

DEPARTMENT OF TAXATION

2016 Fiscal Impact Statement

1. **Patron** Janet D. Howell

2. **Bill Number** SB 160

House of Origin:

 Introduced

 Substitute

 Engrossed

3. **Committee** House Finance

4. **Title** Transient Occupancy Tax; Reinstates
Arlington County Additional Tax

Second House:

 X **In Committee**

 Substitute

 Enrolled

5. **Summary/Purpose:**

This bill would reinstate Arlington County's authority to impose an additional transient occupancy tax at a rate not to exceed one-fourth of one percent of the amount charged for occupancy of a room, beginning July 1, 2016. This authority expired on January 1, 2012. The revenue collected from this increase would be used to promote tourism and business travel in Arlington County. This bill would also remove the requirement that the revenue from this additional transient occupancy tax be added to the county's previous budgeted amount used for the promotion of tourism and business travel that is generated from their five percent transient occupancy tax.

Under current law, Arlington County is authorized to levy transient occupancy tax at a maximum rate of five percent, provided its 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.

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:**

As it is unknown whether Arlington County will exercise the authority granted by this bill to impose the additional one-fourth of one percent tax, the impact of this bill on Arlington County revenues is unknown. Assuming Arlington County exercises the authority granted by this bill, the estimated revenue gain for Arlington County would be \$1.080 million in Fiscal Year 2017, \$1.231 million in Fiscal Year 2018, \$1.287 million in Fiscal Year 2019, \$1.345 million in Fiscal Year 2020, \$1.404 million in Fiscal Year 2021 and \$1.465 million in Fiscal Year 2022.

This bill would have no impact on state revenues.

9. Specific agency or political subdivisions affected:

Arlington County

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: Accomack, Albemarle, Allegheny, Amherst, Augusta, Bedford, Bland, Botetourt, Brunswick, Campbell, Caroline, Carroll, Craig, Cumberland, Dickenson, Dinwiddie, Floyd, Franklin, Giles, Gloucester, Grayson, Greene, Greenville, Halifax, Highland, Isle of Wight, James City, King George, Loudoun, Madison, Mecklenburg, Montgomery, Nelson, Northampton, Page, Patrick, Prince Edward, Prince George, Prince William, Pulaski, Rockbridge, Russell, Smyth, Spotsylvania, Stafford, Tazewell, Washington, Wise, Wythe and York. 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

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.

Regional Transient Occupancy Tax

In addition to the local transient occupancy taxes, legislation enacted in 2013 imposes a new two percent state transient occupancy tax in the Northern Virginia region. The Northern Virginia region consists of the Counties of Arlington, Fairfax, Loudoun and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. Although the regional transient occupancy tax is a state tax, it is administered and collected by the locality in which the room or space is located in the same manner as its current local transient occupancy tax.

Transient Occupancy Taxes in Arlington County

In 1977, the General Assembly enacted legislation authorizing Arlington County to impose the transient occupancy tax at a rate not to exceed 5%, 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. In addition to this transient occupancy tax, beginning January 1, 1991, Arlington County was granted authorization to impose an additional transient occupancy tax, limited to one-fourth of one percent of the amount of charge for the occupancy of any room or space occupied. The authority to impose the additional one-fourth of one percent tax was originally set to expire on December 31, 1993, but the expiration date was extended in 1993, 1996, 1999, 2002, 2005 and 2008. The authority to impose the additional tax expired on January 1, 2012.

In 2013, the Virginia General Assembly voted to reinstate this authority for a three-year period that would begin July 1, 2013 and end July 1, 2016, but the bill was ultimately vetoed by the Governor due to the additional regional transient occupancy tax that would take effect on July 1, 2013 in the Northern Virginia region as a result of 2013 legislation.

Proposal

This bill would reinstate Arlington County's authority to impose an additional transient occupancy tax at a rate not to exceed one-fourth of one percent of the amount charged for occupancy of a room, beginning July 1, 2016. This authority expired on January 1, 2012. The revenue collected from this increase would be used to promote tourism and business travel in Arlington County. This bill would also remove the requirement that the revenue from this additional transient occupancy tax be added to the county's previous budgeted amount used for the promotion of tourism and business travel that is generated from their five percent transient occupancy tax.

The effective date of this bill is not specified.

Similar Legislation

House Bill 1147 would reinstate Arlington County's authority to impose an additional transient occupancy tax at the maximum rate of one-fourth of one percent of the occupancy charge, beginning July 1, 2016 and ending July 1, 2018.

House Bill 182 would add Frederick County to the list of counties that may impose transient occupancy taxes at a maximum rate of five percent.

House Bill 328 would authorize Botetourt County to impose an additional transient occupancy tax at a maximum rate of 2%, and would commit the revenues from the tax to advertising the Roanoke metropolitan area as an overnight tourist destination.

House Bill 1194 would authorize Bedford County to impose an additional transient occupancy tax at a maximum rate of two percent, and would designate the additional revenues solely to tourism and travel and marketing of tourism.

cc : Secretary of Finance

Date: 2/4/2016 KP
DLAS File Name: SB160FE161