

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2017, Legislative Day No. 3

Bill No. 7-17

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Mr. Tom Quirk, Chairman  
By Request of County Executive

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By the County Council, February 6, 2017

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A BILL  
ENTITLED

AN ACT concerning

Taxation - Transient Occupancy Tax

FOR the purpose of clarifying the types of rented sleeping accommodations that are subject to the County's transient occupancy tax; clarifying the imposition of the tax on certain transactions facilitated by accommodations intermediaries; requiring licensing of sleeping accommodations; defining certain terms; and generally relating to the transient occupancy tax.

By repealing and reenacting, with amendments

Sections 11-4-401, 11-4-403, 11-4-404(a), 11-4-405(a), and 11-4-406(a)

Article 11. Taxation

Baltimore County Code, 2015

By repealing and reenacting, without amendments

Section 11-4-402

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

Article 11. Taxation

Baltimore County Code, 2015

By repealing and reenacting, with amendments

Section 21-10-101

Article 21. Permits, Licenses and Business Regulation

Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND that the Laws of Baltimore County shall read as follows:

3 Article 11. Taxation

4 § 11-4-401.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) (1) "ACCOMMODATIONS INTERMEDIARY" MEANS A PERSON, OTHER THAN  
7 AN ACCOMMODATIONS PROVIDER, WHO RECEIVES, FACILITATES OR  
8 ARRANGES PAYMENT, DIRECTLY, INDIRECTLY, OR THROUGH AN ONLINE  
9 PLATFORM, FOR THE SALE OR USE OF A SLEEPING ACCOMMODATION.

10 (C) "ACCOMMODATIONS PROVIDER" MEANS A PERSON THAT OWNS, OPERATES  
11 OR MANAGES A SLEEPING ACCOMMODATION AND MAKES THE  
12 ACCOMMODATION AVAILABLE FOR SALE OR USE TO A TRANSIENT.

13 (D)(1) "Room rental" means the total charge made for any sleeping accommodation  
14 furnished to a transient.

15 (2) "ROOM RENTAL" INCLUDES ANY SERVICE FEE, BROKER'S FEE, OR  
16 OTHER CHARGE OR FEE REQUIRED TO BE PAID BY THE TRANSIENT

1 REGARDLESS OF WHAT THE CHARGE IS CALLED OR HOW THE CHARGE IS  
2 DESIGNATED.

3 [(2)] (3) "Room rental" does not include:

- 4 (i) Any charge for any service or accommodation other than the right to use a  
5 sleeping space in a sleeping accommodation;
- 6 (ii) Rent paid for a room at a hospital, medical clinic, convalescent home, or home for  
7 aged people; or
- 8 (iii) A charge made for a sleeping accommodation furnished to a federal, state, or  
9 county official or employee when on official business.

10 [(3)] (4) If the charge made by a sleeping accommodation to a transient includes any  
11 charge for services or accommodations in addition to the room rental, the portion of the  
12 total charge that represents only room rental shall be distinctly set out and billed to a  
13 transient by the sleeping accommodation as a separate item.

14 [(c)] (E) "Sleeping accommodation" means any public or private hotel, inn, hostelry,  
15 tourist home, house, motel, rooming house, **BED AND BREAKFAST, BOARDING OR**  
16 **ROOMING HOUSE**, or other lodging place within the county that offers, at any one time  
17 and for compensation to the owner or operator, sleeping accommodations for [five or more  
18 transients] **ONE OR MORE TRANSIENT GUESTS OR TENANTS.**

19 [(d)] (F) "Transient" means a person who, for [any period of not more than 25] **LESS**  
20 **THAN 90** consecutive days, obtains sleeping accommodations for which charge is made,  
21 either at the person's own expense or at the expense of another.

22 § 11-4-402.

1 (a) In accordance with the authority granted under § 11-1-102 of this article, there is levied  
2 and imposed a transient occupancy tax on the room rental paid by a transient for sleeping  
3 accommodations.

4 (b) (1) The transient occupancy tax rate is 8% of the room rental paid by a transient.

5 (2) When collected, the tax shall be made a part of the general funds of the county,  
6 except that 8% of the amount collected shall be allocated each fiscal year to the operating budget  
7 of the Office of Tourism and Promotion to fund tourism and tourism related activities.

8 § 11-4-403.

9 (a) At the time payment for a room rental is made, a person, AN ACCOMMODATIONS  
10 PROVIDER, OR ACCOMMODATIONS INTERMEDIARY receiving payment for the  
11 room rental shall collect the amount of the transient occupancy tax from the transient on  
12 whom the tax is levied or from the person paying for the room rental.

13 (b) Until the person, ACCOMMODATIONS PROVIDER, OR ACCOMMODATIONS  
14 INTERMEDIARY remits the taxes to the Director, the taxes required to be collected under  
15 this section are deemed to be held in trust by the person required to collect the taxes.

16 (c) On or before the last day of each month, the person, ACCOMMODATIONS  
17 PROVIDER, OR ACCOMMODATIONS INTERMEDIARY collecting the transient  
18 occupancy tax shall:

19 (1) On a signed form that includes information required by the Director, issue a report to the  
20 Director showing the amount of the room rental charges and taxes required to be  
21 collected during the preceding month; and

1 (2)Remit to the Director the total tax as shown on the report.

2 (d) (1) On written application to and with the consent of the Director, a person, AN  
3 ACCOMMODATIONS PROVIDER, OR ACCOMMODATIONS INTERMEDIARY  
4 operating a sleeping accommodation regularly throughout the year may make reports and  
5 remittances on a quarterly basis instead of the monthly basis requirement.

6 (2)The person, ACCOMMODATIONS PROVIDER, OR ACCOMMODATIONS  
7 INTERMEDIARY shall make quarterly reports and remittances on or before the last  
8 days of April, July, October, and January in each year, and shall cover the amounts  
9 collected during the 3 months immediately preceding the months in which reports and  
10 remittances are due.

11 (e) If a person, AN ACCOMMODATIONS PROVIDER, OR ACCOMMODATIONS  
12 INTERMEDIARY required to collect, report, and remit the transient occupancy tax ceases  
13 to operate or otherwise disposes of the person's business, any tax payable shall become due  
14 immediately and the person shall make a report and pay the tax due immediately.

15 (f) A person, AN ACCOMMODATIONS PROVIDER, OR ACCOMMODATIONS  
16 INTERMEDIARY making a remittance under this section by check or money order shall  
17 make the check or money order payable to Baltimore County, Maryland.

18 § 11-4-404.

19 (a) If a person, AN ACCOMMODATIONS PROVIDER, OR ACCOMMODATIONS  
20 INTERMEDIARY responsible for collecting and remitting the transient occupancy tax does  
21 not remit to the Director the tax within the time and in the amount required in this subtitle,  
22 the Director of Budget and Finance shall add to the tax:

1 (1)1% interest for each month or fraction of a month after the first month that any amount of  
2 taxes is overdue; and

3 (2)A 10% penalty for any amount of taxes overdue by 1 month.

4 § 11-4-405.

5 (a) The Director:

6 (1)Shall attempt to ascertain the name of each person, ACCOMMODATIONS PROVIDER  
7 OR ACCOMMODATIONS INTERMEDIARY operating sleeping accommodations  
8 who does not collect, report, and remit the transient occupancy tax as required under  
9 this subtitle within the time provided by this subtitle; and

10 (2)May take necessary steps to obtain facts and information on which to base an estimate of  
11 the tax due.

12 § 11-4-406.

13 (a) A person, AN ACCOMMODATIONS PROVIDER, OR ACCOMMODATIONS  
14 INTERMEDIARY who violates any provisions of this subtitle is guilty of a misdemeanor  
15 and on conviction is subject to a fine not exceeding \$500.

16 Article 21. Permits, Licenses and Business Regulation

17 § 21-10-101.

18 A person shall be licensed annually by the Department before the person may operate a hotel [or  
19 motel], MOTEL OR SLEEPING ACCOMMODATION.

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1           SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall, having passed by the  
2 affirmative vote of five members of the County Council, shall take effect on May 1, 2017.