

CITY OF BALTIMORE  
STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW  
GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

September 23, 2016

Honorable President and Members  
of the City Council of Baltimore  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

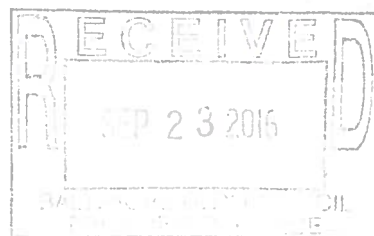
Attn: Natwana Austin, Executive Secretary

Re: City Council Bill 16-0737 - Hotel Tax – Short Term Rentals and  
Hosting Intermediaries

Dear President and City Council Members:

You have requested the advice of the Law Department regarding City Council Bill 16-0737. City Council Bill 737 amends the existing City Code provisions in Article 28, Sections 21-1, 21-2 and 21-4 regarding the hotel tax. The Bill clarifies that the hotel tax applies to a “hosting intermediary” which is defined as “a person other than an owner or operator of a hotel, who charges any fee for facilitating the sale or use of sleeping accommodations in a hotel.” The Bill also clarifies that “hotel” includes without limitation “a bed and breakfast establishment, a bed and breakfast home, or an apartment hotel as defined in the Zoning Code.

The City has the authority under the Baltimore City Charter, Article II, Section 40(e) to impose a hotel room tax. Section 40(e) also requires the City to appropriate from its general fund an amount equal to at least 40% of the proceeds of the hotel room tax for Convention Center marketing and tourism promotion. The Mayor and City Council has exercised this authority by enacting Art. 28, Subtitle 21 of the Baltimore City Code. City Council Bill 16-0737 levels the playing for establishments that provide sleeping accommodations and benefit from marketing and promotion efforts by clarifying that the tax applies to individual rooms offered for transient guests through various websites.



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City Council Bill 16-0737 is an appropriate exercise of the authority granted in Article II of the Charter. The Law Department, therefore, approves City Council Bill 16-0737 for form and legal sufficiency.

Sincerely yours,

*Elena R. DiPietro*  
Elena R. DiPietro  
Chief Solicitor

cc: David Ralph, Acting City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Hilary Ruley, Chief Solicitor  
Victor Tervalo, Chief Solicitor  
Jennifer Landis, Assistant Solicitor