



HOUSE BILL 412: Maggie Valley/Canton Occupancy Tax.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 6, 2021
Introduced by:	Reps. Pless, Clampitt	Prepared by:	Trina Griffin
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: House Bill 412 would authorize the Towns of Maggie Valley and Canton to levy a room occupancy tax of 2%. The proceeds must be remitted to a town Tourism Development Authority. At least two-thirds of the proceeds must be used to promote travel and tourism and the remainder must be used for tourism-related expenditures. This bill conforms to the Guidelines for Occupancy Tax adhered to by the House Finance Committee.

CURRENT LAW: The Towns of Maggie Valley and Canton are located in Haywood County, which has the authority to levy a 4% room occupancy tax. At least two-thirds of the proceeds must be used for tourism promotion and the remainder for tourism-related expenditures.¹

BILL ANALYSIS: House Bill 412 would authorize the Towns of Maggie Valley and Canton to levy a 2% room occupancy tax. When the towns adopt a resolution to levy the occupancy tax, they would also be required to adopt a resolution to create a town Tourism Development Authority. The proceeds of the tax must be remitted to the town Tourism Development Authority. At least two-thirds of the proceeds must be used for tourism promotion and the remainder for tourism-related expenditures. This bill conforms to the Guidelines for Occupancy Tax adhered to by the House Finance Committee.

EFFECTIVE DATE: This act would be effective when it becomes law.

BACKGROUND: In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax,² which provide uniformity among counties and cities with respect to the levy, administration, collection, repeal, and imposition of penalties. In 1993, the House Finance Committee established the Occupancy Tax Guidelines, which address the rate of tax, the use of the tax proceeds, the administration of the tax, and the body with authority to determine how the proceeds will be spent. A summary of these provisions is detailed in the chart below.

UNIFORM OCCUPANCY TAX PROVISIONS
Rate – The county tax rate cannot exceed 6% and the city tax rate, when combined with the county rate, cannot exceed 6%.
Use – Two-thirds of the proceeds must be used to promote travel and tourism and the remainder must be used for tourism related expenditures.
Definitions The term "net proceeds", "promote travel and tourism", and "tourism related expenditures" are defined terms.
Administration – The net revenues must be administered by a local tourism development authority that has the authority to determine how the tax proceeds will be used, is created by a local ordinance,

¹ [S.L. 2007-337](#).

² G.S. 153A-155 and G.S. 160A-215.

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House Bill 412

Page 2

and at least 1/2 of the members must be currently active in the promotion of travel and tourism in the county and 1/3 of the members must be affiliated with organizations that collect the tax.
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Costs of Collection – The taxing authority may retain from the revenues its actual costs of collection, not to exceed 3% of the first \$500,000 collected each year plus 1% of the remainder collected each year.
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Nick Giddings, Staff Attorney, substantially contributed to this summary.