

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2019, Legislative Day No. 8

Bill No. 22-19

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Mr. Tom Quirk, Chairman  
By Request of County Executive

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By the County Council, April 15, 2019

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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; decreasing the number of transients present for requiring payment of the tax; increasing the numbers of days of rental to be considered a transient; requiring licensing of sleeping accommodations; increasing the rate of the tax; defining certain terms; and generally relating to the transient occupancy tax.

WHEREAS, Baltimore County is authorized by law to impose and levy new taxes and to raise the rates of current taxes; and

WHEREAS, the tax changes proposed in this Act were advertised once each week in two newspapers of general circulation in the county for two weeks; and

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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.

WHEREAS, the County Council held a hearing on the tax changes in this Act on April 30, 2019; now, therefore

By repealing and reenacting, with amendments

Sections 11-4-401, 11-4-402, 11-4-403, 11-4-404(a), 11-4-405(a), and 11-4-406(a)  
Subtitle 4. Transient Occupancy Tax.  
Title 4. Various Taxes.  
Article 11. Taxation  
Baltimore County Code, 2015

By repealing and reenacting, with amendments

Section 21-10-101  
Title 10. Hotels and Motels  
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.

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

3 (2) "ROOM RENTAL" INCLUDES ANY SERVICE FEE, BROKER'S FEE, OR  
4 OTHER CHARGE OR FEE REQUIRED TO BE PAID BY THE TRANSIENT  
5 REGARDLESS OF WHAT THE CHARGE IS CALLED OR HOW THE CHARGE IS  
6 DESIGNATED.

7 [(2)] (3) "Room rental" does not include:

8 (i) Any charge for any service or accommodation other than the right to use a  
9 sleeping space in a sleeping accommodation;

10 (ii) Rent paid for a room at a hospital, medical clinic, convalescent home, or home for  
11 aged people; or

12 (iii) A charge made for a sleeping accommodation furnished to a federal, state, or  
13 county official or employee when on official business.

14 [(3)] (4) If the charge made by a sleeping accommodation to a transient includes any  
15 charge for services or accommodations in addition to the room rental, the portion of the  
16 total charge that represents only room rental shall be distinctly set out and billed to a  
17 transient by the sleeping accommodation as a separate item.

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

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

4 § 11-4-402.

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

8 (b) (1) The transient occupancy tax rate is [8%] ~~10%~~ 9.5% of the room rental paid by a  
9 transient.

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

13 § 11-4-403.

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

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

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

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

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

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

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

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

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

4 § 11-4-404.

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

9 (1)1% interest for each month or fraction of a month after the first month that any amount of  
10 taxes is overdue; and

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

12 § 11-4-405.

13 (a) The Director:

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

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

20 § 11-4-406.

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

4 Article 21. Permits, Licenses and Business Regulation

5 § 21-10-101.

6 (A) IN THIS TITLE, "SLEEPING ACCOMMODATION" HAS THE MEANING  
7 STATED IN § 11-4-401 OF THE CODE.

8 (B) A person shall be licensed annually by the Department before the person may operate  
9 a hotel [or motel], MOTEL OR SLEEPING ACCOMMODATION.

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11 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days  
12 from the date of enactment.