

DEPARTMENT OF TAXATION

2011 Fiscal Impact Statement

1. **Patron** Edward T. Scott

2. **Bill Number** HB 1452

3. **Committee** Senate Finance

House of Origin:

 Introduced

 Substitute

 Engrossed

4. **Title** Transient Occupancy Tax; Counties of Accomack, Brunswick, Madison and Washington May Increase Rates

Second House:

 X **In Committee**

 Substitute

 Enrolled

5. **Summary/Purpose:**

This bill would add the counties of Accomack, Brunswick, Madison, and Washington to the list of localities that are currently authorized to impose a transient occupancy tax at a maximum rate of five percent. Revenues from the portion of the tax in excess of two percent would be required to be used solely for tourism or marketing of tourism.

Under current law, any county may impose a transient occupancy tax at a maximum rate of two percent upon the adoption of an ordinance, on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, Virginia law separately identifies those counties that are authorized to impose a transient occupancy tax at a maximum rate of five percent. The revenues for the portion of the tax over two percent must be designated and spent solely for tourism, marketing of tourism, or initiatives that attract travelers to the locality and generate tourism revenues in the locality.

The effective date of this bill is not specified.

6. **Budget amendment necessary:** No.

7. **Fiscal Impact Estimates are:** Not available. (See Line 8.)

8. **Fiscal implications:**

This bill would have no impact on state revenues. If the counties exercise the authority granted by this bill, there would be an increase in local revenues.

Accomack County: Currently, Accomack County levies a two percent tax on the amount charged to lodging customers. Lodging providers had approximately \$21.4 million in taxable lodging sales in Fiscal Year 2009 and collected a total of \$427,462 in transient occupancy taxes in that year. This bill would allow Accomack County to impose a transient occupancy tax of up to five percent. As it is unknown whether Accomack County will exercise the authority granted by this bill to increase the rate of its transient occupancy tax, the impact of this bill on local revenues is unknown. If Accomack County exercises the authority granted by this bill and imposes the tax at the maximum rate, the

estimated revenue gain for Accomack County would be \$630,000 in Fiscal Year 2012, \$710,000 in Fiscal Year 2013, \$740,000 in Fiscal Year 2014, \$770,000 in Fiscal Year 2015, \$800,000 in Fiscal Year 2016 and \$830,000 in Fiscal Year 2017.

Brunswick County: As of January 1, 2011, Brunswick County began levying the transient occupancy tax at a rate of 2%. Because the tax is in its first year of collections, projections regarding an increase in the transient occupancy tax are unknown. It is also unknown whether Brunswick County will exercise the authority granted by this bill to increase the rate of its transient occupancy tax. Therefore the local revenue impact of this bill is unknown.

Madison County: Currently, Madison County is authorized to levy the transient occupancy tax at a two percent rate, but has chosen not to do so. As it is unknown whether Madison County will exercise the authority granted by this bill to increase the rate of its transient occupancy tax, the impact of this bill on local revenues is unknown. If Madison County exercises the authority granted by this bill and imposes the tax at the maximum rate, the estimated revenue gain for Madison County would be \$82,000 in Fiscal Year 2012, \$91,000 in Fiscal Year 2013, \$93,000 in Fiscal Year 2014, \$95,000 in Fiscal Year 2015, \$96,000 in Fiscal Year 2016 and \$98,000 in Fiscal Year 2017.

Washington County: Currently, Washington County levies a two percent tax on the amount charged for transient accommodations. Taxable lodging sales in Washington County totaled approximately \$1.79 million in Fiscal Year 2009 and generated a total of \$35,704 in transient occupancy taxes in that year. This bill would allow Washington County to impose a transient occupancy tax of up to five percent. As it is unknown whether Washington County will exercise the authority granted by this bill to increase the rate of its transient occupancy tax, the impact of this bill on local revenues is unknown. If Washington County exercises the authority granted by this bill and imposes the tax at the maximum rate, the estimated revenue gain for Washington County would be \$50,000 in Fiscal Year 2012, \$60,000 in Fiscal Year 2013, \$60,000 in Fiscal Year 2014, \$60,000 in Fiscal Year 2015, \$70,000 in Fiscal Year 2016 and \$70,000 in Fiscal Year 2017.

9. Specific agency or political subdivisions affected:

Counties of Accomack, Brunswick, Madison, and Washington

10. Technical amendment necessary: No.

11. Other comments:

Generally

Under current law, any county may impose a transient occupancy tax at a maximum rate of two percent, upon the adoption of an ordinance, on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. The tax, however, does not apply to rooms rented on a continuous basis by the same individual or group for 30 or more continuous days. The tax applies to rooms intended or suitable for dwelling and sleeping. Therefore, the tax does not apply to such rooms used for alternative purposes, such as banquet rooms and meeting rooms.

Counties Authorized to Impose Transient Occupancy Tax at a Higher Rate

The following counties are authorized to impose a transient occupancy tax at a maximum rate of five percent: Albemarle County, Allegheny County, Amherst County, Augusta County, Bedford County, Botetourt County, Caroline County, Carroll County, Craig County, Cumberland County, Dinwiddie County, Floyd County, Franklin County, Giles County, Gloucester County, Greene County, Halifax County, James City County, King George County, Loudoun County, Mecklenburg County, Montgomery County, Nelson County, Northampton County, Page County, Patrick County, Prince Edward County, Prince George County, Prince William County, Pulaski County, Rockbridge County, Smyth County, Spotsylvania County, Stafford County, Tazewell County, Wise County, Wythe County and York County. The revenues for the portion of the tax over two percent must be spent on promoting tourism and travel, and marketing of tourism or initiatives that attract travelers to the locality and generate tourism revenues in the locality.

Counties Authorized to Impose Additional Transient Occupancy Taxes

Beginning January 1, 1991 and ending January 1, 2012, Arlington County is authorized to impose an additional transient occupancy tax at a maximum rate of one-fourth of one percent of the amount of the charge for the occupancy of any room or space occupied, the revenues from which must be spent on promoting tourism and business travel in the county.

The counties of Chesterfield, Hanover, and Henrico may impose an additional transient occupancy tax not to exceed four percent. The revenues from the additional four percent must be used to promote tourism and travel in the Richmond Metropolitan area. These localities may also impose an additional transient occupancy tax not to exceed two percent, the revenues from which must be used for the expansion of the Richmond Centre. These localities are also authorized to impose an additional transient occupancy tax not to exceed one percent. The revenues from the additional one percent tax must be used for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre, and for promoting tourism and travel in the Richmond metropolitan area.

The counties of James City and York are authorized to impose an additional transient occupancy tax not to exceed \$2 per room per night. The revenues from this additional tax will be used to promote tourism in the Historic Triangle area.

Fairfax County may impose an additional two percent tax on the occupancy of any room. The revenues from this additional tax will be used to promote tourism in the county and to fund a Visitor's and Convention Bureau. Any additional tax imposed in Fairfax County does not apply within the limits of any town located in Fairfax County unless the governing body of the town consents.

Rockbridge County and the Cities of Lexington and Buena Vista may impose an additional transient occupancy tax at a rate not to exceed two percent. The revenues from this tax will be used to fund the Virginia Horse Center Foundation and the Virginia Equine Center Foundation.

Franklin County may impose a transient occupancy tax on certain rentals, such as condominiums, apartments, and townhouses, at a rate not to exceed two percent.

Nelson County may impose a transient occupancy tax on certain rentals, such as condominiums, apartments, and townhouses, at a rate not to exceed five percent. The revenues for the portion of the tax over two percent must be designated for promoting tourism, travel, or business that generates tourism or travel in the locality.

Bath County may impose an additional transient occupancy tax at a rate not to exceed two percent. One-half of the revenue from the tax must be designated and spent solely for tourism and travel. The remaining half must be designated and spent solely for the design, operation, construction, improvement, acquisition and debt of tourism facilities, historic sites, beautification projects, promotion of the arts, regional tourism marketing efforts, capital costs related to travel and transportation, public parks and recreation, and information centers.

In addition, any county with the county manager plan of government is authorized to impose an additional transient occupancy tax at a maximum rate of two percent, provided the county's governing body approves the construction of a county conference center. The revenues collected from this additional tax must be spent for the design, construction, debt payment, and operation of the conference center.

Proposal

This bill would add the counties of Accomack, Brunswick, Madison, and Washington to the list of localities that are currently authorized to impose a transient occupancy tax at a maximum rate of five percent. Revenues from the portion of the tax in excess of two percent would be required to be used solely for tourism or marketing of tourism.

The effective date of this bill is not specified.

Similar Bills

Senate Bill 743 would add Washington County to the list of localities that are currently authorized to impose a transient occupancy tax at a maximum rate of five percent. Revenues from the portion of the tax in excess of two percent would be required to be used solely for tourism or marketing of tourism.

House Bill 1451 would authorize Madison County (like Rappahannock County) to levy a combined transient occupancy and food and beverage tax on the aggregate charges for rooms and meals in bed and breakfast establishments when such charges are not separately stated.

House Bill 1513 and **Senate Bill 980** (*identical*) would extend the sunset date for the additional transient occupancy tax in Arlington County from January 1, 2012 to January 1, 2015.

House Bill 1742 would amend the charter for the City of Fairfax by removing the limitation on the amount the city may charge for transient occupancy tax and changing the date of the first meeting of the newly elected City Council members. The bill would also amend Fairfax's charter to allow revenue bonds to be issued by the City without holding a referendum, as the charter currently requires.

House Bill 2355 and **Senate Bill 984** (*identical*) would add Brunswick County to the list of localities that are currently authorized to impose a transient occupancy tax at a maximum rate of five percent. Revenues from the portion of the tax in excess of two percent would be required to be used solely for tourism or marketing of tourism.

cc : Secretary of Finance

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