

SUMMARY OF THE OTSEGO COUNTY OCCUPANCY TAX LAW
(For basic information only - see copy of the law for detailed regulations)

1. Hotel and motel operators must collect a four percent (4%) occupancy tax from each occupant renting a unit in your establishment with the exception of exempt organizations. **THIS LOCAL LAW DEFINES A HOTEL/MOTEL AS INCLUDING ANY FACILITY CONSISTING OF RENTAL UNITS AND PROVIDING LODGING ON A TEMPORARY BASIS. THE SAME THEREFORE INCLUDES BED AND BREAKFASTS, GUEST HOUSES AND COTTAGES.**
2. This tax is not applicable for permanent residents. A permanent resident is any person who occupies any unit or units for at least thirty (30) consecutive days.
3. Clearly show in your establishment's records the amount of the occupancy tax collected for each customer. Your establishment's records are to be ready for inspection at all times as the County Treasurer is authorized to audit records to insure proper implementation of the Occupancy Tax. Records concerning the Occupancy Tax must be preserved for auditing for a period of three (3) years.
4. The tax to be collected is to be stated and charged separately from the rent on the customer's bill and shown separately in your establishment's records.
5. Occupants who are exempt from the Occupancy Tax (for example, governmental agencies and not-for-profit organizations) must verify their exempt status **IN EVERY CASE** that they rent units in your establishments. Verification must be in writing and should be confirmed by showing proper credentials.
6. Occupancy tax receipts are payable to the Otsego County Treasurer on a quarterly basis. Forms will be provided by the County. **THE TAX AND RETURN MUST BE RECEIVED BY THE OTSEGO COUNTY TREASURER WITHIN TWENTY (20) DAYS OF THE EXPIRATION OF THE PERIOD COVERED. LATE RETURNS ARE SUBJECT TO A TEN PERCENT (10%) PENALTY, PLUS INTEREST COMPOUNDED AT THE RATE OF ONE PERCENT (1%) PER MONTH.**
7. Hotel and Motel owners, as defined in the Local Law, must be issued a Certificate of Authority to collect the Occupancy Tax. They are liable for all occupancy taxes to be collected whether or not such taxes are received from the occupants renting units (unless the occupants are exempt as defined in paragraphs 2 and 5 above). Hotel and motel owners shall have the same rights of eviction, dispossession and repossession for non-payment of the Occupancy Tax as he/she does for non-payment of rent.
8. **CERTIFICATES OF AUTHORITY ARE NOT TRANSFERABLE.** If your establishment changes ownership, the new owner must apply to the Otsego County Treasurer's Office for a new Certificate of Authority. **IF YOU GO OUT OF BUSINESS OR YOUR BUSINESS IS SOLD, MARK "FINAL" ON YOUR LAST QUARTERLY OCCUPANCY TAX RETURN, ALONG WITH THE DATE OF CLOSING/TRANSFER. ALSO, YOU MUST RETURN YOUR CERTIFICATE OF AUTHORITY TO THE COUNTY TREASURER'S OFFICE.**
9. **QUARTERLY OCCUPANCY TAX RETURNS MUST BE FILED WITH THE COUNTY TREASURER EVEN IF THERE IS NO TAX DUE FOR THAT QUARTER.** Those establishments which operate on a seasonal basis will be sent tax returns year-round and must still remit these returns during their off-season.