

COMMUNITY COUNCIL DISTRICT 1
TEXT AMENDMENT TA-24-1246761
Short Term Rentals Ordinance

RECOMMENDATIONS

1) Ordinance as Written is Too Broad

The council feels that the ordinance is trying to do too much and cover too much territory.

- recommend separate ordinances, one for the revenue aspect of it, and the other for the zoning and land use aspect of it. Georgia Law and DeKalb County Code provides contradictory language as to adherence to revenue requirements and zoning/land use requirements such that any violation of one, but permissible by the other would form the foundation to legally argue compliance by an offending property owner.

- recommend separate ordinance(s) for single room rentals and bed and breakfast rentals. These are more akin to hotels and motels and should fall into these types of categories and as such, have their own separate individual ordinance. DeKalb County had some issues with individual single room rentals in the 1980's and 1990's. Recently passed single room rental ordinances, like this one, in other municipalities are beginning to show the flaws and problems.

2) Require Special Land Use Permit For Each Application

Each property owner seeking a license to operate a short term rental should also be required to go through the SLUP process. This will insure proper notification to the neighbors and immediate homeowners. There has been many, many problems across Metro Atlanta where VRBO rentals have disrupted an unknowing neighborhood with loud parties and other disturbances.

3) Add Language that Subdivision Covenants Take Precedence Over the Ordinance

This should be stated clearly in the ordinance. Many subdivision has prohibition or limitations on rentals. The ordinance should clearly state that the Covenants take precedence.

4) Mandate for Off Street Parking

The ordinance should have a requirement prohibiting on street parking and requirement for off street parking with appropriate/stated fines for violations.

5) Revamp Fines for Violations

The current language does not provide any escalation of penalties or fines from multiple offenses. The Council read the language to say that the 500th violation carries the same monetary fine as the 1st violation. This provides no incentive to a property owner to follow the ordinance. It is recommended that the fines increase incrementally with each new offense with a revocation of the license for multiple offenses. (\$100 first offense, \$200 second offense, \$500 third offense and revocation of the permit/license after the fourth offense).

6) Add Language of Oversight by DeKalb County

The council is concerned about the added work to DeKalb County from this ordinance. With no additional staff to monitor or oversee the program, enforcement would be negligible. The thought was that if some language was in the ordinance about DeKalb County hiring a person dedicated to monitoring this program, it would enforce better oversight by DeKalb County. Perhaps have the language of the ordinance state that all revenue collected by the program will be used solely for the administration of the program. This would solve the inevitable issue of the money going into the General Fund and not going to the program. If this requires a change in the DeKalb County Code to make this happen, then a change in the Code should occur concurrently with the passage of the ordinance(s).

7) DeKalb County Fails to Explain Proper and Adequate Oversight

The Community Council does not feel comfortable with DeKalb County's explanation of the oversight for this ordinance. While we understand the application and application fees are overseen by the Licensing Department, DeKalb County was unable to answer how they will know the exact number of nights that a house was rented.

We understand that monitoring VRBO and other websites will indicate what houses are being rented, but if revenue is collected on a night by night basis, how does the county know how many nights in a given month that the house was rented? It seems that meeting the requirements of the ordinance falls on an honor system with the property owner. There is no incentive for a property owner to volunteer accurate information when it means paying more taxes. A property owner would be incentivised to under report the number of nights. We feel that this gap in the oversight and enforcement is opening Pandora's box to abuse and loss of potential revenue to the county.