

AN ORDINANCE TO AMEND THE FY2024 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING TO THE BUILDING INSPECTION DEPARTMENT, CODE ENFORCEMENT DIVISION FOR A SHORT-TERM RENTAL COORDINATOR POSITION, VEHICLE AND RELATED OPERATING EXPENDITURES; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Hotel Motel Tax Special Revenue Fund and the General Fund to provide funding to the Building Inspection Department, Code Enforcement Division for a short-term rental coordinator position, vehicle and related operating expenditures; and for other purposes.

Said Operating and Capital budget is hereby amended as follows:

Hotel Motel Tax Special Revenue Fund:

EXPENDITURES:

Decrease:

Fund Balance	(\$77,500)
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Increase:

Transfers to the General Fund	\$77,500
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General Fund:

REVENUES:

Increase:

Transfers in from Hotel Motel Tax Fund	\$77,500
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EXPENDITURES:

Increase:

Building Inspection Department, Code Enforcement Division:	
Salary and Benefits	\$37,500
Operating Expenditures	\$5,000
Capital - Vehicle	<u>\$35,000</u>
Total	\$77,500

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM**

SUBJECT: Establish a full-time ~~Short Term Rental Coordinator~~ Code Enforcement Officer IV position

DATE: ~~December 22, 2023~~ February 2, 2024

BUDGET INFORMATION:

REVENUES: \$0

EXPENSES: \$58,750

ANNUAL: \$18,750 Salary & Benefits

CAPITAL: \$35,000 Vehicle Purchase

OTHER: \$5,000 Office setup

FUNDING SOURCE: Hotel Motel Fund balance (transfer to General Fund)

COMMISSION ACTION REQUESTED ON: February 6, 2024

PURPOSE:

To request the Mayor and Commission:

- a. Authorize a new full-time position in the Building Inspection Department - Code Enforcement Division to coordinate education, compliance and enforcement efforts related to the new short-term rental ordinance; and
- b. Adopt a budget ordinance amending the FY24 Operating and Capital Budget to fund the additional expenditures (**Attachment #1**).

HISTORY:

1. In 2020, the Government Operations Committee reviewed “Short term rentals: tax payments same as hotels; possible permitting process; health and safety related issues.”
2. On November 4, 2020, the Mayor and Commission approved the GOC’s recommendations (**Attachment #2**) to:
 - a. Submit an RFP to find a qualified company to create and maintain a database of short-term rentals (STRs), collect taxes, and help with code enforcement activities;
 - b. Remind anyone operating short term rentals that they are required to pay the Business Occupation Tax and the Hotel Motel Excise Tax; and

- c. Request that the Manager's Office direct Planning Staff to prepare zoning amendments regarding the regulation of short-term rentals for Planning Commission review and recommendation.
3. On April 21, 2021, Governor Kemp signed into law HB317, *Lodging Facilitator; Short-Term Rental Platforms Collecting Hotel-Motel Taxes*. This bill required marketplace innkeepers like Airbnb and VRBO to collect and remit the local hotel-motel taxes in Georgia if their platform collected at least \$100,000 in the previous or current year. With the law going into effect on July 1, a software solution was no longer needed to enforce the GOC's primary concern, collection of hotel-motel taxes. Additionally, COVID-19 had greatly reduced the operations of STRs, making further action less pressing.
4. On July 19, 2022, Mayor Kelly Girtz assigned to the GOC "Consider limitations on the number of short-term rentals any individual can manage in residential zones, and the requirement to be a homestead holder to own short term rentals."
5. On August 15, 2022, September 19, 2022, October 17, 2022 and November 21, 2022, the Government Operations Committee discussed STRs. The Committee reviewed the Atlanta Ga. Ordinance and the Glynn County, Ga. Ordinance and the ACCGov Chief Information Officer gave a presentation on a Host Compliance platform for STRs.
6. On November 21, 2022, the Government Operations Committee completed their review and voted unanimously to approve the changes that the Attorney's Office and Planning Department identified in the Zoning Ordinance as well as to approve issuance of an RFP for a third-party vendor to monitor and regulate STRs.
7. On June 6, 2023, Mayor and Commission approved a budget of \$70,000 in Hotel Motel funding for a software platform to track Short-Term rentals and ordinance compliance.
8. On July 12, 2023, staff posted a Request for Proposals (RFP) to find a suitable software platform for Short-Term rentals.
9. On October 4, 2023, the internal user group selected Rentalscape by Deckard Technologies and began contract negotiations with Deckard Technologies.
10. On December 14, 2023, Planning staff presented a draft series of text amendments pertaining to Short Term Vacation Rentals to the Planning Commission for a first review and comment opportunity.
11. On January 4, 2024, the Planning Commission forwarded the approval of a series of Text amendments pertaining to Short Term Vacation Rentals as presented to them by Planning Staff and the Attorney's Office. The text amendments pertaining to Short Term Rental are scheduled for consideration by the Mayor & Commission during their January/February 2024 voting cycle.

FACTS & ISSUES:

1. Short-term rental software companies estimate there are between 750 and 1,200 active short-term rental properties in Athens-Clarke County throughout the year. The variance is due to some properties are only active periodically.
2. The GOC recommended that STRs be treated comparable to Bed & Breakfasts. If a Bed & Breakfast is allowed (i.e., RM zone), then a STR should be afforded the same opportunity through the plans review process. In all zones, properties would be eligible for utilization as a STR through a home occupation process if eligible. The home occupation permit requires that the property be the primary residence of the applicant. Primary residency would be determined by either proof of a homestead exemption or other legal documentation or in the case of a renter, a letter of support from the renter's landlord.
3. The Planning Commission's recommendation largely follows the original directive set forth by the GOC with some minor modifications while also creating a process for the establishment of legal non-conforming uses created by the adoption of the text amendments. The Planning Commission agreed largely with the staff-prepared draft however did modify the title by removing the term "vacation" from Short Term Vacation Rental and also added a two-year sunset provision to all legal non-conforming short-term rentals created by the text amendment.
4. Code Enforcement will coordinate the enforcement of the short-term rental ordinance by utilizing educational outreach, compliance checks and enforcement action.
5. Currently, Code Enforcement has eight officers who work an average of 300 cases per year. This past year there was a large increase in the number of illegal dumping cases following the installation of cameras in Athens-Clarke County at strategic locations to monitor known dump sites. The officers work in zones, and the new STR coordinator will be responsible for STRs in all zones of Athens-Clarke County. The position will need to become proficient in the use of the newly acquired software and will work on a full-time basis to ensure compliance with the new ordinance. This new position is needed, as there is not currently sufficient staff capacity to manage the STR enforcement program.
6. The Rentalscape STR platform will provide a listing of all STRs operating in Athens-Clarke County, including ownership information and booking history. The platform will provide STR owners an easy-to-use way to provide all required documentation to legally operate a STR. The platform will also provide compliance reporting based on ACCGov ordinances. It will also provide a compliance letter service where staff can provide STR

owners with non-compliance letters. Information Technology (IT) will provide technical assistance to Code Enforcement to ensure the platform has up-to-date information.

7. Code Enforcement will receive reports from the new software application and also have full access to monitor existing and newly created short-term rental properties to ensure that those properties remain in compliance with local ordinances.
8. The proposed position in Code Enforcement (**Attachment #3**) will perform the following tasks:
 - Monitor existing short-term rentals to ensure they are in compliance with Athens-Clarke County ordinances
 - Ensure that newly proposed short-term rentals are properly registered, have paid applicable taxes and fees, and are aware of the various regulations related to the use of the property
 - Initiate enforcement action for non-compliant properties
 - Create educational materials for presentations to residents, neighborhood groups, and others to increase awareness of our short-term rental ordinance and related compliance and enforcement efforts
9. Funding for the position, vehicle and related operating expenditures is recommended to come from available fund balance in the Hotel/Motel Tax Fund. At the end of FY23, approximately \$411,000 of fund balance was available. If approved, annual funding for this position and related operating expenditures would be incorporated into the FY25 Budget and funded from the Hotel/Motel tax fund. Annual cost for the proposed position beginning FY25 is \$78,000. (Note: all hotel motel excise tax revenues must be accounted for in a special revenue fund, per state law, whether received from a traditional hotel/motel or a short-term rental. Also, 85.7% (or \$0.06 of \$0.07 tax) of all hotel motel tax revenues received are paid over monthly to the Classic Center Authority, per intergovernmental agreement.
10. This recommendation supports the following ACCGov Strategic Plan Goal & Strategy: Organizational Improvement Goal, Strategy C: *Improve programs, processes, policies and communication external and internal, assess how resources are allocated to meet existing and future needs for better service delivery and what we deliver*

OPTIONS:

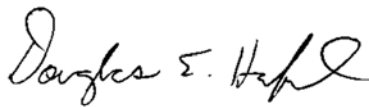
1. Mayor and Commission:
 - a. Authorize a new full-time position in the Building Inspection Department - Code Enforcement Division to coordinate education, compliance and enforcement efforts related to the new short-term rental ordinance; and
 - b. Adopt a budget ordinance amending the FY24 Operating and Capital Budget to fund the additional expenditures (**Attachment #1**).

2. Mayor and Commission deny authorization of a new full-time position in the Building Inspection Department Code Enforcement Division.
3. Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option #1 a and b

DEPARTMENT:

Prepared by: Doug Hansford



January 5, 2024

Doug Hansford

Date:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1 a & b



January 11, 2024

Manager

Date:

ATTACHMENTS:

Attachment #1: Budget Ordinance

Attachment #2: Government Operations Committee Commission Report

Attachment #3: Draft job description

**Government Operations Committee
Commission Report**

SUBJECT: Short Term Rentals

DATE: November 22, 2022

PURPOSE:

This report provides the Mayor and Commission with recommendations from the Government Operations Committee (GOC) related to the Short Term Rentals (STRs) review.

HISTORY:

1. In 2020, the Government Operations Committee reviewed “Short term rentals: tax payments same as hotels; possible permitting process; health and safety related issues.”
2. On November 4, 2020, the Mayor and Commission approved the GOC’s recommendations to:
 - a. Submit an RFP to find a qualified company to create and maintain a database of STRs, collect taxes, and help with code enforcement activities.
 - b. Remind anyone operating short term rentals that they are required to pay the Business Occupation Tax and the Hotel Motel Excise Tax.
 - c. Request that the Manager’s Office direct Planning Staff to prepare zoning amendments regarding the regulation of short term rentals for Planning Commission review and recommendation.
3. On April 21, 2021, Governor Kemp signed into law HB317, *Lodging Facilitator; Short-Term Rental Platforms Collecting Hotel-Motel Taxes*. This bill required marketplace innkeepers like Airbnb and VRBO to collect and remit the local hotel-motel taxes in GA if their platform collected at least \$100,000 in the previous or current year. With the law going into effect on July 1, a software solution was no longer needed to enforce the GOC’s primary concern, collection of hotel-motel taxes. Additionally, COVID-19 had greatly reduced the operations of STRs, making further action less pressing.
4. On July 19, 2022, Mayor Kelly Girtz assigned to the GOC “Consider limitations on the number of short term rentals any individual can manage in residential zones, and the requirement to be a homestead holder to own short term rentals.”
5. On August 15, 2022, September 19, 2022, October 17, 2022 and November 21, 2022, the Government Operations Committee discussed STRs. The Committee reviewed the Atlanta Ga. Ordinance and the Glynn County, Ga. Ordinance and the Chief Information Officer, Travis Cooper, gave a presentation on a Host Compliance platform for STRs.

6. On November 21, 2022, the Government Operations Committee completed their review and voted unanimously to approve the changes that the Attorney's Office and Planning Department have identified in the Zoning Ordinance (**Attachment #1**), as well as to approve issuance of an RFP for a third party vendor to monitor and regulate STRs.

The GOC recommends that STRs be treated comparable to Bed & Breakfasts. If a Bed & Breakfast is allowed (i.e. RM zone), then a STR can be created through the plans review process. In all zones, properties would be eligible for utilization as a STR through a home occupation process if eligible. The home occupation permit requires that the property be the primary residence of the applicant. Primary residency would be determined by either proof of a homestead exemption or, in the case of a renter, a letter of support from the renter's landlord.

If approved, Staff will continue to study the workload implications as the Planning Commission considers the zoning ordinance revisions and the RFP is conducted for a software solution to monitor and enforce STRs applying and paying for both home occupation and business licenses. There is the potential that additional staff resources will be necessary in the future to enforce the attached changes.

RECOMMENDATIONS:

The Government Operations Committee recommends that the Mayor and Commission:

- a. Direct staff to prepare a text amendment for Planning Commission consideration of the attached Zoning Ordinance revisions (**Attachment #1**); and
- b. Approve issuance of an RFP for a third party vendor to monitor and regulate short term rentals.

ADDITIONAL INFORMATION/COMMENTS:



Tim Denson, Chair
Government Operations Committee

12/7/2022

Date:

ATTACHMENTS:

Attachment #1 - Proposed Zoning Ordinance Revisions



Code Enforcement Officer IV

Class Code:
1706

Bargaining Unit:

UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
Established Date: Jan 14, 2020
Revision Date: Jan 14, 2020

SALARY RANGE

\$49,93900 Annually

PURPOSE & JOB RELATED REQUIREMENTS:

REPORTS TO: Code Enforcement Administrator

FLSA STATUS: Non-Exempt

CLASSIFICATION: Personnel System – Requires satisfactory completion of a six-month probationary period

GRADE: 117

SAFETY SENSITIVE: Yes – Subject to random drug testing per the Athens-Clarke County Drug and Alcohol Ordinance

Purpose of Job

The purpose of this job is to investigate a broad variety of alleged violations of county ordinances and state law reported by other county departments and the general public; enforces compliance with codes and ordinances and performs on-site inspections and investigations. Duties and responsibilities include, but are not limited to: Inspecting buildings, structures, and land in order to enforce zoning, housing, nuisance abatement, solid waste, and other related codes and ordinances, maintaining files, reviewing permit applications, issuing citations, and performing additional tasks as assigned.

Job Related Requirements

May be required to work on religious holidays.

Regular and predictable attendance is required.

Must work cooperatively with others.

When requirements include vehicle operation, responsible for the safety, readiness and operation of the vehicle and must abide by ACC's safe driving policy.

MINIMUM TRAINING & EXPERIENCE REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS:

High school diploma or equivalent, and six years of experience in code compliance or enforcement required (two years working as a Code Enforcement Officer III).

Incumbent must meet all the requirements of a Code Enforcement III including the following required certifications. International Code Council (ICC) Property Maintenance and Housing Inspector Certification, the ICC Zoning Inspector Certification, and maintained the Georgia State Soil and Water Conservation Commission- Level 1B Certification in Soil Erosion and Sedimentation Control (SESC).

Must possess the Georgia Association of Code Enforcement (GACE – Level 3) Certification as a Code Enforcement Officer or Building Officials Association of Georgia (BOAG) or International Code Council (ICC) Building, Mechanical, Electrical or Plumbing Inspector Certification.

Must possess a valid driver's license.

ESSENTIAL DUTIES, KNOWLEDGE SKILLS & ABILITIES:

The following duties are normal for this job. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Inspects buildings, structures, and land to determine violations of applicable codes and ordinances; inspects existing structures for violations of safety and sanitation regulations, or when adopted codes and ordinances require an inspection.

Notifies contractors, subcontractors, engineers, architects, owners, or property managers of code violations and discusses possible options to correct violations.

Counsels the public who are found in violation of the laws; reinvestigates ordinance violations before turning cases over for prosecution; testifies before the courts as necessary.

Determines legal description, owner, and zoning of properties throughout the county.

Reviews and decides on issuance of zoning related permits, including home occupation permits, alcoholic beverage licenses, and family day care permits.

Maintains files of inspections, re-inspections, consultations, phone conversations, inspection notes, and other required reports; compiles status reports on specific assignments as requested.

Inputs inspection reports, investigation notes, and consultation data into computer database.

Issue citations for code violations.

Supervises, trains, directs, counsels, and evaluates assigned staff.

Assists Code Enforcement Officer I and II in day-to-day operations when necessary.

Coordinates with other State and Federal regulatory agencies in assuring compliance with relevant regulations.

Responds to telephone inquiries from citizens, builders, owners, utilities, public officials, and

property managers related to code interpretations and enforcement.

Participates in professional development activities.

Operates testing equipment.

Performs other duties as assigned.

Knowledge, Skills and Abilities

Knowledge of the policies, procedures, and activities of the Code Enforcement Division.

Knowledge of terminology used within the division.

Knowledge of relevant unified government codes and ordinances.

Knowledge of the geography of Athens-Clarke County.

Knowledge of theories, principles, and practices of code enforcement; government and department policies, procedures, and methods required in the performance of duties.

Skill in reading plans and other technical diagrams, plats, and documents.

Skill in detecting code violations, organizing, analyzing, and problem solving.

Ability to compile, organize, prepare, and maintain an assortment of records, reports, and information in an effective manner and according to departmental and/or governmental regulations.

Ability to communicate effectively with supervisors, citizens, public officials, and other staff members.

Ability to use independent judgement in routine and non-routine situations.

Ability to utilize and understand computer applications and techniques as necessary in the completion of daily assignments.

Ability to plan, organize, and/or prioritize daily assignments and work activities.

Ability to communicate orally and in writing.

ADA INFORMATION:

(ADA) MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

PHYSICAL REQUIREMENTS: Must be physically able to operate a variety of machinery and equipment including a computer, adding machine, copier, fax, vehicle, ladder, hand tools and scales. Must be able to use body members to work, move or carry objects or materials. This position requires: climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, talking, hearing, and seeing. Must be able to exert up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently. Physical demand requirements are at levels of those for medium work.

DATA CONCEPTION: Requires the ability to compare and or judge the readily observable functional, structural, or compositional characteristics (whether similar to or divergent from obvious standards) of data, people, or things.

INTERPERSONAL COMMUNICATION: Requires the ability to hear, speak and/or signal people to convey or exchange information. Includes giving / receiving assignments and/or directions to co-workers or assistants and from supervisors.

LANGUAGE ABILITY: Requires the ability to read a variety of permits, drawings, applications, correspondence, time sheets, orders and informational documentation, directions, instructions, and methods and procedures. Requires the ability to prepare correspondence, charts, policy, reports and budgets using prescribed formats and conforming to all rules of punctuation, grammar, diction, and style. Requires the ability to speak to people, and groups of people, with poise, voice control, and confidence.

INTELLIGENCE: Requires the ability to learn and understand complex principles and techniques; to acquire and be able to expound on knowledge of topics related to primary occupation; and to make independent judgement in the absence of management.

VERBAL APTITUDE: Requires the ability to record and deliver information, to explain procedures, and to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of administrative, technical or professional languages including engineering, legal, counseling, construction, budgetary, mechanical, electrical, and personnel terminology.

NUMERICAL APTITUDE: Requires the ability to utilize mathematical formulas; add and subtract totals; multiply and divide; utilize determine percentages, perform calculations involving variables, formulas, square roots and polynomials; perform statistical calculations which include frequency distributions, reliability and validity of tests, correlation techniques, factor analysis and econometrics; perform statistical calculations including advanced probability theory, experimental design and advanced statistical inference with applications.

FORM/SPATIAL APTITUDE: Requires the ability to inspect items for proper length, width, and shape, visually with a computer, adding machine, copier, fax, vehicle, ladder, hand tools and scales.

MOTOR COORDINATION: Requires the ability to coordinate hands, fingers, and eyes accurately in using a computer, adding machine, copier, fax, vehicle, ladder, hand tools and scales. Requires the ability to use the keyboard, lift, bend, push, and pull objects or materials using body parts as the position necessitates.

MANUAL DEXTERITY: Requires the ability to handle a variety of items such as a computer, adding machine, copier, fax, vehicle, ladder, hand tools and scales. Must have the ability to use one hand for twisting or turning motion while coordinating other hand with different activities. Must have moderate levels of eye/hand/foot coordination.

COLOR DISCRIMINATION: Requires the ability to differentiate between colors and shades of color.

INTERPERSONAL TEMPERAMENT: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under considerable stress when confronted with an emergency.

PHYSICAL COMMUNICATION: Requires the ability to talk and/or hear: (Talking - expressing or

exchanging ideas by means of spoken words). (Hearing - perceiving nature of sounds by ear). Must be able to communicate via telephone, two-way radio.

ALL DEPARTMENT(S) USING THIS JOB DESCRIPTION:

Building Inspections