

Multiple Agency Fiscal Note Summary

Bill Number: 5334 E S SB	Title: Affordable housing funding
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Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Department of Revenue	.7	253,700	253,700	253,700	.7	155,300	155,300	155,300	.5	114,600	114,600	114,600
Total \$	0.7	253,700	253,700	253,700	0.7	155,300	155,300	155,300	0.5	114,600	114,600	114,600

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Department of Revenue	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Amy Hatfield, OFM	Phone: (360) 280-7584	Date Published: Final 2/13/2024
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Department of Revenue Fiscal Note

Bill Number: 5334 E S SB	Title: Affordable housing funding	Agency: 140-Department of Revenue
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.3	0.7	0.7	0.5
Account					
GF-STATE-State 001-1	3,100	250,600	253,700	155,300	114,600
Total \$	3,100	250,600	253,700	155,300	114,600

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jeffrey Mitchell	Phone: 60-786-7438	Date: 02/08/2024
Agency Preparation: Diana Tibbetts	Phone: 60-534-1520	Date: 02/12/2024
Agency Approval: Valerie Torres	Phone: 60-534-1521	Date: 02/12/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/13/2024

Request # 5334-1-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Note: This fiscal note reflects language in ESSB 5334, 2024 Legislative Session.

COMPARISON OF THE ENGROSSED SUBSTITUTE BILL WITH THE SUBSTITUTE:

The engrossed substitute bill limits the new excise tax rate on short-term rentals to 10%.

CURRENT LAW:

Cities, towns, and counties can impose a special hotel/motel tax to fund tourism promotion. The rate can be up to 2% for most jurisdictions.

Exceptions include:

- For municipalities authorized to impose the tax where the total rate exceeded 4% before July 27, 1997, the rate may not exceed the rate imposed on January 31, 1999.
- If a county imposed the tax with a rate of 4% or more on January 1, 1997, no city within the county may impose this tax unless imposed by a municipality described in the prior bullet point.
- For a city with a population greater than 400,000 located in a county with a population greater than 1 million, the rate cannot exceed the lesser of:
 - 4%.
 - A rate combined with all other taxes on lodging sales equals 15.2% (Chapters 36.100 RCW, 82.08 RCW, and 82.14 RCW).
- For municipalities authorized to impose the tax where the rate exceeded 6% before January 1, 1998, the rate may not exceed the rate imposed on January 1, 1998.

Any local sales and use tax change adopted after December 1, 2000, must provide an exemption for sales of lodging if the total sales tax rate charged would exceed the greater of:

- 12%.
- The rate imposed for lodging charges as of December 1, 2000.

PROPOSAL:

Counties, cities, and towns can levy an additional excise tax on short-term rentals facilitated through a short-term rental platform. The revenue generated must be used exclusively for the operation and capital costs of affordable housing programs, including but not limited to homeless housing assistance, temporary shelters, and other related services.

This lodging tax is not subject to the 12% lodging cap, and the bill limits the rate to 10%. A county, city, or town may retain up to 5% of collections each calendar year for administration costs of services and programs provided.

EFFECTIVE DATE:

The bill takes effect 90 days after the final adjournment of the session.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

This legislation results in no direct revenue impact on taxes administered by the Department of Revenue (department).

DATA SOURCES:

REVENUE ESTIMATES:

Local revenue impacts are indeterminate since it is unknown which jurisdictions would impose this new excise tax on short-term rentals and at what rate they would impose.

Based on fiscal year 2023 lodging tax data, if all jurisdictions levy a 10% tax, it would generate over \$71.3 million.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

ASSUMPTIONS:

This estimate affects 12 taxpayers.

FIRST YEAR COSTS:

The department will incur total costs of \$3,100 in fiscal year 2024. These costs include:

Labor Costs – Time and effort equate to 0.04 FTE.

- Add statutory link to new local tax for lodging of short-term rentals facilitated through a short-term rental platform in the department's Industry Guide on Lodging.

SECOND YEAR COSTS:

The department will incur total costs of \$250,600 in fiscal year 2025. These costs include:

Labor Costs – Time and effort equate to 1.3 FTEs.

- Set up, program and test computer system changes.
- Program system changes to GIS for local tax lodging information and new lodging tax line on the lodging addendum.
- Process paper correspondence, respond to web messages, conduct account examinations, answer phone question's and assist taxpayers with reporting and navigating the department's web reporting portal.

Object Costs - \$72,300.

- Computer system changes, including contract programming.

ONGOING COSTS:

Ongoing costs for the 2025-27 biennium equal \$155,300 and include similar activities described in the second-year costs. Time and effort equate to 0.65 FTE.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.3	0.7	0.7	0.5
A-Salaries and Wages	2,000	112,100	114,100	103,000	75,400
B-Employee Benefits	700	37,000	37,700	34,000	24,800
C-Professional Service Contracts		72,300	72,300		
E-Goods and Other Services	200	20,100	20,300	14,200	11,200
J-Capital Outlays	200	9,100	9,300	4,100	3,200
Total \$	\$3,100	\$250,600	\$253,700	\$155,300	\$114,600

III. B - Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
EXCISE TAX EX 2	58,104		0.1	0.1	0.1	0.1
EXCISE TAX EX 3	64,092		0.1	0.1	0.1	0.1
EXCISE TAX EX 4	70,800		0.2	0.1	0.1	0.1
IT ARCH-SR/SPEC	111,780		0.1	0.1		
IT B A-JOURNEY	91,968		0.6	0.3	0.4	0.2
IT SYS ADM-JOURNEY	96,552		0.2	0.1		
TAX POLICY SP 2	78,120	0.0		0.0		
TAX POLICY SP 3	88,416	0.0		0.0		
WMS BAND 2	98,456	0.0		0.0		
Total FTEs		0.0	1.3	0.7	0.7	0.5

III. C - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

Part V: New Rule Making Required

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5334 E S SB

Title: Affordable housing funding

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: Potential increase in tax revenue.
- Counties: Potential increase in tax revenue.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option: Local governments can impose a special excise tax.
- Key variables cannot be estimated with certainty at this time: Which local governments will impose the special excise tax, the tax rate, and how many rental properties the tax would apply to.

Estimated revenue impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 02/12/2024
Leg. Committee Contact: Jeffrey Mitchell	Phone: 360-786-7438	Date: 02/08/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/12/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/13/2024

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The engrossed substitute version of the bill would clarify that the short-term rental tax rate may not exceed 10% of the short-term rental charge.

The engrossed substitute bill does not change the expenditure and revenue impacts discussed below.

SUMMARY OF CURRENT BILL:

This bill authorizes local governments to impose a special excise tax on the furnishing of lodging of short-term rentals and use those revenues for affordable housing programs.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The engrossed substitute version of the bill would not change local governments' expenditure impact. The bill remains a local option.

EXPENDITURE IMPACTS OF CURRENT BILL:

By itself, the authority granted in this resolution has no fiscal impact.

For those jurisdictions choosing to impose the additional tax, there could be administrative or software costs related to implementing it. It is unknown which jurisdictions would pursue the option, therefore those costs cannot be estimated.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

CHANGES IN REVENUE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The engrossed substitute does not change the indeterminate revenue impacts discussed below.

REVENUE IMPACTS OF CURRENT BILL:

By itself, the authority granted in this resolution has no fiscal impact.

This bill would allow cities, towns and counties to levy an additional excise tax on short-term rentals facilitated through an internet-based short-term rental platform. This would increase the tax revenue for the local government imposing the tax, but the amounts are indeterminate.

According to the Department of Revenue (DOR) local revenue impact is indeterminate since it is unknown which jurisdictions would impose this new excise tax to short-term rentals as well as the rate of the tax. Based on fiscal year 2022 lodging data, if all jurisdictions levy a 1% tax, it could generate over \$6.2 million.

SOURCES:

Department of Revenue fiscal note, SB 5334 (2023)

Senate Bill Report, SB 5334, Local Government, Land Use & Tribal Affairs (1/31/23)