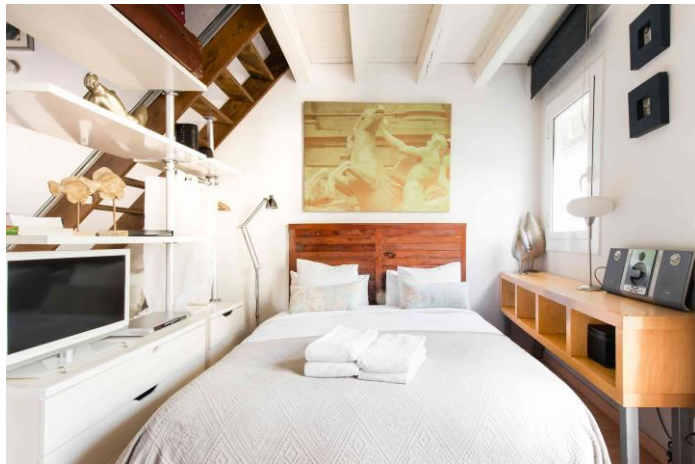
TEXT AMENDMENT

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.

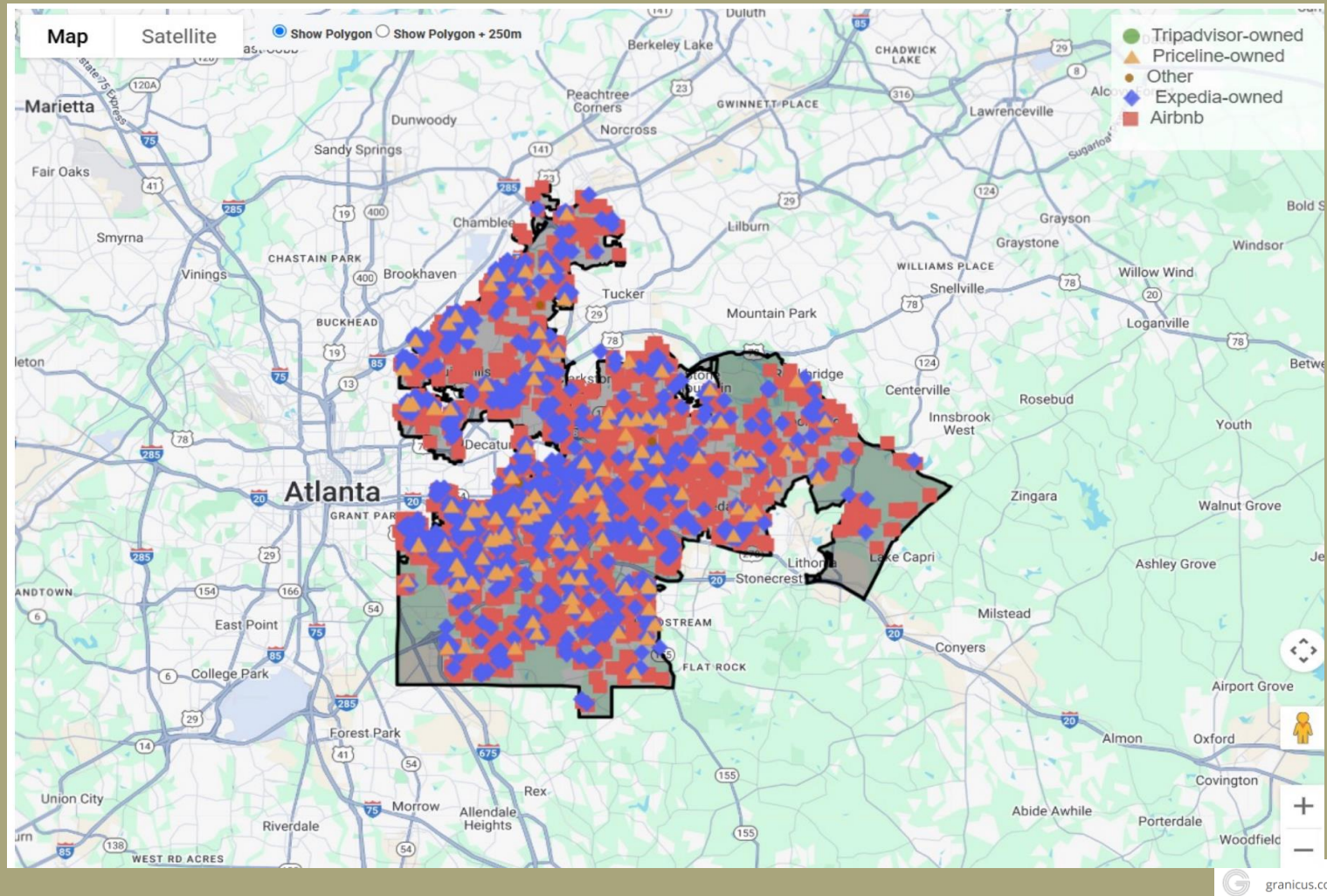
Short-Term Rentals

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



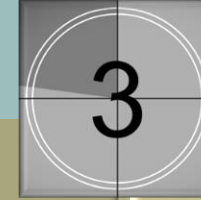
Owner(s) of Record

- 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: \$50• Single NSTR Unit (OSTR): \$150• Single CSTR Unit (OSTR): \$1,000• Multiple 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 Alabama▪ 1% to 6% to Jefferson County▪ 6.5% 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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