

**SUFFOLK COUNTY HOTEL MOTEL TAX PROGRAM**  
***Guidelines and Legal Authority***  
***Updated to include changes made by Local Law 33 -2009 AND 49-2011***

**THE TAX**

Every facility providing overnight lodging for a fee in Suffolk County is required to collect the Suffolk County hotel motel tax. The tax is to be collected from persons occupying rooms in Suffolk County at the rate of 3.0% of the per-diem rental rate (exclusive of sales tax) actually imposed for each hotel or motel room. This tax is to be remitted separately from the New York State sales tax. (Suffolk County Code Chapter 523-9-a; 523-10-b)

**REGISTERING TO COLLECT THE TAX**

All lodging facilities must first register with the County Treasurer (Chapter 523-9-c) within 10 days of opening or change of ownership

- Failure to register is a misdemeanor punishable by a fine of up to \$1,000 and/or a year in prison. (Chapter 523-10-f)

**CERTIFICATE OF AUTHORITY**

The County Treasurer will send a certificate of authority to each newly registered facility. Since the certificate empowers the facility to collect the tax, the owner or operator must display it in a place for guests to see. The owner or operator must return the certificate to the Treasurer when the facility ceases business or changes owners because **the certificate is not transferable**. (Chapter 523-9-c)

**FILING TAX RETURNS**

Facilities are required to remit the hotel tax and a simple tax return form to the County Treasurer on a quarterly basis. A blank form will be mailed to you each quarter. It is due back with payment on the 20<sup>th</sup> day (postmarked) of March, June, September and December without penalty (Chapter 523-10-c). We accept checks, bank (teller's) checks, and money orders as payment. **Facilities are required to complete and sign the return even if they are closed for the quarter or had no guests or no taxable room rental income.** Any operator who fails to file a return or willfully fails to collect the tax or willfully falsifies a return can be prosecuted criminally and/or civilly under recent changes in the law. (Chapter 523-10-f)

**LATE RETURNS**

For tax returns that are postmarked after the 20<sup>th</sup> of March, June, September and December, facilities are assessed a 5% penalty on the amount owed plus an additional 1% for each month that the return is past due or portion thereof (Chapter 523-10-e). Facilities attempting to remit with bad checks will be assessed a \$20 returned check fee.

**EXEMPTIONS**

Lodging facility operators/ owners should not collect the tax under the following conditions. Guests who are permanent residents staying for 30 consecutive days or more are exempt from paying the tax. Guests whose room charges are being reimbursed by New York State or political subdivision thereof, another state or political subdivision thereof, the federal government or the United Nations or other international agency of which the U.S. is a member are also exempt. Guests whose room charges are being reimbursed by charitable (including those for the prevention of cruelty to children and animals), religious or educational organizations organized and funded exclusively for those purposes. On the quarterly hotel motel tax return, gross income from room occupancy for exemptions must be included on line 1 and excluded on line 2. (Chapter 523-9-a)

**DETERMINATION OF TAX LIABILITY**

If our office does not receive a quarterly return or, has a question about a filed return, we will take the following steps to resolve the problem. We will always attempt to resolve the situation

informally and professionally by phone then by mail and finally by a visit to the facility by an authorized employee, if necessary. In those very few cases where the owner or operator of the facility refuses or neglects to cooperate in providing a return, a registration form or additional information on a submitted form, the County Treasurer has the power to subpoena records and witnesses; to make a determination of tax liability based upon information available and to recover the tax due with fines and penalties in civil court. (Chapter 523-10-m, n) False testimony or failure to produce records is a misdemeanor offense punishable by up to a year in prison (Chapter 523-10-o).

#### **CHANGE OF OWNERSHIP**

County law now requires a new owner who is acquiring a hotel, motel or other lodging facility in Suffolk County to notify the County Treasurer at least 10 days before taking possession of the facility. Whether by sale, transfer or assignment, the prospective new owner must send a registered or certified letter, return receipt requested. Said letter should notify the Treasurer: "of the proposed sale and of the price, terms and conditions thereof, whether or not the seller, transferor or assignor, has represented to, or informed the purchaser, transferee or assignee that it owes any tax pursuant to this chapter, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing." (Chapter 523-10-j) It is therefore the seller's responsibility to disclose to the purchaser the outstanding Suffolk County hotel motel tax liability prior to the notification.

#### **CONFIDENTIALITY**

The information on individual hotel motel tax returns is confidential and **not** available to others under Freedom of Information Law. County employees are prohibited from disclosing this information except by court order or as part of legal action by a County agency. (Chapter 523-10-q)

#### **WHAT'S FUNDED BY THE TAX**

The tax is deposited into a separate fund. 24% of hotel and motel tax revenues fund tourism promotion activities conducted in our County by the L.I. Convention and Visitor's Bureau under contract with the County (Chapter 523-14-a). 10% of the revenues are used to support cultural programs and activities relevant to the tourism industry; 10% are used to support The Suffolk County Vanderbilt Museum; 8% are used for the support of other museums and historical societies. The balance of revenues collected support care, maintenance and interpretation for historic structures and sites and natural areas managed by the Suffolk County Parks Department which are open to tourists on a regular basis (Chapter 523-14-b-g). Expenditures are subject to annual budget approval by the County Legislature.

#### **CONTACT**

For additional information and assistance, please contact Barbara Zelenski in the Suffolk County Treasurer's Office at 631-852-1523.