



# CITY OF EMERYVILLE

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## Emeryville Transient Occupancy Tax (TOT) Guidelines

### 1. **Overview of transient occupancy tax:**

- a) Transient guests in Emeryville hotels are charged a tax of 12% of the rent paid to the hotel operator. Persons are considered to be transients during the first thirty consecutive days of occupancy.
- b) This tax is collected and remitted to the City of Emeryville on a monthly basis by the hotel operator.
- c) Although not permitted by the City's zoning laws and use permits, should a guest stay 31 days or longer, they are no longer considered a transient and the tax is no longer collected. A corporation renting a room is required to charge TOT unless the individual guest stay is in excess of 30 days.

### 2. **Overview of the exemptions from tax:**

- a) No tax shall be imposed upon:
  1. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.
  2. Any officer or employee of the federal government when on official business. In this instance, the federal government may include instrumentalities of the federal government, such as a federally chartered credit union, American Red Cross and Amtrak.
- b) Exemption from taxes imposed on purchasers of hotel stays and other lodging (including short-term property rentals and corporate housing arrangements) in the United States on the basis of the diplomatic or consular status of the purchasing foreign mission or accredited mission member or dependent is authorized by:
  1. The presentation of a valid Mission Tax Exemption Card at the time of payment. Prepaid, online/internet booking does not allow for the presentation of a tax exemption card; therefore, tax relief cannot be guaranteed in such situations.
  2. The travel of the individuals described above is conducted in support of the missions' diplomatic or consular functions; and
  3. The lodging costs are paid for with a check, credit card or wire transfer transaction in the name of the foreign mission. Cash is not an acceptable form of payment.

### 3. **Verification of exemption:**

- a) A hotel or other vendor may verify the eligibility for a tax exemption using the U.S. Department of State's online tax card verification system at <https://ofmapps.state.gov/tecv/>. Questions or concerns may also be directed to OFM in Washington D.C., at 202-895-3500, extension 2, or [OFMTaxCustoms@state.gov](mailto:OFMTaxCustoms@state.gov).

### 4. **Transient Occupancy Tax return general instructions: (see attached sheet)**

- a) Hotel Information: Enter the e-mail address the hotel wishes to use for correspondence.

- b) Details of Exemptions: For each exempt stay, fill in the name of the individual, total number of exempt room nights, gross rents eligible for the exemption, the initial check-in date, the check-out date (if applicable) and the exemption type code:
  - a. Permanent Resident; applies after 30 days stay.
  - b. Foreign Mission/Diplomat with valid tax exemption card.

c) Tax Calculations:

- 1. Gross rent includes all eligible exempt room rent
- 2. Less exemptions, equaling the total exempt room rents from the table above
- 3. Taxable rent, gross rent less the exempt room rent
- 4. Tax will be the amount of line 3, multiplied by 0.12 (12%)
- 5. Penalty for late payment is 10% of the tax due
- 6. Interest for late payment is assessed at 0.5% per month
- 7. Total due is the sum of the tax, penalties and interest due

5. **Business License Tax Guidelines for Hotel Operators:**

- a) Hotels are required to pay a quarterly business license tax on all gross receipts, except those receipts from which a transient occupancy tax is being collected.
- b) The tax is due fifteen (15) days after the end of each quarter.
- c) Penalties on delinquent business license taxes are assessed at 5% per month.
- d) Interest on delinquent business license taxes is assessed at 1.5% per month.

*References:*

Transient Occupancy Taxes – Emeryville Municipal Code Sections 3-3.401-3-3.415

Business License Tax for Hotel Operators – Emeryville Municipal Code Section 3-1.125

U.S. Department of State Website: <http://www.state.gov/ofm/tax/hotel/index.htm>