

## **Impartial Analysis of Measure X: Transient Occupancy Tax Measure**

Measure X, the "San Bruno Recovery and Reinvestment Measure," is an ordinance that would adopt a 14% rate for the City of San Bruno's Transient Occupancy Tax. The current rate of this tax, often referred to as the "TOT" or the "hotel bed tax," is 12%.

The word "transient" is used here to mean "short-term occupant." The tax is paid on stays of 30 days or less at hotels in the City. The tax applies regardless of the purpose of the stay, so it is paid, for example, with respect to vacation stays, stays associated with business travel, and stays while relocating.

For purposes of the TOT, the San Bruno Municipal Code defines "hotel" to mean:

any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or housetrailer at a fixed location, or other similar structure or portion thereof.

Measure X does not change this definition.

The tax is collected by the hotel operator based on the rent charged by the operator. The operator then remits the tax proceeds to the City.

TOT proceeds would continue to be deposited in the City's general fund and would be available for any lawful governmental purpose. Expenditures from the general fund are determined by the City Council. The City Council has identified the following examples of services and programs that can be funded from the general fund: addressing traffic congestion and parking, maintaining neighborhood safety, 911 emergency medical response times, disaster and health crisis response services, parks and other City facilities, and general services.

All City revenues are audited annually by an independent certified public accountant. Any increase of the tax rate above 14% would require voter approval, but the City Council can, on its own authority, reduce the rate of the tax. If Measure X is adopted, the new tax rate will go into effect on March 1, 2021.

Measure X was placed on the ballot by the City Council of the City of San Bruno. It will be adopted if approved by a majority of those voting on the measure.

A "Yes" vote is a vote in favor of an increased tax on short-term occupancies of hotels and other lodgings.

A "No" vote does not change the existing rate of this tax.

Respectfully submitted,

  
Marc Zafferano, City Attorney