

Proposed Amendments to TOT Ordinance

Chapter 12 Article III of Sonoma County Code

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Summary of Action and Timeline

- Introduce ordinance and waive further reading of the ordinance amending Chapter 12 Article III of the Sonoma County Code.
- If the board approves the proposed changes and waives the second reading, we will bring the ordinance back for adoption on October 4th, 2022.
- Approved changes would take effect 30 days after the adoption of the ordinance.



Key Proposed Amendments

Administrative Changes Part 1

- **Sec. 12-10:** Amend the definition of “Rent” to simplify the language and clarify that all charges paid by a transient are subject to TOT unless explicitly exempted in the Ordinance.
- **Sec. 12-14:** Amend the language regarding registration to clarify that all lodging operators are required to register with the Tax Collector and obtain a TOT registration certificate and add language requiring the TOT certificate number to be included on all contracts, rental agreements, advertising materials and websites.
- **Sec. 12-15:** Amend the language to clarify that operators must submit quarterly TOT returns using Tax Collector forms and, in a manner, specified by the Tax Collector including required supporting documentation. Additionally, add language regarding steps to cure a TOT return that is deemed incomplete.
- **Sec. 12-16.1:** Amend the language regarding penalties for delinquent payment to clarify when the first and second 10% penalties apply.
- **Sec. 12-16.2:** Add provision to allow Tax Collector to waive penalties and interest on late payments for circumstances beyond the control of the operator and occurred notwithstanding the exercise of ordinary care and absence of willful neglect.



Key Proposed Amendments

Administrative Changes Part 2

- **Sec. 12-17:** Add language to allow the Tax Collector to give notice of tax assessment via email.
- **Sec. 12-18.1:** Amend the language regarding records to be retained by operator to clarify the Tax Collector's right to audit operator records. Additionally, add language setting forth options if operator does not retain adequate records and/or does not comply.
- **Sec. 12-19:** Amend language regarding the County's policy on TOT refunds.
- **Sec. 12-21.1:** Amend language regarding when an amount determined to be due by the Tax Collector is payable to clarify payment is due within 30 calendar days.
- **Sec. 12-21.2:** Amend language regarding appeals to the Board of Supervisors to file notices of appeal with the Tax Collector, rather than the Clerk of the Board, to provide efficiencies in the appeal process.
- **Sec. 12-21.3:** Add provision regarding the appointment of the County hearing officer to provide efficiencies in the appeal process.

