

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF EAST POINT

AN ORDINANCE

AN ORDINANCE BY THE CITY OF EAST POINT, GEORGIA, TO AMEND DIVISION II, PART 11, TO ADD CHAPTER 9: RENTAL DWELLINGS TO PROVIDE FOR THE LICENSURE OF SHORT TERM LODGING BUSINESSES KNOWN AS “WHOLE HOUSE LODGING” AND “HOMESTAY LODGING” WITH PRESCRIBED CONDITIONS AND TO ADD DEFINITIONS

WHEREAS, the duly elected governing authority of the City of East Point, Georgia is the Mayor and Council thereof; and

WHEREAS, the City Council finds that short-term rental of dwelling units and the sharing of dwelling units is a growing trend by residents to provide accommodations in their homes for members of the traveling public; and

WHEREAS, the City Council finds that the short-term rental of dwelling units can be beneficial to residents and the larger community if properly regulated and located as a means of assisting property owners in keeping their properties in good repair, stabilizing home ownership and property values and ultimately strengthening the economy of the City, while maintaining the residential character of neighborhoods within the City of East Point; and

WHEREAS, it is imperative to strike a careful balance between allowing property owners to provide short-term rentals and maintaining the residential character of neighborhoods, the City Council finds that regulation of short term lodging rentals classified as “whole house lodging” and “homestay lodging” is necessary; and

WHEREAS, the City has an interest in providing for the health, safety, and welfare of its residents; and

WHEREAS, the amendment set out below is intended to promote the public health, safety, and welfare by amending the Code to include regulations for short-term lodging;

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF EAST POINT,
GEORGIA AS FOLLOWS:**

Section 1. Division II, Part 11 of the Code of Ordinances be amended to add the following as Chapter 9: Short Term Lodging: Homestay and Whole House Lodging.

Section 11-9001 – Purpose:

- a. The purpose of this article is to establish standards for short-term rentals of privately-owned residential structures used as temporary lodging, to minimize the adverse effects on surrounding properties, and to preserve neighborhood character where short term lodging uses occur.
- b. This article is not intended to regulate hotels, motels, inns, or non-vacation type rental arrangements including, but not limited to, boarding houses or rooming houses.

Sec. 11-9002. Applicability.

- a. The allowance of short-term lodging pursuant to this article shall not prevent enforcement of additional restrictions that may be contained in subdivision covenants.

Section 11-9003-Definitions:

For the purposes of this chapter the following definitions apply:

Dwelling unit: One (1) or more rooms together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from any other housing unit which may be in the same structure, and containing independent cooking and sleeping facilities for not more than one (1) family.

Homestay Host: a permanent, full-time resident of a residential property who is present during the homestay term for the entire time lodgers are staying on the property. The host may be temporarily absent from the property for purposes related to normal residential activities, such as shopping, working, attending classes, etc.; however, a host must be at the property overnight when lodgers are present.

Homestay Lodging- The business engaged in the rental of individual bedrooms within a dwelling unit that serves as a host's principal residence, including any single-family or accessory apartment, that provides lodging for pay, for a maximum continuous period not to exceed twenty-nine (29) consecutive days, that does not include serving food, and to which the definition of family does not apply.

Principal Residence: The domicile where an individual has a true, fixed, permanent home and principal establishment, and to which place, whenever absent, the individual has the intention of returning. A principal residence is the one a person: 1) uses as his/her mailing address; and 2) uses

the address on one of the following; his/her federal and state tax returns, military purposes, passport, vehicle registration, insurance policy, driver's license, bank account, or any other bill or item that requires a response; and 3) occupies for at least one hundred eighty-three (183) days during a calendar year.

Short Term Lodging— an accommodation for transient guests where, in exchange for compensation, a dwelling unit is provided for lodging for a short period of time, not to exceed twenty-nine (29) consecutive days.

Whole-house Lodging- a business engaged in the rental of an entire dwelling unit that provides lodging for pay, for a maximum continuous period of twenty-nine (29) days, that does not include serving food. Whole-house lodging uses are exempt from the definition of “family.”

Section 11-9004: License Required.

It is unlawful for any person to engage in the business of Short Term Lodging (Whole-house or Homestay Lodging) without a valid Short Term license issued by the City. Whole-house Lodging shall also be required to have a business license.

Section 11-9005. Exemptions.

The provisions of this chapter shall not apply to:

- a) Rental of lodging for thirty (30) consecutive days where a landlord-tenant relationship under Georgia Law is recognized.
- b) An establishment qualifying under relevant codes as a bed and breakfast.

Section 11-9006: Application for license.

- a) Property owners shall provide the name of each establishment annually with the Planning and Community Development Department by applying for a license in writing which shall contain the following information:
 - 1) Name and address of the property owner(s);
 - 2) The name of the lodging business, if any, with proof of proper state registration if a corporate entity;
 - 3) Telephone number of the property owner;
 - 4) The number of guest rooms and the number of total bedrooms;
 - 5) A floor plan showing the lay out of the rooms and a site plan of the property overall identifying parking spaces for lodgers;

- 6) Proof of any shared parking plan or rental of spaces upon which applicant will rely for the parking of lodgers;
- 7) A Short Term Lodging property located within a subdivision where a functioning homeowners association exists must provide a sworn statement from the applicant that Short Term Lodging is not prohibited under the covenants of the HOA/subdivision.
- 8) Proof of ownership of the property and proof of the homestay host's residency (where applicable) in a form satisfactory to the Planning and Community Development Department;
- 9) Proof of liability insurance coverage;
- 10) A copy of any written agreements to be used with lodgers; and
- 11) Such other information as the Planning and Community Development Director may deem necessary for the proper protection of the City.

Section 11-9007: Issuance of license and fee; right of appeal upon denial.

- (a) The Planning and Community Development Department shall investigate the application and shall issue or deny the license in writing within seven (7) days after the application is made. If the license is approved, it shall be issued for a period from January 1st to December 31st of each year and shall be renewed by May 15th in each calendar year.
- (b) Annual Fees shall be as follows:
 - 1) Homestay Lodging License - \$75.00
 - 2) Whole-house Lodging License - \$150.00
- (c) If the license is denied, the reasons for the denial shall be given in writing and the applicant shall have the right to appeal the denial to the City Council. Such appeal shall be taken by filing a written statement of the grounds for appeal within seven (7) days of receipt of the written denial to the City Clerk. The City Clerk shall set the time and place for hearing such appeal, and notice of the time and place shall be given at least fourteen (14) days prior to the date set for the hearing.

Section 11-9008: Requirements for maintenance of license; Whole House lodging.

- (a) A license number will be assigned to each licensed establishment, which shall be clearly displayed on site along with any advertisement for lodging.
- (b) A property owner shall: 1) comply with all federal, state, and local laws, including, but not limited to occupational tax code, hotel motel tax code, zoning ordinance, building code, fire code, and environmental health regulations for the level of occupancy of the short-term lodging; and 2) not allow any party, event, classes, weddings, receptions, or other large gatherings on the premises.

- (c) All licensees shall renew licenses on an annual basis. If a license is not timely renewed the use shall be deemed terminated by the licensee.
- (d) Property owners shall be responsible for keeping liability insurance in full force and effect during all times the unit is used as a short-term lodging.
- (e) Written notice shall be conspicuously posted inside each short-term lodging unit setting forth the following information:
 - i) The name and telephone number of the host/operator.
 - ii) The address of the lodging, the maximum number of overnight occupants, and the day(s) established for garbage collection.
 - iii) The non-emergency phone number for the City of East Point Police Department.
 - iv) The annual licensure documentation.
 - v) That parties, events, classes, weddings, receptions, and other large gatherings are not permitted.
- (f) No property shall exceed a maximum of two (2) guests per room and ten (10) guests in total.
- (g) Preparation and service of food by host/operators for guests shall be prohibited. No cooking shall be permitted in individual bedrooms.
- (h) Short term lodging licensees shall maintain records demonstrating that the home is owned by the licensee, the dates of rental for the previous three hundred and sixty-five (365) days and the number of lodgers. Such records shall be made available upon request of the Director of Planning and Community Development.
- (i) The name and contact information of a local operator or agent available 24 hours per day, who must reside within a 30 mile radius of the subject property must be provided to the city.

Section 11-9009: Requirements for maintenance of license, Home Stay Lodging Only.

- (a) A license number will be assigned to each licensed establishment, which shall be clearly displayed on site along with any advertisement for lodging.
- (b) A property owner shall comply with all federal, state, and local laws, including, but not limited to hotel motel tax code, zoning ordinance, building code, fire code, and environmental health regulations for the level of occupancy of the short-term lodging.
- (c) All licensees shall renew licenses on an annual basis. If a license is not timely renewed the use shall be deemed terminated by the licensee.
- (d) Property owners shall be responsible for keeping liability insurance in full force and effect during all times the unit is used as a short-term lodging.

(e) Written notice shall be conspicuously posted inside each short-term lodging unit setting forth the following information:

- i) The name and telephone number of the host/operator.
- ii) The address of the lodging, the maximum number of overnight occupants, and the day(s) established for garbage collection.
- iii) The non-emergency phone number for the City of East Point Police Department.
- iv) The annual licensure documentation.

(f) Preparation and service of food by host/operators for guests shall be prohibited. No cooking shall be permitted in individual bedrooms.

(g) Short term lodging licensees shall maintain records demonstrating that the home is the primary residence of the licensee, the dates of rental for the previous three hundred and sixty-five (365) days and the number of lodgers. Such records shall be made available upon request of the Director of Planning and Community Development.

(h) Homestay lodging uses shall only be allowed in lawful dwelling units serving as the principal residence of a host. Only a property owner may license a homestay lodging.

(i) The maximum number of guest rooms allowed shall be one less than the total number of bedrooms in the dwelling unit, but shall in no event exceed three (3) guest rooms.

(j) The host shall issue a parking placard to each guest parking on site

Section 11-9010. Transfer of License.

(a) Active licenses shall not expire, provided that a property owner shall renew the license on an annual basis. If a property owner fails to renew a license, it shall be considered terminated by the property owner.

(b) Short term lodging licensure terminates upon transfer of the property to another owner.

Section 11-9011. Suspension and revocation of license.

Licenses issued under this ordinance may be suspended or revoked for any of the following reasons:

(a) Fraudulent obtaining of the license by giving false information on any substantial matter in the application for the license;

(b) Any violation of the provisions of this chapter;

(c) Conviction of the license holder of any felony or crime involving moral turpitude during the time the license is held.

(d) Any Short Term Lodging for which there are three (3) final determinations of violations of the City Code and/or criminal convictions related to the parcel (on, adjacent to, or within the property) by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling three hundred sixty five (365) day period, shall constitute a violation of the terms of licensure and shall terminate the license. For any license that is terminated due to code/criminal violations, a property owner shall be ineligible for a license for a period of three (3) years.

(e) Any licensee having his or her license suspended or revoked under this section may appeal to the City Council. Such appeal shall be taken by filing with the City Clerk a written statement of the grounds for appeal within seven (7) days after notice of such suspension or revocation. The City Clerk shall set the time and place for hearing such appeal, and notice of the time and place shall be given at least fourteen (14) days prior to the date set for the hearing. A written decision shall be provided to the Applicant within seven (7) days after the hearing.

Section 11-9012: Penalty.

Any person violating any provision of this chapter shall be fined not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) for each offense, and a separate offense shall be deemed committed on each day during or in which a violation occurs or continues.

Section 2: Upon the effective date of this ordinance, any existing Short Term lodging establishment which cannot be accommodated by the City due to the allowable zoning district requirements, shall have a thirty (30) day amortization period for operation of the short term lodging use. Upon completion of the thirty (30) day amortization period for operation, if the Short Term lodging cannot establish proper licensure, use of the property as a Wholehouse or HomeStay must be terminated.

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: That if any section, subsection, paragraph, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

First Reading: Waived

Section 5: That this ordinance shall be effective January 1, 2021.

[Signatures Appear on Following Page]

BE IT SO ORDAINED this 27th day of October 2020.



Deana Holiday Ingraham, Mayor

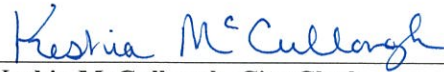
APPROVED AS TO FORM:



Brad Bowman (Jan 4, 2021 08:58 EST)

Brad Bowman, City Attorney

ATTEST:



Keshia McCullough, City Clerk

