

DEPARTMENT OF TAXATION

2013 Fiscal Impact Statement

1. **Patron** David L. Bulova

2. **Bill Number** HB 1533

3. **Committee** Senate Local Government

House of Origin:

 Introduced

 Substitute

 Engrossed

4. **Title** Transient Occupancy Tax; Increases Rate in
City of Fairfax

Second House:

 X **In Committee**

 Substitute

 Enrolled

5. Summary/Purpose:

This bill would authorize the City of Fairfax to increase its transient occupancy tax levied on hotels, motels, and boarding houses to a maximum rate of six percent. Revenues from the portion of the tax in excess of four percent would be required to be placed into an economic development opportunity fund to be used solely for economic development, marketing, or tourism initiatives benefitting the City, as determined by the City Council.

Under the City of Fairfax's current charter, the City is authorized to impose the tax at a maximum rate of four percent.

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. Pursuant to its charter, the City of Fairfax currently levies a four percent tax on the amount charged to lodging customers. This bill would authorize the City of Fairfax to impose the tax at a maximum rate of six percent. As it is unknown whether the City of Fairfax will exercise the authority granted by this bill to increase the rate of its transient occupancy tax, the impact of this bill on the City of Fairfax is unknown. If the City of Fairfax exercises the authority granted by this bill to impose the tax at the maximum rate, the estimated revenue gain for the City of Fairfax would be \$0.25 million in Fiscal Year 2014, \$0.28 million in Fiscal Year 2015, \$0.29 million in Fiscal Year 2016, \$0.30 million in Fiscal Year 2017, \$0.31 million in Fiscal Year 2018, and \$0.32 million in Fiscal Year 2019.

9. Specific agency or political subdivisions affected:

City of Fairfax

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.

Cities and towns are granted the authority to levy the transient occupancy tax under the general taxing powers found in their charters.

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: Accomack County, Albemarle County, Allegheny County, Amherst County, Augusta County, Bedford County, Botetourt County, Brunswick County, Campbell 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, Madison 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, Washington 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.

Localities Authorized to Impose Additional Transient Occupancy Taxes

Arlington County is authorized to levy transient occupancy tax at a maximum rate of five percent, provided the county's local license tax on facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days does not exceed one percent of the gross receipts from these facilities. Arlington County's authorization to impose an additional transient occupancy tax at a maximum rate of one-fourth of one percent of the amount of the charge for accommodations expired on January 1, 2012.

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.

Roanoke County may impose a total transient occupancy tax not to exceed seven percent. The revenue collected from the two percent tax rate increase must be designated solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau.

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.

City of Fairfax

Under its current charter, the City of Fairfax is authorized to impose the tax at a maximum rate of four percent.

Proposal

This bill would authorize the City of Fairfax to increase its transient occupancy tax levied on hotels, motels, and boarding houses to a maximum rate of six percent. Revenues from the portion of the tax in excess of four percent would be required to be placed into an economic development opportunity fund to be used solely for economic development, marketing, or tourism initiatives benefitting the City, as determined by the City Council.

The effective date of this bill is not specified.

Similar Legislation

Senate Bill 1343 is identical to this bill.

Senate Bill 720 would add Grayson county to the list of counties that are authorized to impose the transient occupancy tax at maximum rate of 5%.

Senate Bill 851 would reinstate Arlington County's expired authority to impose an additional transient occupancy tax at a rate not to exceed one-fourth of one percent.

House Bill 2303 is similar to Senate Bill 851, but would expire on July 1, 2016.

House Bill 1670 and Senate Bill 980 (identical) would add Dickinson County to the list of counties that are authorized to impose the transient occupancy tax at a maximum rate of 5%.

House Bill 1797 would add Greenville County to the list of counties that are authorized to impose the transient occupancy tax at a maximum rate of 5%.

cc : Secretary of Finance

Date: 2/1/2013 KP
DLAS File Name: HB1533FE161