

# Proposed Local Law Number 1 Of 2024

## County Of Ulster

### **A Local Law Amending Article III Hotel And Motel Room Occupancy Tax Of The Code Of The County Of Ulster In Relation To Determination Of Taxable Rent**

**BE IT ENACTED**, by the Legislature of the County of Ulster, as follows:

#### **SECTION 1. LEGISLATIVE INTENT.**

On March 21, 2023, the Ulster County Legislature adopted Resolution No. 11 of 2022 wherein the Ulster County Legislature, pursuant to Article IX of the New York State Constitution and Section 40 of the Municipal Home Rule Law, requested that the New York State Legislature enact legislation amending New York State Tax Law 1202-1, to increase the Hotel and Motel Occupancy Tax from two (2) percent of the per diem rental rate to four (4) percent of the per diem rental rate.

The New York State Legislature approved legislation amending New York State Tax Law 1202-1 Hotel and Motel taxes in Ulster County, to authorize and empower the County of Ulster to adopt this change.

The Ulster County Legislature amended the Ulster County Code to reflect the amendments enacted by the New York State Legislature and signed by the Governor on November 14, 2023.

The Ulster County Legislature now deems that further amendment to the Ulster County Code is necessary to ensure Ulster County's occupancy tax structure is equitable amongst all types of lodging providers.

#### **SECTION 2. AMENDMENTS TO CHAPTER 312 OF THE CODE OF THE COUNTY OF ULSTER.**

**A. Section 312-5.C shall be amended to include the following definition to appear in alphabetical order amongst the existing definitions as follows:**

##### **NON-PASSIVE ACTIVITY**

**Any activity made available to an occupant requiring regular, continuous, and substantial participation or cost to the operator during the fiscal year.**

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**B.** Section 312-7.C (4) is hereby amended as follows:

“If the cost of occupancy of a room shall include charges defined in Subsection C(2) and (3) of this section as a common charge or where such charges are separately stated and such charges are not optional and are required to be paid by an occupant as part of the cost of occupancy of a room, the operator shall use the schedule shown below to determine the percentage of the total charge to be apportioned to rent subject to the tax and collect the tax based on that amount:

Total Charge Includes	Room	Board
<u>Room, breakfast, lunch, dinner, more than one non-passive activity</u>	<u>20%</u>	<u>80%</u>
Room, breakfast, lunch, dinner, other charge	<u>40%</u> <del>20%</del>	<u>60%</u> <del>80%</del>
Room, lunch, dinner, other charge	60%	40%
Room, breakfast, dinner, other charge	60%	40%
Room, breakfast, lunch, other charge	70%	30%
Room, dinner, other charge	75%	25%
Room, lunch, other charge	85%	15%
Room, breakfast, other charge	85%	15%”

**SECTION 3. SEVERABILITY.**

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Code of the County of Ulster, which shall remain in full force and effect.

**SECTION 4. EFFECTIVE DATE.**

This Local Law shall become effective upon filing with the Office of the Secretary of State of the State of New York.