

December 9, 2018

From: Earnestine D. Pittman

To: East Point City Mayor and Council

The proposed Ordinance Draft below is for the regulation of Airbnb homes in residential only zoned areas. I have great concerns with Mayor and Council amending PART 11, CHAPTER 9: RENTAL DWELLINGS AND RENTAL UNITS TO ADD PROVISIONS FOR SHORT TERM RENTALS FOR THE FOLLOING REASONS.

- 1) PART 11, CHAPTER 9: RENTAL DWELLINGS AND RENTAL UNITS was written for existing Rental Dwellings and Rental Units with commercial zoning and not for homes zoned strictly RESIDENTIAL.
- 2) Homes zoned strictly residential do not allow for short term rentals of any kind; nor does it allow for single rooms rental within the homes. Residential homeowners bought their homes in order to enjoy a certain kind of life style that does not include in-and-out traffic that caters to large groups of vacationers and party goers for weeks at a time. Sex trafficking and prostitution can easily be conducted by rotating the victims from one property to another without anyone knowing it. Any short term rental provision should address the following.
 - a) All short term rental properties in a residential zoned area shall abide by the same restrictions placed on homeowners for:
 - i) Street parking.
 - ii) Number of cars allowed to park during the stay of renters.
 - iii) Number of renters to be determined by the number of bedrooms since their will not necessarily be a family connection.
 - iv) Sanitation scheduled dates and policies must be adhered to according to current dates for each neighborhood.
 - v) Social events on the property shall adhere to existing policies for all residential zoned properties.

I have made other suggestions within the body of the proposed Ordinance Draft in blue.

Ordinance No: _____

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE

**AN ORDINANCE BY THE CITY OF EAST POINT, GEORGIA, TO AMEND PART 11,
CHAPTER 9: RENTAL DWELLINGS AND RENTAL UNITS TO ADD PROVISIONS
FOR SHORT TERM RENTALS**

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

WHEREAS, the City regulates the operation of rental property; and

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

WHEREAS, the City finds the regulation of Short Term Rental Property necessary to promote the health, safety, and welfare of the City's residents; and

WHEREAS, the governing authority wishes to amend the Rental Dwelling Ordinance, by amending Section 11, Chapter 9, with underlined portions representing additions and any struck through portion representing deletions, as follows:

Sec. 11-9001. Definitions.

Short Term Rental – an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a short period of time, not to exceed thirty (30) consecutive days. I am suggesting 15 (fifteen) consecutive days. Most vacationers and special events (weddings, funerals, graduations, sport activities, etc.) do not require a month to complete. However, 30 (thirty) days is a great time for rotating prostitutes and sex traffic activities.

~~Sec. 11-9002. Registration required.~~

~~The owner of any rental dwelling or rental unit as a part of the issuance of a business license shall register each rental dwelling and all rental units contained within the rental dwelling with the city and shall designate a person, as provided for in section 11-9005 as the responsible local agent who shall be legally responsible for providing access to such premises for making the inspections necessary to insure compliance with the terms of this chapter. Each responsible local agent shall maintain a current list of the number of occupants of each rental unit for which he/she is~~

responsible. A "certificate of compliance" shall not be issued if the registration provisions of this chapter are not complied with.

(Ord. No. 003-01, § 2, 2-19-01)

Amend the proposed Ordinance to include a subsection of the above section to read: The owner of any short term rental dwelling as part of the issuance of a business license shall register each rental dwelling containing the number of bedrooms and bathrooms with the city, and shall designate a person as provided for in section 11-9005 as the responsible local agent who shall be legally responsible for providing access to such premises for making inspections necessary to insure compliance with the terms of this chapter. Each responsible local agent shall maintain a current list of the number of occupants of each rental for which he/she is responsible. A "certificate of compliance" shall not be issued if the registration provisions of this chapter for Short Term Rentals are not complied with.

It would be prudent to identify what those registration provisions would be for Short Term Rentals since they will be in a residential zoned area.

~~Sec. 11-9003. Registration forms.~~

~~Applications for registration shall be made in such form and in accordance with such instructions as may be provided by the department of community services and shall include at least the following information:~~ **I suggest keeping this section intact with the following changes in blue.**

- ~~(1) The name, address, telephone number, and date of birth of applicant.~~
- ~~(2) The names, addresses, and telephone numbers of all owners of the rental dwelling.~~
- ~~(3) The name, address, and telephone number of the responsible local agent.~~
- ~~(4) The number of rental units in East Point. each rental dwelling.~~

~~No post office boxes will be accepted as a legal address. Said registration shall be kept in the department of community services.~~

(Ord. No. 003-01, § 3, 2-19-01)

~~Sec. 11-9004. Registration term and renewal.~~

~~Registration shall be made within ninety (90) days of the enactment of this chapter [enacted February 19, 2001].~~ **(KEEP this.** The term of the registration shall be valid as long as the owner remains unchanged. In the event of a transfer of ownership the registration and any certificate of compliance shall expire and no longer be valid. Any new owner shall register and make application for a certificate of compliance for each rental dwelling and ~~(Delete: rental unit)~~ **within ten (10) days of the date of transfer to a new owner.**

(Ord. No. 003-01, § 4, 2-19-01)

Sec. 11-9-xxxx. Certificate of Occupancy, Short Term Rental Certificate, and Business License Required.

No person shall rent, lease or otherwise offer a Short Term Rental unit without first obtaining a certificate of occupancy and business license from the Department of Planning and Community Development.

- (a) Applicants for a Short Term Rental certificate shall submit, on an annual basis, an application for a short term rental certificate. The application shall be furnished under oath ~~(DELETE THIS~~ on a form specified by the City Manager.) accompanied by a non-refundable application fee as set forth by City Council. **The registration form should be approved by Mayor and Council at the time that the Ordinance is adopted.**
- (b) All Short Term Rental certificate applications shall include and establish a local agent responsible for communication with City Officials when questions of compliance with City Ordinances arise.
- (c) Any Short Term Rental unit that is the location of three (3) or more citations in a twelve (12) month period shall have its Short Term Rental certificate revoked for a period of six (6) months. Renewal of the certificate shall require a new application for Short Term Rental certificate.

Sec. 11-9xxxx. Short Term Rentals as Commercial Properties.

Properties that are 1) not owner occupied and 2) are utilized as Short Term Rentals more than fourteen (14) days per calendar year shall be classified as commercial properties. Short Term ((**The City needs to address all the City codes and regulations that apply to residential homeowners as opposed to commercial properties.** Rentals classified as commercial properties

shall be subject to all city codes and regulations, including but not limited to licensing, zoning, and health and safety codes, applicable to commercial property within the city.

Sec. 11-9-xxxx. Taxes on Short Term Rentals

Short Term Rental units and their owners are subject to all applicable federal, state, and city taxes, including but not limited to hotel motel taxes (as governed by City of East Point Code Sec. 5-1051 et seq. as it may be amended from time to time) and are liable for payment thereof as established by state law and city ordinance. The city may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

BE IT ORDAINED by the City Council of East Point, this _____ day of _____, 2018.

CITY OF EAST POINT, GEORGIA

Deana Holiday Ingraham, Mayor

ATTEST:

APPROVED AS TO FORM:

S. Diane White, City Clerk

Brad Bowman, City Attorney

