



Interoffice Memo

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TO: **Thalia Amador**
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SUBJECT

COUNTY COUNSEL IMPARTIAL ANALYSIS- MEASURE TO INCREASE THE UNIFORM TRANSIENT OCCUPANCY TAX AND MAKE MINOR ADMINISTRATIVE REVISIONS TO SAN BERNARDINO COUNTY CODE SECTION 14.0203 FOR THE CONSOLIDATED ELECTION TO BE HELD ON NOVEMBER 5, 2024

Measure “__” if approved would increase the Uniform Transient Occupancy Tax (TOT) in the unincorporated areas of San Bernardino County (“County”) from seven percent (7%) to eleven percent (11%) and make administrative revisions to the language of San Bernardino County Code section 14.0203 which imposes the TOT. The TOT is charged to guests who stay 30 days or less at hotels, inns, tourist homes or houses including short term rentals, motels, studio hotels, bachelor hotels, lodging houses, rooming houses, apartment houses, dormitories, public or private clubs, mobile homes or house trailers at a fixed location, or other similar structures or portions of a similar structure. Operators of these properties collect the TOT when guests pay for their accommodations and submit quarterly payments to the County.

The Measure will also make administrative changes to San Bernardino County Code section 14.0203. The first change is to confirm the definition of “Hotel” includes short term rentals. The second change is to clarify that when a person files for an “Assignment to the Benefit of Creditors” (an alternative to bankruptcy) that a County lien for unpaid TOT will take priority over other debts. The Measure would also make other minor language changes to the ordinance.

The TOT is a general tax and therefore any additional revenue generated by the increased TOT would be deposited in the County’s general fund and may be used for any general governmental purpose. If current occupancy rates remain steady and “Measure__” is passed, it would generate approximately \$9,400,000 in additional revenue annually for general government use. Use of the revenue from the TOT will be audited by the County’s external independent auditor annually, and all funds will be locally controlled.

This Measure requires a simple majority vote for approval and was placed on the ballot by the Board of Supervisors.

A yes vote on this Measure will increase the TOT to 11% and if current occupancy rates remain steady will provide approximately an additional \$9,400,000 annually for general government use. It will also make administrative changes to San Bernardino County Code section 14.0203 which describes how the TOT is collected.

A no vote on this Measure will keep in effect the TOT rate of 7% and will not make administrative changes to San Bernardino County Code section 14.0203.

Office of County Counsel



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