1001 Preston St., 1st Floor
Houston, Texas 77002

Harris County, Texas

Commissioners Court

Request for Court Action

File #: 24-4771 **Agenda Date:** 8/6/2024 **Agenda #:** 218.

Department: Tax Assessor-Collector
Department Head/Elected Official: Ms. Ann Harris Bennett, Tax Assessor Collector

Regular or Supplemental RCA: Regular RCA
Type of Request: Financial Authorization

	YES	NO	ABSTAIN
Judge Lina Hidalgo	☑	☐	☐
Comm. Rodney Ellis	☑	☐	☐
Comm. Adrian Garcia	☑	☐	☐
Comm. Tom S. Ramsey	☑	☐	☐
Comm. Lesley Briones	☑	☐	☐

Project ID (if applicable): N/A
Vendor/Entity Legal Name (if applicable): N/A

MWDBE Contracted Goal (if applicable): N/A
MWDBE Current Participation (if applicable): N/A
Justification for 0% MWDBE Participation Goal: N/A - Goal not applicable to request

Request Summary (Agenda Caption):
Request for approval to levy the annual Hotel Occupancy Tax.

Background and Discussion: N/A

Pursuant to section 352.002 of the Texas Tax Code, the Harris County Commissioners Court imposes and levies Hotel Tax and directs the Harris County Tax Assessor-Collector to collect the tax for Harris County in accordance with the state law.

Expected Impact: N/A

Alternative Options: N/A

Alignment with Goal(s):

_ Justice and Safety
_ Economic Opportunity
_ Housing
_ Public Health
_ Transportation
_ Flooding
_ Environment

Presented to Commissioners Court

August 6, 2024

Approve: G/R

X Governance and Customer Service

Prior Court Action (if any)**:**

Date	Agenda Item #	Action Taken

Location:
Address (if applicable): N/A
Precinct(s): Countywide

Fiscal and Personnel Summary				
Service Name				
	Current Fiscal Year Cost			**Annual Fiscal Cost**
	Labor	**Non-Labor**	**Total**	**Recurring Expens**
Funding Sources				
Existing Budget				
Choose an item.	$	$	$	$
Choose an item.	$	$	$	$
Choose an item.	$	$	$	$
Total Current Budget	$	$	$	$
Additional Budget Request (*Requires Fiscal Review Request Form*)				
Choose an item.	$	$	$	$
Choose an item.	$	$	$	$
Choose an item.	$	$	$	$
Total Additional Budget Request	$	$	$	$
Total Funding Request	**$**	**$**	**$**	**$**
Personnel (Fill out section only if requesting new PCNs)				
Current Position Count for Service	-	-	-	-
Additional Positions Request	-	-	-	-
Total Personnel	**-**	**-**	**-**	**-**

Anticipated Court Date: August 6, 2024
Anticipated Implementation Date (if different from Court date): N/A

Emergency/Disaster Recovery Note: Not an emergency, disaster, or COVID-19 related item

Contact(s) name, title, department: Elizabeth Doss, Assistant Chief Deputy, Harris County Tax Office

Attachments (if applicable): Hotel and Occupancy Tax

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, met in regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on August 6, 2024, with all members present except none.

A quorum was present. Among other business, the following was transacted:

ORDER LEVYING 2025 HOTEL OCCUPANCY TAX

Commissioner Garcia introduced an order and moved that the Commissioners Court adopt the order. Commissioner Ramsey seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote of the Court:

	Yes	No	Abstain
Judge Hidalgo	☑	☐	☐
Comm. Ellis	☑	☐	☐
Comm. Garcia	☑	☐	☐
Comm. Ramsey	☑	☐	☐
Comm. Briones	☑	☐	☐

The County Judge announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order adopted follows:

IT IS ORDERED that pursuant to section 352.002 of the Texas Tax Code:

1. The Harris County Commissioners Court hereby imposes and levies a tax of seven percent (7%) beginning January 1, 2025 of the price paid for a room in a hotel on each person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel in Harris County, costs $2 or more each day, and is ordinarily used for sleeping, as authorized and defined under Texas law and the Texas Administrative Code, except that the county tax rate shall be only *two percent* (2%) for hotels in any municipality and such county tax rate shall also be subject to any additional requirements and exceptions under the applicable law;

2. The Harris County Tax Assessor-Collector is to collect the tax and any penalties or interest for Harris County in accordance with law;

3. The owner or operator of each hotel shall collect, report and send the taxes collected to the Harris County Tax Assessor-Collector on or before the last day of the month following the end of each calendar quarter in accordance with procedures established by the Harris County Tax Assessor-Collector;

Presented to Commissioners Court

August 6, 2024

Approve: G/R

4. Pursuant to section 352.005 of the Texas Tax Code, the owner or operator of a hotel required to file a hotel occupancy tax report may withhold one percent (1%) of the tax collected and required to be reported as reimbursement for the cost of collecting the tax;

5. All penalties allowed under applicable law will be assessed by the Harris County Tax Assessor-Collector for the failure to report or pay the tax when due, including those prescribed in section 352.004 of the Texas Tax Code;

6. Pursuant to section 352.007 of the Texas Tax Code, a governmental entity may only file a refund claim with the county for each calendar quarter for all reimbursements accrued during that quarter, and must file the refund claim on an approved form prescribed by the rules of the Texas Comptroller and containing the information required by the Harris County Tax Assessor-Collector;

7. The revenue derived from the tax may be used as prescribed in section 352.101(a) of the Texas Tax Code; and

8. Pursuant to section 352.004(d) of the Texas Tax Code, the Harris County Attorney may bring suit against a person who is required to collect the tax imposed and pay the collections over to the county but who has failed to file a tax report or pay the tax when due; and therefore, the Harris County Tax Assessor-Collector shall provide the pertinent information to the Harris County Attorney to timely pursue any such collection efforts.

9. Pursuant to section 352.004(e) of the Texas Tax Code, if a person required to file a tax report does not file the report as required, Harris County is authorized to determine the amount of tax due under this chapter by conducting an audit of each hotel in relation to which the person did not file the report as required. Harris County shall provide at least 30 days' written notice to a person who is required to collect the tax imposed by this chapter with respect to a hotel before conducting an audit of the hotel.