

Short-Term Rental Application

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SHORT-TERM RENTAL APPLICATION CHECKLIST

(Incomplete applications will not be accepted)

- ☐ Completed Application – See page 2
- ☐ List of any individuals who have a financial interest in the property being used as a short-term rental, or in the rental itself. You may attach this list as an addendum
- ☐ Signed and Notarized Affidavits for all property owners. Use separate sheets for multiple owners. – See page 3 – 6
- ☐ Copy of Driver's License – Name and address must match those on application and deed
- ☐ Copy of Warranty Deed showing ownership of property
- ☐ Proof of **CURRENT** Homestead Exemption through DeKalb County (See below:)



DEKALB COUNTY REAL ESTATE TAX STATEMENT

IRVIN J. JOHNSON TAX COMMISSIONER

PAY ONLINE OR SIGN UP FOR PAPERLESS BILLING AT www.dekalbtax.org

OWNER CO-OWNER PARCEL ID / PIN PROPERTY ADDRESS TAX DISTRICT		APPRAISAL VALUES AND EXEMPTION INFORMATION			
		TOTAL APPRAISAL	661,300	EXEMPTION CODE	H1F
		40% ASSESSMENT	264,520	BASE ASSESSMENT FRZ	154,680
		APPEAL ASSESSMENT	0	NET FROZEN EXEMPTION	109,840

The 2023 tax bill includes a county Equalized Homestead Option Sales Tax (EHOST) credit. Application of the EHOST credit will reduce the gross ad valorem tax amount paid by qualified homeowners. O.C.G.A. §48-8-109.5 (d) (Provided by the Office of the DeKalb County CEO).

- ☐ Proof of Insurance for Property's Use as Short Term Rental – *Must be current*
- ☐ Images of:
 - ☐ Working and non-expired fire-extinguisher (provide separate images of the location of extinguisher & the expiration date)
 - ☐ Visibly posted evacuation diagram identifying all means of egress from the unit and building in which it is located
 - ☐ Visibly posted list of the address of the short-term rental, location of the fire extinguisher, and emergency phone numbers for police, fire, and poison control
- ☐ If renewal of permit, please provide the following additional information:
 - ☐ Rental and Tax Summaries from all websites the STR is listed on for all stays for the previous year
 - ☐ Updated application and/or reupload of previous application documents if no changes
 - ☐ Proof of Homestead Exemption and Insurance for Current Year

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PROPERTY			
Site Address:			Zip:
Parcel #:	Present Zoning:	City Council District:	
OWNER INFORMATION (AS LISTED ON PROPERTY DEED) – Please provide list on separate page if necessary.			
Name:			
Address:			
Email:		Phone:	
RENTAL AGENT (IF APPLICABLE) ☐ N/A			
Name:			
Address:			
Email:		Phone:	
24-HOUR CONTACT: ☐ Homeowner ☐ Rental Agent			
INFORMATION ABOUT SHORT TERM RENTAL			
Type of Rental:	☐ Full House ☐ Portion of Home ☐ Accessory Structure		
Marketplace Facilitator Used: (Check all that apply)	☐ Airbnb ☐ VRBO ☐ Homestay ☐ Fairbnb ☐ OneFineStay ☐ Other: _____		
Number of Bedrooms:		Number of Bathrooms:	
Maximum # of Guests:		Sq. Footage of Rental:	
Number & Location of Off-Street Parking Spaces:			
How long has the owner owned the subject property?			
Does the primary owner listed in this application reside on the property?		☐ Yes ☐ No	
Does the owner(s) or entity have any other vested interest in or ever been associated with any other short-term rentals in the City of Brookhaven or DeKalb County?		☐ Yes ☐ No	
If yes, give complete name(s) and addresses below:			

SUBMITTAL REQUIREMENTS – Please ensure the following documents have been uploaded to the Host Compliance Portal

- | | |
|--|--|
| ☐ Completed Application | ☐ Copy of Owner(s)'s Driver's License |
| ☐ Proof of Homestead Exemption through DeKalb County | ☐ Proof of Insurance for Property to be used as STR |
| ☐ Images of fire extinguisher, evacuation diagram, and emergency phone numbers visibly posted | |

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Short-Term Rental Ordinance

Please read the Short-Term Rental Ordinance, sign, and notarize the following page if you are requesting a permit for a Short-Term Rental.

Sec. 27-629 - Lodging

- (3) *Short-term Rental.* The use of an owner-occupied residential dwelling unit or portion of such dwelling unit for lodging. The following supplemental regulations apply to short-term rentals:
- a. *Definitions.* For the purposes of this article, the following terms shall have the following meanings:
 1. *Short-term Rental.* An entire dwelling unit, or a room, group of rooms, other living or sleeping space, or any other space within a dwelling or property, made available for rent by guests for less than thirty consecutive days.
 2. *Short-term Rental Host.* A person or entity in valid legal possession of a short-term rental unit who rents such unit to guests.
 3. *Booking Service.* A person or entity who, directly or indirectly:
 - i. provides one or more online, computer or application-based platforms that individually or collectively can be used to:
 - a. list or advertise offers for short-term rentals, and
 - b. either accept such offers or reserve or pay for such rentals; and
 - ii. charges, collects, or receives a fee for the use of such a platform of provision of any service in connection with a short-term rental.
 - b. *Permit required.*
 1. Applicants shall be limited to owner-occupiers who have owned the subject property for more than a year and are receiving a current homestead exemption through DeKalb County.
 2. No property authorized by this subsection for short-term rentals may list or rent the property for such use for more than 180 days per calendar year.
 3. No owner of property within the jurisdiction of the City of Brookhaven may advertise, offer, operate, rent or otherwise make available, or allow any other person to make available for occupancy or use a short-term rental without a short-term rental permit. Advertise or offer includes through any media, whether written, electronic, web-based digital, mobile, or otherwise.
 4. A Short-Term Rental Permit shall not be issued to any business entity, including but not limited to: partnerships, limited liability partnerships, limited liability company, or personal and family trusts.
 5. An owner shall only maintain one Short-Term Rental Permit at any time. Owner shall not maintain any financial interest in more than one short-term rental within the City of Brookhaven.
 - c. *Application for permit.* Prior to use of a property as a short-term rental, and annually thereafter, an application for a short-term rental permit must be submitted to the Department of Community Development. Such application shall include:
 1. The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a certificate is sought;
 2. The name, address and telephone numbers of any other natural persons that hold any financial interests in the short-term rental;
 3. The address of the dwelling unit to be used as a short-term rental;

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4. The name, address, telephone number and email address of the short-term rental agent, which shall constitute their 24-hour contact information;
If the rental agent changes, the property owner shall notify the city within five business days.
5. The name of which marketplace facilitator(s) the applicant intends to contract with or contracts with for short-term rental of the applicant's property.
If the applicant/owner changes the marketplace facilitator for the short-term rental property, the applicant/owner must notify the city of the change and new marketplace facilitator.
6. The number of bedrooms and the applicable overnight and daytime occupancy limit of the unit;
7. The number and location of parking spaces allotted to the premises;
8. Proof of insurance for the property to be used as a short-term rental;
9. The owner's agreement to use their best efforts to assure that the use of the premises by short-term rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
10. The owner's sworn acknowledgement that they have received a copy of this section and all other laws pertaining to short-term rentals, have reviewed such laws, and understands their requirements;
11. Any other information that this chapter requires the owner to provide to the city as part of an application for a short-term rental permit. The Department of Community Development shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
12. Application fees shall be as established by the city council.

d. *Short-term Rental Unit Operational Regulations.*

1. Short-term rental hosts shall maintain records related to guest stays for two years following the end of the calendar year in which an individual rental stay occurred, including the date of each stay and the number of guests, the costs for each stay, including relevant taxes, and records related to their registration as short-term rental hosts with the City.
 - i. These records shall be provided to the City on a yearly basis upon renewal of the short-term rental permit, or upon the City's request at any time.
2. All short-term rentals shall be subject to excise tax pursuant to chapter 24 of the Code of the City of Brookhaven. The owner shall comply with all provisions of Chapter 24 of the Municipal Code concerning transient occupancy taxes, including, but not limited to, the monthly submission of a list of completed reservations and all payouts, transactions, and excised taxes that month for each short-term rental. The monthly return shall be filed each month regardless of whether the short-term rental unit was rented or not during each such month.
3. All short-term rentals shall be subject to nuisance and noise regulations pursuant to chapter 16 of the Code of the City of Brookhaven.
4. A short-term rental host shall include their current, valid permit number on all offerings, listings, or advertisements for short-term rental stays.
5. All short-term rentals shall have a working fire-extinguisher.
6. All short-term rentals shall include a conspicuously posted evacuation diagram identifying all means of egress from the unit and building in which it is located.

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7. All short-term rentals shall include a conspicuously posted list of the address of the short-term rental, the location of the fire-extinguisher, and emergency phone numbers for police, fire, and poison control.
8. Any canopies or tents larger than 10' X 10' are prohibited from use at short-term rental locations.
9. Each owner and agent or representative of any owner shall provide the enforcement official with access to each short-term rental and the books, records, documents, papers, tax returns, and bank accounts at any time during normal business hours as the enforcement official may determine are necessary or convenient for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.

e. Reissuance/Revocation of Permit.

1. All short-term rental permits must be renewed on an annual basis.
2. The City Manager or their designee shall conduct a reasonable search of the city's records to determine if the applicant's property has been the subject of two or more citations and/or violations of the City Ordinance in the preceding twelve months. If the search reveals two or more citations and/or violations, the permit may not be renewed.

f. Transferability and Cap.

1. Upon change of property ownership, the permit shall expire, and the property shall not be used as a short-term rental until the new or successor owner is issued a short-term rental permit for the property.
2. Short-term rentals shall be limited to five percent of the residential parcels within each city council district. Holders of a short-term rental permit before October 24, 2023 ("Pre-Existing permit") that seek renewal of a pre-existing permit shall not be denied on the grounds that issuance of the permit will exceed the per-district maximum cap limitation. When a transfer of property title occurs for a parcel with a pre-existing permit(s), a new application from the transferee/grantee shall not be denied on the grounds that the issuance of the permit(s) will exceed the per-district maximum cap limitation if the transferee/grantee applies for the new short-term vacation rental permit within six months from the date of title transfer.

g. Booking Service Regulations.

1. Notwithstanding the provisions of any other law or administrative action to the contrary, booking services shall develop and maintain a report related to short-term rental unit guest stays that the booking service has facilitated in the City for two years following the end of the calendar year in which an individual rental stay occurred. The report shall include the date of each stay and the number of guests, the costs for each stay, including relevant taxes, the physical address, including any unit designation of each short-term rental unit booked, the full legal name of each short-term rental unit's host, and each short-term rental unit's permit number.
 - i. This report shall be submitted on a monthly basis, along with any owed taxes from the booking service.
 - ii. In the event a booking service does not adhere to subsection one of Sec. 27-629 (3g), or more information is deemed necessary by the City, the City may access this report and/or all relevant records from a booking service in response to valid legal process. Reports and any records provided to generate such reports shall not be made publicly available without the redaction of the full legal name of each short-term rental unit's host, the street name and number of the physical address of any identified short-term rental unit and the unit's permit number.

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2. It shall be unlawful for a booking service to collect a fee for facilitating booking transactions for short-term rental units located in the City if the short-term rental unit and its owner have not been issued a current, valid permit by the City. The provisions of this article shall apply to all short-term rental units in the City.
3. Booking services not in compliance with this subsection shall be fined \$1,000 per incident.

AFFIDAVIT

By completing this form, I acknowledge the following (*please check each box*):

- ☐ I am the owner and occupant of the dwelling unit for which a Short-Term Rental permit is sought;
- ☐ I have received a copy of this section and all other laws pertaining to short-term rentals, have reviewed such laws, and understand their requirements;
- ☐ I will use my best efforts to assure that the use of the premises by short-term rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
- ☐ To the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Code of Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Brookhaven Code of Ordinance) will result in the rejection of this application;
- ☐ The permit is valid from January 1st to December 31st of the applicable year. A renewal application must be filed within the 30 days prior to the expiration of said permit.
- ☐ If any information is found to be false or misrepresented, the permit will be deemed invalid.

Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____ Notary Public:			