

TRANSIENT OCCUPANCY TAX AFTER HB2383

June 24, 2025

Karen I. Rose

Commissioner of the Revenue





History

- In 2021, the Code of Virginia and Harrisonburg city ordinances were updated in several sections to help define and provide guidance for those businesses that were facilitating the sale of an accommodation (room, lodge, cabin, etc) but not providing the accommodation and how those accommodation intermediaries were to collect, report and remit state sales tax and local transient occupancy tax.
- Specifically Section 58.1-3826 of the Code of Virginia stated that subject to applicable laws, an accommodations intermediary shall submit to a locality the proper addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in such locality. Such information shall be submitted monthly.



History

- It took a few months, but most accommodations intermediaries were abiding by this law and submitting the proper information and hosts were filing with us their gross receipts and the names of the intermediaries that were collecting and remitting the tax on their behalf. Airbnb was the exception and only provided a check but no detail.
- Since 2021, the Commissioner of the Revenue Association of VA, VACO, VML, and VA Restaurant, Lodging & Travel Association have been working to get legislation in place to require Airbnb to provide the documentation that others were providing.



HB2383-What it Does

- This bill will remove the phrase “in accordance with applicable law” phrase from 58.1-3826 that was stated above.
- AirBnb will be providing addresses and gross receipts – just like the other intermediaries effective 7/1/25.
- It is adding the ability for host to sign an Annual Host Attestation that states that they will not need to provide a monthly report/filings with the Commissioner of the Revenue (COR) office if they solely use an accommodations intermediary.
- It also adds language to 58.1-3 Secrecy of information prohibiting COR's from sharing this address and gross receipts data with other government officials.



What is required of Harrisonburg

- **Update our ordinance to include the language about the annual attestation. The blueline also updates our ordinance to be in agreement with state code.**
- **My office has developed an Annual Host Attestation that will be sent out to short term rental providers with their business license renewals each year.**



Attestation



Commissioner of the Revenue
540-432-7704
cycocomm@harrisonburgva.gov

ACCOMMODATIONS PROVIDER ANNUAL ATTESTATION

Name of Accommodations Provider (Host): _____ Telephone: _____ Email: _____

SECTION 1

Business License Account Number (if known)	Business Structure: <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Corporation <input type="checkbox"/> Other _____
Business Legal Name	
Trade Name	
EIN or SSN	Business Start Date in the City _____
Business Physical Address in the City	Mailing Address (if different) _____
List all rental platforms (online or otherwise) on which you advertise this property (AirBnB, Expedia, Stay Harrisonburg, Virginia Guesthouses, etc...): _____	
Will all rentals be booked SOLELY through an accommodations intermediary? (See the reverse of this form for the Code of Virginia's definition of <i>accommodations intermediary</i> .) <input type="checkbox"/> YES - Complete SECTION 2 <input type="checkbox"/> NO - Complete SECTION 3	

SECTION 2

I hereby attest and affirm the following:

For the next twelve months, accommodations provided by me at the property indicated above will be facilitated by an accommodations intermediary, as defined in § 58.1-3818.8 and § 58.1-3602 of the Code of Virginia. As such, I am not required to file a monthly transient occupancy tax report with the Commissioner of the Revenue.

It is my responsibility to file this attestation with the Commissioner of the Revenue annually on March 1 or on the first business day in March (if March 1 happens to fall on a weekend or holiday).

It is my responsibility to secure an annual business license, Homestay & Short-Term rental Annual Registration (where applicable), and file and pay tangible business personal property tax on furnishings and fixtures located in the rental property.

Signature of Accommodations Provider _____ Print _____ Date _____

SECTION 3

I acknowledge that I am required to file a monthly report with the Commissioner of the Revenue detailing all transient occupancy taxes collected by me or on my behalf for accommodations at the above-indicated property. For any and all accommodations NOT facilitated by an accommodations intermediary, I am responsible for collecting, reporting and remitting transient occupancy tax to the City of Harrisonburg in accordance with Title 4 Article F (Sec. 4-2-76.1 et seq) of the Harrisonburg City Code. I understand that the failure to collect, file, and remit in such an instance would be subject to criminal penalties. It is my responsibility to secure an annual business license, homestay permit (where applicable), and pay tangible business personal property tax on furnishings and fixtures located in the rental property.

Signature of Accommodations Provider (Host) _____ Print _____ Date _____

Who will be responsible for filing and payment of monthly transient occupancy tax remittances (if someone other than the accommodations provider)?

Name of Responsible Party _____ Telephone: _____ Email: _____



Questions