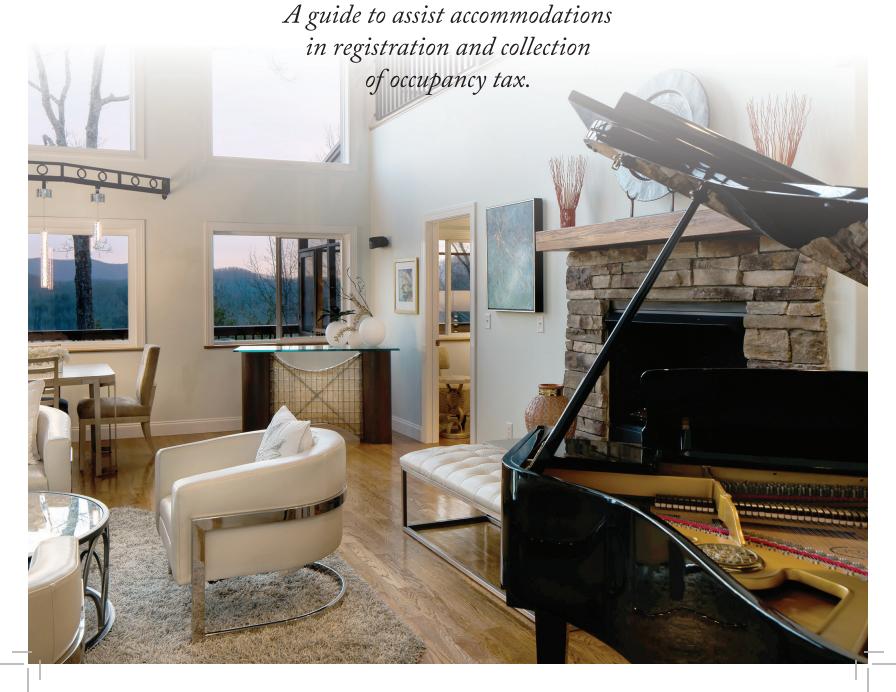
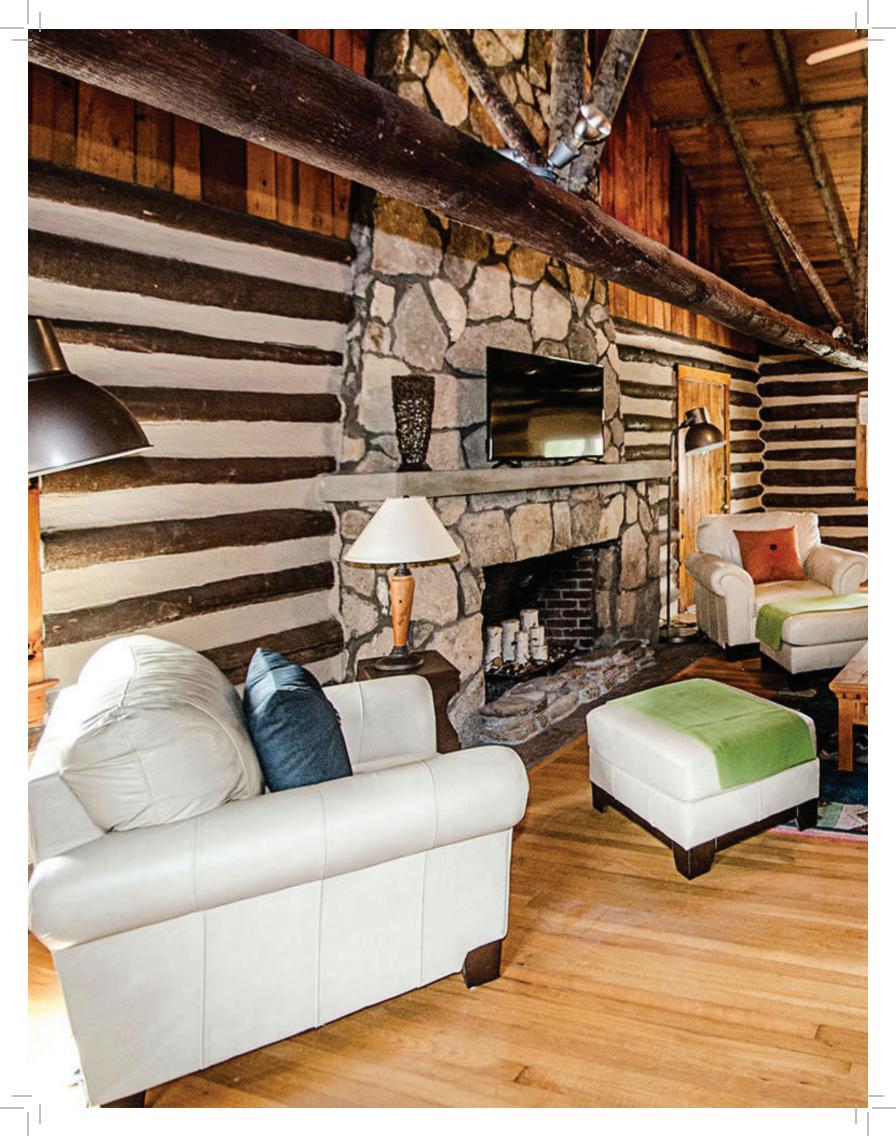
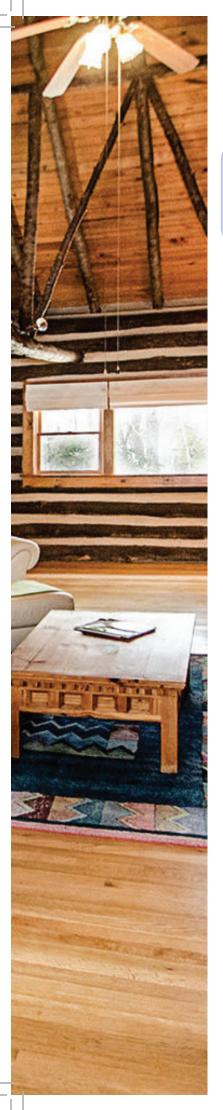


# OCCUPANCY TAX REGISTRATION GUIDE







## Introduction

The partnership of the Henderson County Finance Department and Henderson County Tourism Development Authority has created this booklet to assist new and potential accommodation owners in following the letter of the law set by the North Carolina General Assembly to become a registered occupancy tax collector.

### Legislation

The General Assembly of North Carolina passed legislation in 1985 to allow the Henderson County Board of Commissioners to levy a tax on occupancy and tourism development countywide.

The General Assembly set an Occupancy Tax with a parameter for taxing room rates from 3 to 6% on each nightly rate which is paid by visitors. Currently, Henderson County Accommodations charge 5%.

As established through the legislation, collection of the tax, and liability, therefore, shall begin and continue immediately following the submission of the registration form with HC Finance.

## Payment Process as Stated in Legislation:

"Administration of Tax. (a) Any tax levied under this act is due and payable to the levying jurisdiction in monthly installments on or before the 20th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 20th day of each month, prepare and render a return on a form prescribed by the taxing city. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied."

## Penalties as Stated in Legislation:

"Any person who willfully attempts in any manner to evade the occupancy tax imposed by this act or to make a return

and who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by the law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. Sec. 5. Collection of Tax. Every operator of a business subject to the tax levied by this act shall, on and after the effective date of the levy of the tax, collect room occupancy tax. This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. This tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the governing bodies. The room occupancy tax levied pursuant to this act shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The levying jurisdictions shall design, print, and furnish to all appropriate businesses in the necessary forms for filing returns and instructions to ensure the full collection of the tax."

## Benefits Offered by Henderson County TDA:

Henderson County Tourism Development Authority (HCTDA) services and staffing are funded by the Occupancy Tax collected by HC Finance. Some of the services include operations of a Visitor Center open 362 days a year, staffing and numerous other business services.

## **Registration Process:**

The following steps will assist new and potential operators of accommodations to make sure all requirements set by the General Assembly and Henderson County Finance Department are met:

- Visit the North Carolina Department of Revenue website to register for a Business Tax I.D. number. www.ncdor.gov/business-registration-checklist
  - State Sales Tax is due on the 20th of the following month

www.Ncdor.gov/taxes-forms/sales-and-use-tax If you have questions, contact 1.877.252.3052

Register your accommodation business with Henderson County Finance Department. The registration is available in this booklet, in person at the Finance Office on Main

Street or online at: www.hendersoncountync.gov/finance or call 828.697.4821.

## Monthly occupancy tax payments are due by the 20th day of the following month

- Online: Payments must be paid by the 20th day or
- Mailed: Payments must be post marked by the 20th day or
- Hand delivered: Payments must be received by Henderson County Finance Office by the 20th day of the following month
- If payments are late, penalty fees may be assessed
- Tax forms must be completed even if the property was **NOT** rented in any given month

Please note: It is imperative that you accurately calculate and report the number of room nights in order to provide correct information to the Finance Office. The online forms have been updated to calculate room nights for you. Fill in the number of nights for that month and how many rooms you rented for the form to calculate room nights.

- Make an appointment to meet with staff (Outreach Coordinator) at the Henderson County Tourism Development Authority (HCTDA) at 828.693.9708 to:
- Discuss tourism related services offered to your business, as you are now a member of the Henderson County tourism industry.
- Property information required by HCTDA in order to provide following services:
  - Be listed on the www.VisitHendersonvilleNC.org website
  - To be listed on the **www.VisitNC** website (*the state tourism website*, *if qualified*)
  - Provide property information (amenities) and photos
- Inform HCTDA of changes to your business when they occur so that the website has the most current information about your property
- Talk the to HCTDA Assistant Director to set up your Room Availability Program account. This enables guests to see where rooms are available at the last-minute. Once you are set up, you should regularly update your account (weekly is recommended daily is better), since the most recently updated properties appear higher up on the page.

updated 3/2019

# **General Tips:**

- Seek help and support from HCTDA
- Network with others in the tourism industry
- Keep HCTDA updated concerning your property as changes occur
- Keep account current on the Room Availability link
- Work with other industry members to create packages, i.e. restaurants, spas, Flat Rock Playhouse, etc.



### Henderson County Occupancy Tax Report

### INSTRUCTIONS ON NEXT PAGE

Name of Accommodation: Ac		ccommodation ID:				
Mailing Address:		Telephone:				
City:	State: Zi	p:				
	Computation of Occupancy	Тах				
	Reporting for the mont	n of: (select month)				
	(1) Gross Room/Rental Receipts for the mo	nth:				
	(2) Sales a third party has collect	ted:				
	(3) Total Gross Receipts subject to Occpancy Tax (1) -	(2): \$ 0.00				
	(4) Occupancy Tax Due - (3) x	5%: \$ 0.00				
	(5) Adjustments - penalties, etc (see instruction	ons):				
	(6) Total Remit	ted: \$ 0.00				
	For Hotels/Motels onl	<u>y:</u>				
	Total Number of Rooms Rented this N	lonth:				
Payment Method: Check/Money Order Online Payment by Credit Card Bill Pay via Bank/Vendor						
<b>Certification by Taxpayer</b> : This is to certify that this report, to the best of my knowledge, is accurate and complete.						
Signed:	Title:					
Date:	<del></del>					

#### GENERAL INSTRUCTIONS:

This report must be filed, and taxes paid by the 20<sup>th</sup> day of the month following the month in which the tax is collected. A report must be filed <u>every</u> month by all accommodations even if no tax is due. There are no seasonal exemptions or exclusions.

The report can be remitted electronically via email to <a href="https://example.com/hendersoncountync.gov">hendersoncountync.gov</a>, or can be mailed or delivered in person to:

Henderson County Finance Department 113 North Main Street Hendersonville, NC 28792 Hours: 8:30am to 5:30pm, Monday – Friday

 Payment Method Instructions

 Check/Money Order:
 Online via Credit/Debit Card:

 Make Payable to:
 https://www.officialpayments.com

 Select: Local Payments

 Henderson County
 State or Territory: North Carolina

 Payment Entity: Henderson County Tourism Development Authority

Payment Type: Occupancy Tax Payments

### Computation of Occupancy Tax:

Hendersonville, NC 28731

- Gross Room/Rental Receipts should include receipts pertaining to and including the rental of the room, lodging or similar accommodation.
- For any third party collections, i.e. Airbnb, please attach a report to document the gross amount of sales collected by the third party.
- Occupancy Tax is 5% of gross room/rental receipts. Henderson County is authorized under General Statute 105-164.4(a)(3) to collect an occupancy tax on gross revenues from hotel/motel room occupancy within the corporate limits.
- Penalties:
  - In case of failure to file the report or pay total amount due on or before the date it is due, a penalty shall be assessed equal to 1% of the tax due for each day's omission, up to 30 days with a minimum of \$25.
  - In the case of failure to file the report or pay total amount due more than 30 days past the due date, an additional penalty of 10% of the tax due for each month is assessed until the tax is paid and/or the report is properly filed.
  - Any person who willfully attempts in any manner to evade a tax or penalty imposed under this act or who willfully fails to pay the tax or penalty or make and file a report shall, in addition to all other penalties provided by, be guilty of a misdemeanor and shall be punishable by a fine not to exceed \$1,000, imprisonment not to exceed six months, or both.



### **Henderson County**

### Occupancy Tax Registration Form

Please use this form to register your accommodation with the Henderson County Finance Department. We will use the information provided to set up an account to record tax payments made on behalf of your accommodation.

Owners/Managers of accommodations, including hotels, motels, bed and breakfasts, rooms, cabins, resorts and cottages are required to collect occupancy tax of five percent (5%) per room per room night and file monthly reports with the tax collected. The form to be used when filing tax with the Henderson County Finance Department can be downloaded from www.hendersoncountync.org/finance under "Forms" tab.

This tax does not apply if dwellings are rented for less than 15 days in a calendar year or to the same person for a period of 90 or more continuous days.

Accomodation/Business Name:			
Contact Name:			
Phone:	Email:		
Property Address:	State:	Zip:	
Mailing Address:	State:	Zip:	
Signature:	Title:		
Printed Name:	Date:		

Please advise the Henderson County Finance Department and the Tourism Development Authority (TDA) of any changes in ownership, contact information, etc. at the time any changes are to be made.

Return completed registration to:	Questions, Marketing & Literature Displays:		
Henderson County Finance Department	Tourism Development Authority of		
Henderson County Finance Department	Henders on County		
113 North Main Street	201 South Main Street		
Hendersonville, NC 28792	Hendersonville, NC 28792		
828-697-4821	828-693-9708		
hcoccupancy@hendersoncountync.gov			

For Finance Office Use:		
Accommodation ID		

A monthly Occupancy Tax Report filed with the Henderson County Finance Officer is not a public record as defined by G.S. 132-1.2 and may not be disclosed except as required by law.



