

**ORDINANCE
AMENDMENT
OA - 2026 - 01**

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE OF
THE CITY OF DALLAS, GEORGIA, TO ESTABLISH CLEAR AND
ENFORCEABLE OCCUPANCY LIMITS IN RESIDENTIAL DISTRICTS,
TO PROVIDE COMPREHENSIVE DEFINITIONS OF RESIDENTIAL
OCCUPANCY AND RELATED TERMS, TO IMPLEMENT MECHANISMS
FOR THE EFFECTIVE ENFORCEMENT OF THESE REGULATIONS, TO
REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES**

WHEREAS, the Mayor and Council of the City of Dallas, Georgia, having carefully considered the interests of the community, hereby determine that the health, safety, and general welfare of the citizens of Dallas necessitate the regulation of residential occupancy in order to preserve the integrity and character of existing neighborhoods, mitigate the adverse effects of traffic congestion, ensure the provision of sufficient and appropriate parking, and safeguard property values within the City's jurisdiction;

WHEREAS, the Chief of Police has formally advised the Mayor and Council that residences in which multiple unrelated individuals rent individual rooms within single-family homes have created significant challenges related to parking availability, increased traffic volume, diminished neighborhood aesthetics, excessive noise, and the emergence of unregulated rental operations that detrimentally impact the quality of life in residential neighborhoods;

WHEREAS, the increasing prevalence of rental arrangements in which property owners lease individual rooms to three or more unrelated tenants within single-family residential districts has resulted in conditions of overcrowding, inadequate parking facilities, elevated vehicular activity, and other impacts that are incompatible with the traditional residential character and expectations of affected neighborhoods;

WHEREAS, the City of Dallas is vested with the authority, pursuant to O.C.G.A. § 36-66-3 and O.C.G.A. § 36-35-3, to promulgate zoning regulations governing the use of property and to establish occupancy standards that serve to protect the public health, safety, and welfare, and pursuant to O.C.G.A. § 36-35-6(a)(2) to enforce such regulations through appropriate penalties;

WHEREAS, judicial precedent has consistently upheld the validity of municipal ordinances that restrict the number of unrelated individuals permitted to reside within a single dwelling unit, recognizing such regulations as a legitimate exercise of the police power when rationally related to bona fide governmental interests in neighborhood preservation and the promotion of public welfare, including *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974), and *Elliott v. City of Athens, Ga.*, 960 F.2d 975 (11th Cir. 1992);

WHEREAS, the City Council finds that the regulation of unrelated occupancy in single-family residential districts is necessary to preserve the quiet

character of neighborhoods, prevent excessive demand on infrastructure, promote safety and parking availability, protect property values, and distinguish bona fide family-style households from commercial rooming operations, while complying with the Fair Housing Act, the Fair Housing Amendments Act, the Georgia Fair Housing Act, and all applicable state and federal law requiring reasonable accommodation for persons with disabilities;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Dallas, Georgia as follows:

SECTION 1. AMENDMENT TO CHAPTER IV - ZONING DISTRICTS

Chapter IV (Zoning Districts), Section 4.03 (Permitted and Special Exception Uses) is hereby amended by adding a new subsection 4.03(5) immediately following the existing use classifications to read as follows:

4.03(5). OCCUPANCY LIMITS IN RESIDENTIAL DISTRICTS

(a) Applicability. The occupancy limits established in this subsection shall apply to all dwelling units located in single-family and two-family residential zoning districts, including R-1 (Low-Density Single-Family Residential District), R-2 (Medium-Density Single-Family Residential District), R-3 (High-Density Single-Family Residential District), and TH (Townhome Residential District).

(b) Maximum Occupancy. No dwelling unit in any single-family or two-family residential zoning district shall be occupied by more than two (2) unrelated persons as their primary residence. This limitation shall not apply to persons related by blood, marriage, adoption, or legal guardianship, who may occupy a dwelling unit without numerical limitation pursuant to the definition of "Family" in Chapter XIII of this Code.

(b.1) Reasonable Accommodations.

(1) General Requirement. Notwithstanding subsection (b), the City shall make reasonable accommodations in the application of this subsection when necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling, consistent with 42 U.S.C. § 3604(f)(3)(B), 24 C.F.R. § 100.204, and O.C.G.A. § 8-3-200 et seq.

(2) Administrative Procedures. The Community Development Director shall implement the reasonable accommodation procedures set forth in Appendix A to this ordinance, which procedures shall include:

A. A written application process with clear submission requirements;

B. A fifteen (15) business day decision period after receipt of all required information;

C. Criteria for determining the necessity and reasonableness of the requested accommodation, including:

i. Whether the accommodation is necessary to afford persons with disabilities equal opportunity to use and enjoy the dwelling;

- ii. Whether the accommodation would impose an undue financial or administrative burden on the City;
- iii. Whether the accommodation would require a fundamental alteration in the nature of the City's zoning program;
- iv. Whether the accommodation would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others;

D. An appeal process to the Zoning Board of Appeals, which shall act in a quasi-judicial capacity and conduct a de novo review of the Community Development Director's decision.

(3) Effect of Approval. A live-in aide, personal care attendant, or other approved reasonable-accommodation occupant shall not be counted toward the maximum number of unrelated occupants established in subsection (b).

(4) Administrative Decision. Decisions of the Community Development Director under this subsection shall constitute administrative decisions for purposes of appeal under Section 11.09 of the Unified Development Code.

(c) Protected Occupancy. The following categories of occupancy shall not be subject to the limitations of subsection (b):

- (1) Dwellings occupied pursuant to an approved reasonable accommodation under subsection (b.1) of this section;
- (2) Group Homes as defined in Chapter XIII and regulated under Section 8.13A of this Code;
- (3) Personal Care Homes licensed pursuant to O.C.G.A. § 31-7-12 and regulated under Section 8.13 of this Code;
- (4) Dwellings occupied by persons receiving supportive services funded or licensed by the State of Georgia or federal government where such occupancy is necessary to provide equal housing opportunity to persons with disabilities.

(d) Rebuttable Presumption of Violation.

(1) Presumption. Any dwelling unit in a district specified in subsection (a) that is occupied by three (3) or more unrelated persons, and that is not protected under subsection (c), shall be rebuttably presumed to be in violation of subsection (b).

(2) Rebuttal. The presumption established in subsection (d)(1) may be rebutted by the property owner, landlord, or occupants demonstrating by a preponderance of the evidence that:

- A. The occupants are related by blood, marriage, adoption, or legal guardianship as defined in Chapter XIII; or
- B. The occupancy qualifies for protection under subsection (c); or

C. The occupants operate as a single housekeeping unit as defined in Chapter XIII and as evidenced by the factors set forth in subsection (e) of this section.

(3) Burden of Proof. Once the City establishes that three (3) or more unrelated persons occupy the dwelling unit, the burden shifts to the property owner, landlord, or occupants to rebut the presumption of violation.

(d.1) Rooming House Classification. Any dwelling unit that is found to be in violation of subsection (b) after consideration of the rebuttable presumption in subsection (d) and any evidence presented in rebuttal shall be deemed a rooming house (boarding house) and shall be subject to all applicable zoning restrictions, permitting requirements, inspection standards, and use limitations for rooming houses as established by this Code. Rooming houses are not permitted uses in R-1, R-2, R-3, or TH zoning districts unless expressly authorized by Special Exception and approved by the Planning and Zoning Commission pursuant to Section 11.09 of this Code.

(e) Evidentiary Standards.

(1) Indicia of Separate Occupancy or Non-Compliance. In determining whether a dwelling unit is occupied by more than two (2) unrelated persons, or whether occupants operate as a single housekeeping unit for purposes of rebutting the presumption under subsection (d)(2)(C), the City may consider the following non-exclusive, rebuttable indicia. The presence of three (3) or more of the following factors, when considered in totality, may support a finding that the occupancy violates subsection (b) or that occupants do not operate as a single housekeeping unit:

A. Separate utility meters or separate utility accounts for individual rooms or portions of the dwelling;

B. More than one kitchen or food-preparation facility equipped with cooking appliances, unless one is located in a lawful accessory dwelling unit or basement apartment authorized by this Code;

C. Multiple mailboxes or postal addresses assigned to individual occupants rather than to the household;

D. Separate exterior entrances providing independent access to individual rooms or dwelling areas, excluding common entrances;

E. Individual lease agreements or rental agreements for separate rooms or portions of the dwelling rather than for the dwelling unit as a whole;

F. Keyed locks, smart locks, biometric locks, or other locking devices on individual bedroom doors providing exclusive access control to individual occupants;

G. Evidence of separate financial responsibility for rent, utilities, or household expenses by individual occupants rather than shared or joint responsibility;

H. Advertising, marketing materials, or online listings offering individual rooms for rent rather than the dwelling unit as a whole;

- I. Testimony from occupants, neighbors, or other witnesses regarding the independent operation of separate households within the dwelling unit;
- J. Observations of distinct and non-integrated living patterns, including separate meal preparation, separate household supplies, or absence of shared common areas.

(2) Single Factor Not Dispositive. No single factor listed in subsection (e)(1) shall be dispositive of a violation. The determination shall be based upon the totality of the circumstances and evidence presented.

(3) Evidence of Single Housekeeping Unit. In rebutting the presumption under subsection (d)(2)(C), property owners, landlords, or occupants may present evidence demonstrating that the occupants operate as a single housekeeping unit, including but not limited to:

- A. Affidavits from all adult occupants attesting that they share common living areas, share household expenses, prepare and consume meals together, and operate as a single housekeeping unit;
- B. Joint lease agreements or coordinated lease arrangements demonstrating the rental of the dwelling unit as a whole;
- C. Shared utility accounts or evidence of proportional sharing of utility costs;
- D. Evidence of common meal preparation and shared household supplies;
- E. Evidence of integrated household management and decision-making;
- F. Witness testimony or other evidence demonstrating family-like living arrangements.

(f) Inspections and Probable Cause.

(1) Consent or Warrant Required. All inspections conducted to determine compliance with this section shall occur only with the voluntary written consent of the property owner or lawful occupant, or pursuant to an administrative search warrant issued by a court of competent jurisdiction in accordance with the Fourth Amendment to the United States Constitution and Article I, Section I, Paragraph XIII of the Constitution of the State of Georgia.

(2) Probable Cause for Administrative Warrant. Probable cause for issuance of an administrative search warrant to inspect for compliance with this section may be established by:

- A. Specific, credible complaints from neighbors or other witnesses describing conditions consistent with three (3) or more of the indicia listed in subsection (e)(1);
- B. Direct observation by code enforcement personnel of conditions visible from public rights-of-way or adjacent properties that constitute three (3) or more of the indicia listed in subsection (e)(1);

- C. Documentary evidence such as lease agreements, advertisements, utility records, or other documents obtained through lawful means that establish three (3) or more of the indicia listed in subsection (e)(1);
- D. Statements or admissions by property owners, landlords, or occupants that the dwelling is occupied by three (3) or more unrelated persons in a manner inconsistent with subsection (b) or that does not constitute a single housekeeping unit;
- E. A pattern of code violations or public safety incidents at the property consistent with multi-tenant occupancy.

(g) Responsibilities and Liability.

- (1) Owner and Landlord Responsibility. It shall be unlawful for any property owner, landlord, property manager, leasing agent, or other person having legal or equitable control over a dwelling unit to allow, permit, facilitate, maintain, or cause occupancy of any dwelling unit in violation of the occupancy limits established by subsection (b), unless the dwelling unit is protected under subsection (c).
- (2) Tenant Responsibility. It shall be unlawful for any tenant or occupant to occupy or maintain occupancy of a dwelling unit in knowing violation of the occupancy limits established by subsection (b), unless the dwelling unit is protected under subsection (c).
- (3) Joint and Several Liability. Property owners, landlords, property managers, leasing agents, and tenants shall be jointly and severally liable for violations of this subsection.

(h) Enforcement and Penalties.

- (1) Notice and Opportunity to Cure. Upon determination that a violation of this section exists, the Community Development Director shall issue a written notice of violation to the property owner and, if different, to the landlord or property manager of record. The notice shall:
 - A. Specifically describe the violation, including the factual basis and evidence supporting the determination;
 - B. Identify the specific subsection(s) violated;
 - C. Provide a thirty (30) calendar day period from the date of the notice within which to cure the violation by:
 - i. Reducing occupancy to comply with subsection (b);
 - ii. Obtaining approval of a reasonable accommodation under subsection (b.1);
 - or
 - iii. Demonstrating that the occupancy is protected under subsection (c) or that occupants operate as a single housekeeping unit under subsection (d)(2)(C);
 - D. Inform the recipient of the right to request a hearing before the Community Development Director within ten (10) calendar days of receipt of the notice;

E. Advise of the penalties for failure to cure the violation within the specified time period.

(2) Hearing. If a hearing is timely requested, the Community Development Director shall conduct a hearing within fifteen (15) business days of receipt of the request. The hearing shall be conducted in accordance with the administrative hearing procedures set forth in Chapter XII of this Code. At the hearing, the property owner, landlord, or occupants may present evidence in rebuttal of the presumption under subsection (d), including evidence of single housekeeping unit operation under subsection (e)(3). The Community Development Director may affirm, modify, or withdraw the notice of violation based upon the evidence presented.

(3) Penalties for Non-Compliance. If a violation is not cured within the thirty (30) day period specified in the notice, or within any extended period granted by the Community Development Director, the violation shall be subject to the following penalties:

A. A civil fine not exceeding One Thousand Dollars (\$1,000.00) per violation;

B. Suspension or revocation of any business license, occupational tax certificate, or rental registration associated with the property;

C. Recordation of a notice of violation against the property in the land records of Paulding County;

D. Injunctive relief, including but not limited to a court order requiring compliance with this section or prohibiting further violations;

E. Any other remedy available under this Code or applicable law.

(4) Each Day a Separate Violation. Each day that a violation continues after expiration of the cure period shall constitute a separate violation subject to a separate penalty.

(5) Recovery of Enforcement Costs. In addition to the penalties set forth in subsection (h)(3), the City may recover all reasonable costs of enforcement, including but not limited to inspection costs, administrative costs, attorney's fees, and court costs.

Chapter IV (Zoning Districts), Table 4.3 (Permitted and Special Exception Uses) is hereby amended by adding the following use classifications in the "Residential" category:

Group Home – Special Exception in R-1 and R-2; Permitted Use in R-3, subject to Section 8.13A

SECTION 2. AMENDMENT TO CHAPTER VIII - SUPPLEMENTARY CONDITIONS FOR SPECIFIC USES

Chapter VIII (Supplementary Conditions for Specific Uses), Section 8.06 (Bed and Breakfast Establishments) is hereby amended by adding a new subsection (9) to read as follows:

(9) Distinction from Rooming Houses. Bed and breakfast establishments shall comply with all requirements of this section and shall be clearly distinguished from rooming houses. No bed and breakfast establishment shall permit the same rental occupants to reside at the establishment for more than seven (7) consecutive days, and occupancy shall be strictly transient in nature. Bed and breakfast establishments that permit occupants to remain for extended periods or that operate as residences for the same individuals shall be subject to the occupancy limits of Section 4.03(5) and to enforcement action pursuant to Chapter XII of this Code.

Chapter VIII (Supplementary Conditions for Specific Uses), Section 8.13 is hereby amended to read as follows:

Sec. 8.13 – PERSONAL CARE HOMES (Licensed Care Facilities)

- (1) Purpose and Scope. Personal Care Homes regulated by this section are state-licensed care facilities subject to licensing and health standards established by the Georgia Department of Community Health pursuant to O.C.G.A. § 31-7-12 and implementing regulations. Personal Care Homes are distinct from "Group Homes" as defined in Chapter XIII and regulated under Section 8.13A. Nothing herein shall be construed to classify a Group Home as a Personal Care Home, or vice versa.
- (2) Personal Care Home Classifications. Personal Care Homes are classified based upon the number of residents served, consistent with state law:
 - (a) Personal Care Home, Family: A Personal Care Home serving two (2) to six (6) residents.
 - (b) Personal Care Home, Group: A Personal Care Home serving seven (7) to fifteen (15) residents.
 - (c) Personal Care Home, Congregate: A Personal Care Home serving sixteen (16) or more residents.
- (3) Exemption from Occupancy Limits. Personal Care Homes licensed by the State of Georgia pursuant to O.C.G.A. § 31-7-12 shall not be subject to the unrelated occupancy limits established in Section 4.03(5) of this Code.
- (4) Zoning District Restrictions.
 - (a) Personal Care Home, Family: Permitted as a principal use in all residential zoning districts, subject to compliance with state licensing requirements and applicable building, fire, and life safety codes.
 - (b) Personal Care Home, Group: Permitted by Special Exception in R-2, R-3, and TH districts, subject to review and approval by the Planning and Zoning Commission pursuant to Section 11.09 of this Code, and subject to compliance with state licensing requirements and applicable building, fire, and life safety codes.
 - (c) Personal Care Home, Congregate: Permitted by Special Exception in R-3 and commercial districts only, subject to review and approval by the Planning and Zoning Commission pursuant to Section 11.09 of this Code, and subject to

compliance with state licensing requirements and applicable building, fire, and life safety codes.

(5) Operating Requirements. All Personal Care Homes shall:

- (a) Maintain current and valid licensure with the Georgia Department of Community Health;
 - (b) Comply with all applicable federal, state, and local laws, regulations, and codes;
 - (c) Provide proof of licensure to the Community Development Director upon request;
 - (d) Notify the Community Development Director within ten (10) business days of any change in licensure status, including suspension, revocation, or voluntary surrender of license.
- (6) Enforcement. Violation of this section, including operation of a Personal Care Home without required licensure or Special Exception approval, shall be subject to enforcement action pursuant to Chapter XII of this Code.

Chapter VIII (Supplementary Conditions for Specific Uses) is hereby amended by adding a new Section 8.13A to read as follows:

Sec. 8.13A – GROUP HOMES

- (1) Purpose and Definition. A "Group Home" is a residential facility that houses persons with disabilities, as defined by the Fair Housing Amendments Act (42 U.S.C. § 3602(h)) and the Georgia Fair Housing Act (O.C.G.A. § 8-3-202(8)), in a family-like environment. Group Homes are protected under federal and state fair housing law and are subject to the requirements of this section.
- (2) Exemption from Occupancy Limits. Group Homes shall not be subject to the unrelated occupancy limits established in Section 4.03(5) of this Code.
- (3) Zoning District Restrictions. Group Homes are permitted as follows:
 - (a) Special Exception in R-1 and R-2 districts, subject to review and approval by the Planning and Zoning Commission pursuant to Section 11.09 of this Code;
 - (b) Permitted Use in R-3 and higher-density residential districts, subject to compliance with applicable building, fire, and life safety codes.
- (4) Reasonable Accommodation. Notwithstanding the zoning district restrictions in subsection (3), the City shall make reasonable accommodations to allow Group Homes in any residential district when necessary to afford persons with disabilities equal housing opportunity, consistent with 42 U.S.C. § 3604(f)(3)(B) and the reasonable accommodation procedures established in Section 4.03(5)(b.1) of this Code.
- (5) Operating Standards. Group Homes shall:

- (a) Be operated in a manner consistent with the residential character of the neighborhood;
 - (b) Comply with all applicable building, fire, life safety, and health codes;
 - (c) Provide adequate supervision and support services appropriate to the needs of the residents;
 - (d) Maintain the property in good condition and repair.
- (6) Licensing. If the Group Home is subject to state licensing requirements under O.C.G.A. § 37-4-1 et seq. or other applicable law, the operator shall maintain current and valid licensure and provide proof of licensure to the Community Development Director upon request.

SECTION 3. AMENDMENT TO CHAPTER XIII - DEFINITIONS

Chapter XIII (Definitions) of the Unified Development Code is hereby amended by deleting the existing definition of "FAMILY" in its entirety and substituting in lieu thereof the following new definition:

FAMILY

One or more persons related by blood, marriage, adoption, or legal guardianship, together with any foster children and domestic employees, occupying a dwelling unit and living as a single housekeeping unit. For purposes of this definition, the dependent minor children of any adult occupant are deemed related to the household;

OR

Not more than two (2) unrelated persons occupying a dwelling unit and living as a single housekeeping unit in any single-family or two-family residential zoning district (R-1, R-2, R-3, TH). A family does not include any society, club, fraternity, sorority, association, or group of persons living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, assisted living facility, nursing home, or club. The term "Family" does not include a Group Home, which is separately defined and regulated under this Code.

Chapter XIII (Definitions) of the Unified Development Code is hereby further amended by adding the following new definitions in alphabetical order, or by amending existing definitions as follows:

BOARDING HOUSE (ROOMING HOUSE)

A building, dwelling, or portion thereof, whether or not the owner resides on the premises, in which lodging is provided for three (3) or more persons who are not related by blood, marriage, adoption, or legal guardianship, for any period of more than thirty (30) consecutive days or for more than forty-five (45) days within any sixty (60) day period, with or without compensation. The term includes situations where the occupants maintain separate financial arrangements, separate leases, or other indicia of separate housekeeping units. In the context of single-family and two-family residential zoning districts (R-1, R-2, R-3, and TH), any dwelling unit that is occupied by three (3) or more unrelated individuals as their primary residence, and that is not protected under Section 4.03(5)(c), shall be rebuttably presumed to be a

boarding house (rooming house) subject to all applicable regulations, permitting requirements, inspection standards, and use limitations established for boarding houses under this Code.

DWELLING UNIT

A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family or household, including sleeping, cooking, and sanitary facilities. The term shall include manufactured homes but shall not include recreational vehicles, hotels, motels, or transient lodging facilities. Where authorized by this Code, a Group Home or Personal Care Home may occupy a dwelling unit and shall be regulated as a residential use subject to applicable provisions of this Code.

GROUP HOME

A dwelling unit operated by a licensed provider, nonprofit organization, or other entity with a philanthropic or rehabilitative mission in which ten (10) or fewer residents, excluding live-in staff, reside together as a single housekeeping unit in a long-term, family-like setting. The home provides care, guidance, education, and participation in community life under a structured plan designed to promote resident independence. A managing caregiver designated by the operator resides on-site and is available twenty-four (24) hours per day. A Group Home is a residential use and is distinct from a Personal Care Home, boarding house, halfway house, treatment center, shelter, correctional or probationary residence, or any facility serving as an alternative to incarceration. A Group Home may include a home for persons with disabilities as defined by the Fair Housing Act (42 U.S.C. § 3602(h)) and the Georgia Fair Housing Act (O.C.G.A. § 8-3-202(8)); however, nothing herein shall be construed to prohibit or unreasonably restrict such homes. Group Homes are subject to the provisions of Section 8.13A of this Code.

HOUSEHOLD

A collective body of persons residing together in a dwelling unit as their primary residence and sharing common use of living, cooking, and eating facilities, regardless of relationship by blood, marriage, adoption, or guardianship. A "Household" may include a "Family," as defined herein, or a permissible group of unrelated individuals in accordance with this Code.

LIVE-IN AIDE

A person who resides with one or more persons with disabilities and who: (1) is essential to the care and well-being of the person or persons with disabilities; (2) is not obligated for the financial support of the person or persons; and (3) would not be living in the dwelling except to provide the necessary supportive services. For purposes of occupancy limitations under this Code, a live-in aide shall not be counted as an unrelated occupant when residing in a dwelling pursuant to an approved reasonable accommodation under Section 4.03(5)(b.1).

OCCUPANT

Any individual who resides in or is physically present in a dwelling unit for more than thirty (30) consecutive days, regardless of whether such individual has a lease, rental agreement, ownership interest, or other legal right to occupy the premises. All

occupants meeting this definition shall be counted toward occupancy limits established by this Code, except as otherwise provided in Section 4.03(5).

PERSON WITH A DISABILITY

An individual who has a physical or mental impairment that substantially limits one or more major life activities, who has a record of such an impairment, or who is regarded as having such an impairment, consistent with the Fair Housing Act (42 U.S.C. § 3602(h)), the Fair Housing Amendments Act (42 U.S.C. § 3604), and the Georgia Fair Housing Act (O.C.G.A. § 8-3-200 et seq.).

PERSONAL CARE HOME

A residence or facility providing protective care and oversight to residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building and may include daily awareness by management of the resident's functioning and whereabouts, assistance with making and attending appointments, readiness for intervention in the event of a resident experiencing a crisis, supervision in the areas of nutrition and medication, and the provision of transient medical care. Personal Care Homes are licensed by the Georgia Department of Community Health pursuant to O.C.G.A. § 31-7-12 and implementing regulations.

Personal Care Homes are classified as follows:

- (a) Personal Care Home, Family: A licensed residential home, not institutional in appearance or character, designed to provide personal care services to individuals requiring assistance. The provider must live in the home and offers personal care services for two (2) to six (6) residents. For purposes of this Code, a Personal Care Home, Family is not a Group Home as defined in this Chapter.
- (b) Personal Care Home, Group: A licensed, non-institutional residential care facility providing personal care services to seven (7) through fifteen (15) persons, exclusive of staff, in a residence or other non-institutional building. Traditionally used for individuals who cannot live independently, including children or young people who cannot live with their families, adults with chronic disabilities, or persons with dementia and age-related illnesses. For purposes of this Code, a Personal Care Home, Group is a licensed care facility and is not a "Group Home" as defined in this Chapter.
- (c) Personal Care Home, Congregate: A licensed placement setting consisting of twenty-four (24) hour supervision in highly structured settings. For adults, a congregate living facility may include individual apartments, communal meals, housekeeping services, and assistance with activities of daily living (ADLs). The level of assistance is typically between independent living and assisted living. Congregate care facilities serve sixteen (16) or more residents.

REASONABLE ACCOMMODATION

A modification or exception to the rules, policies, practices, or services of this Code when such modification or exception may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling, consistent with 42 U.S.C. § 3604(f)(3)(B), 24 C.F.R. § 100.204, and O.C.G.A. § 8-3-200 et seq. Reasonable

accommodation procedures are established in Section 4.03(5)(b.1) and Appendix A of this Code.

SINGLE HOUSEKEEPING UNIT

A group of persons who live together as a stable, bona fide household and function as a single housekeeping unit, meaning they share access to and use of all common areas, have a single lease or joint financial responsibility for the premises as a whole, prepare and consume meals together on a regular basis, maintain integrated household management and decision-making, and operate as a unified household rather than as separate, independent living arrangements. Indicators that a dwelling may NOT be operating as a single housekeeping unit include, but are not limited to: multiple kitchens or food preparation facilities (except in authorized accessory dwelling units), separately metered utilities or separate utility accounts for portions of the dwelling, separate exterior entrances providing independent access to individual rooms or dwelling areas, individual bedroom locks providing exclusive access control in combination with other factors, separate leases or rental agreements for individual rooms or portions of the dwelling, or evidence of separate financial responsibility and independent household operation by individual occupants. The determination of whether occupants constitute a single housekeeping unit shall be based upon the totality of the circumstances and shall consider the factors listed in Section 4.03(5)(e) of this Code.

UNRELATED PERSON

Any individual residing in a dwelling unit who does not share a legal or familial relationship by blood, marriage, adoption, or legal guardianship with each and every other occupant of that dwelling unit. If there is no recognized familial or legal tie connecting an individual to all other residents (such as being a parent, child, sibling, spouse, adopted child, or being under the legal guardianship of another occupant), then that individual is considered "unrelated" to the other individuals in the dwelling unit for purposes of calculating occupancy under Section 4.03(5) of this Code.

SECTION 4. LANDLORD NOTICE REQUIREMENT

Within sixty (60) days of the effective date of this ordinance, the City Clerk or designee shall provide written notice of the adoption of this ordinance to all known landlords, property managers, and owners of rental property within the residential districts specified in Section 4.03(5)(a). Such notice shall:

- (a) Summarize the occupancy limits established by this ordinance;
- (b) Explain the reasonable accommodation process;
- (c) Provide contact information for the Community Development Department;
- (d) State the effective date of the ordinance.

Failure to receive such notice shall not constitute a defense to enforcement action under this ordinance.

SECTION 5. SEVERABILITY

If any section, subsection, 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 a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. REPEALER

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Mayor and Council of the City of Dallas, Georgia.

First read _____

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE _____ DAY OF _____, 2026.

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

Tina Clark, City Clerk
City of Dallas, Georgia

Date

APPROVED AS TO FORM:

Darrin Keaton, City Attorney

REASONABLE ACCOMMODATION PROCEDURES

Adopted pursuant to Section 4.03(5)(b.1)

I. PURPOSE

These procedures implement the City of Dallas's obligation under the Fair Housing Act (42 U.S.C. § 3604(f)(3)(B)), the Fair Housing Amendments Act, and the Georgia Fair Housing Act (O.C.G.A. § 8-3-200 et seq.) to make reasonable accommodations in rules, policies, practices, or services when necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling.

II. APPLICATION PROCESS

A. Submission. Any person seeking a reasonable accommodation from the occupancy limits established in Section 4.03(5)(b) shall submit a written application to the Community Development Director on a form provided by the City. Applications may be submitted by mail, in person, or electronically.

B. Required Information. The application shall include:

1. The applicant's name, address, and contact information;
2. The address of the property for which the accommodation is requested;
3. A description of the requested accommodation;
4. An explanation of why the accommodation is necessary to afford one or more individuals with a disability equal opportunity to use and enjoy the dwelling;
5. Documentation from a qualified professional (physician, psychiatrist, psychologist, licensed clinical social worker, or other qualified professional) verifying:
 - a. That one or more occupants or prospective occupants of the dwelling has a disability as defined by 42 U.S.C. § 3602(h); and
 - b. That the requested accommodation is necessary to afford such person(s) equal opportunity to use and enjoy the dwelling.
6. Any additional information the applicant believes is relevant to the request.

C. Confidentiality. All medical information and disability-related information submitted in connection with a reasonable accommodation request shall be kept confidential to the extent permitted by law and shall be used only for the purpose of evaluating the accommodation request.

III. REVIEW AND DECISION

A. Completeness Review. Within five (5) business days of receipt of an application, the Community Development Director shall review the application for completeness and notify the applicant in writing if additional information is required.

- B. Decision Timeline. The Community Development Director shall issue a written decision on a complete application within fifteen (15) business days of receipt of all required information.
- C. Decision Criteria. The Community Development Director shall approve a reasonable accommodation request if the applicant demonstrates that:
1. One or more occupants or prospective occupants of the dwelling has a disability as defined by 42 U.S.C. § 3602(h);
 2. The requested accommodation is necessary to afford such person(s) equal opportunity to use and enjoy the dwelling; and
 3. The requested accommodation does not:
 - a. Impose an undue financial or administrative burden on the City;
 - b. Require a fundamental alteration in the nature of the City's zoning program; or
 - c. Constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.
- D. Conditions. The Community Development Director may impose reasonable conditions on approval of an accommodation request to ensure compliance with applicable building, fire, life safety, and health codes, and to mitigate any documented impacts on neighboring properties.
- E. Written Decision. The decision shall be in writing and shall include:
1. Whether the request is approved, approved with conditions, or denied;
 2. If approved with conditions, the specific conditions imposed;
 3. If denied, the specific reasons for denial;
 4. Notice of the right to appeal to the Zoning Board of Appeals.

IV. APPEAL

- A. Right to Appeal. An applicant may appeal a decision of the Community Development Director to the Zoning Board of Appeals by filing a written notice of appeal with the Community Development Director within ten (10) business days of the date of the decision.
- B. Hearing. The Zoning Board of Appeals shall conduct a hearing on the appeal within thirty (30) days of receipt of the notice of appeal. The hearing shall be conducted in accordance with the quasi-judicial procedures set forth in Section 11.09 of the Unified Development Code.
- C. Standard of Review. The Zoning Board of Appeals shall conduct a de novo review of the reasonable accommodation request and shall apply the decision criteria set forth in Section III.C of these procedures.
- D. Decision. The Zoning Board of Appeals shall issue a written decision within fifteen (15) business days of the hearing. The decision of the Zoning Board of

Appeals shall be final, subject to review by writ of certiorari to the Superior Court of Paulding County in accordance with O.C.G.A. § 5-4-1 et seq.

V. DURATION AND RENEWAL

A. Duration. A reasonable accommodation approval shall remain in effect for so long as the accommodation is necessary to afford the person(s) with disabilities equal opportunity to use and enjoy the dwelling, unless:

1. The accommodation is no longer necessary;
2. The person(s) with disabilities no longer resides at the dwelling;
3. The conditions of approval are violated; or
4. The accommodation was obtained through fraud or material misrepresentation.

B. Change in Circumstances. The property owner or occupant shall notify the Community Development Director within thirty (30) days of any change in circumstances that affects the necessity for or scope of the reasonable accommodation.

VI. REVOCATION

The Community Development Director may revoke a reasonable accommodation approval upon finding that:

1. The accommodation is no longer necessary;
2. The conditions of approval have been violated;
3. The accommodation was obtained through fraud or material misrepresentation;
or
4. The accommodation has resulted in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others that cannot be mitigated through reasonable conditions.

Prior to revocation, the Community Development Director shall provide written notice to the property owner and affected occupants and an opportunity for a hearing.

VII. NO FEE

The City shall not charge a fee for processing a reasonable accommodation request.