

Transient Occupancy Tax Guidelines

Issued by the LICENSE COLLECTOR

(a) These guidelines are promulgated by the License Collector for the City of Anaheim pursuant to Anaheim Municipal Code §2.12.025. The purpose of these guidelines is to aid in the enforcement and administration of the Transient Occupancy Tax Code by clarifying for Operators and Transients specific charges that constitute "Rent" and are, therefore, subject to the tax on the transient occupancy of Hotel rooms set forth in Chapter 2.12 of the Anaheim Municipal Code ("Transient Occupancy Tax").

(b) Definitions. For purposes of these Guidelines the term "Rent" is defined in Section 2.12.005 of Chapter 2.12 of the Anaheim Municipal Code.

AMC §2.12.005.080 defines "Rent" to mean "the consideration charged by an operator for accommodations, including without limitation any (1) unrefunded advance rental deposits or (2) separate charges levied for items or services which are part of such accommodations including, but not limited to, furniture, fixtures, appliances, linens, towels, non-coin-operated safes, and maid service."

The definition of the term "accommodations" as that term is used in AMC §2.12.005.080, therefore, includes those items and services which are supplied as a convenience to Hotel guests; consequently, items and services which are supplied for the convenience of Hotel guests *as part of the accommodations* are deemed included within the definition of "Rent" set forth in AMC §2.12.050.080 and to which the tax specified in Section 2.12.010.010 would apply.

(c) The following charges for the privilege of occupancy of a room, and for the furnishings, services and accommodations accompanying the use or possession of rooms, regardless of whether these items are physically located in the room occupied by the Transient, are subject to the Transient Occupancy Tax under Chapter 2.12 of the Anaheim Municipal Code, regardless of how such charges are characterized:

1. Charges for a Hotel room, including charges for guaranteeing the availability of a room (sometimes referred to as guaranteed "no-show" charges) and/or non-refundable deposits regardless of whether the Transient uses the room ("Transient" means any person who exercises occupancy, or is entitled to occupancy, of any room);
2. Charges for additional Transients to occupy the room;
3. Charges for non-coin operated safes or other secure storage;
4. Charges for pet occupancy or pet cleaning fees;
5. Cancellation fees and attrition fees (including non-refundable deposits);
6. Charges for early or late arrival or departure or partial day;

7. Charges for Transient parking including valet charges, unless **all of the following** requirements are met:

- a) the hotel parking facility is available to all members of the public, regardless of whether they are guests in the hotel, with 24 hour in and out privileges (hereinafter referred to as "public parking");
- b) the hotel charges current market rates for public parking which are comparable with rates charged to hotel guests; and
- c) public parking is a primary (more than 50%) and regular use of the hotel parking facility;

*It shall be presumed that hotels which do not have large meeting/banquet facilities and/or full service restaurants **AND** are not adjacent to public or recreational facilities do not provide public parking, **and that** transient parking charges at such hotels shall be subject to the Transient Occupancy Tax.*

- 8. Charges for unlimited daily telephone or Wi-Fi internet access services or connections;
- 9. Charges for extra or upgraded mattress, rollaway beds/cribs;
- 10. Resort fees, destination fees, fitness center access fees, or spa access fees;
- 11. California Tourism Marketing Assessments paid by guests;
- 12. Energy surcharges; Utilities-electric, water, and trash disposal fees;
- 13. Movie charges for unlimited daily viewing;
- 14. Cleaning, damage fees, or upcharges related to smoking in a non-smoking room or hotel;
- 15. Charges for maid service, additional cleaning, or housekeeping services;
- 16. Online reservation fees, booking fees, service fees, or credit card fees paid by guests;
- 17. Pool and/or spa heating fees charged to guests;
- 18. Charges for microwave ovens and/or refrigerators;
- 19. The consideration received or value recognized by an Operator from an award/reward fund or other source for the occupancy of a room obtained through the redemption of award points, incentives, certificates, vouchers, or participation in any similar award or bonus program; and
- 20. Charges reasonably attributable to any of the foregoing taxable items that are part of a "special package" that includes room accommodations pursuant to AMC §2.12.020.

The amount of the above charges shall be separately stated from all other amounts on all receipts, folios and books of record of the Hotel, and each Transient shall be tendered a receipt or folio for payment from the Hotel with these charges separately stated thereon unless these charges are included in Rent.

Based upon information currently known to the License Collector, the License Collector has determined that collection of the Transient Occupancy Tax on charges for furnishings, services, and accommodations that are not included above is administratively impracticable at the present time. If the License Collector determines that it is not or is no longer administratively impracticable to collect the Transient Occupancy Tax on any charge for furnishings, services or accommodations not set forth above, or if new furnishings, services, or accommodations are offered that don't currently exist or are not currently known, the License Collector will update these guidelines.

UPDATED: June 26, 2020