HB 1498-FN - AS INTRODUCED

2024 SESSION

24-2774
12/08

HOUSE BILL ***1498-FN***

AN ACT establishing a state short term rental registry.

SPONSORS: Rep. McWilliams, Merr. 30

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill includes short-term rentals in the licensing and registration requirements for taxes on meals and rooms.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT establishing a state short term rental registry.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Meals and Rentals Licenses Required; Penalty. Amend RSA 78-A:4 to read as follows:

78-A:4 Meals and Rentals Licenses Required; Penalty.

I. Each operator shall register with the department the name and address of each place of business within the state where it operates ***short-term rental,*** a hotel, sells taxable meals, or rents motor vehicles. The operator shall complete a registration, upon receipt of which the department shall issue a meals and rentals license for each place in such form as it determines, attesting that the registration has been made, provided that a license shall not be issued or renewed if the operator owes unpaid taxes, interest, or penalties from any tax administered by the department. A license may be denied if the commissioner has reason to believe that the registration is filed by a person as a subterfuge for the real person in interest whose license has been previously been revoked, suspended, or not renewed for cause. Licenses shall expire on June 30 in each odd-numbered year, unless the business ceases operation, a change in ownership occurs, or the license is revoked or suspended by the department prior to expiration of the license.

I-a. The license shall be conspicuously posted in a public area upon the premises to which it relates. Violation of the posting requirement in this paragraph may result in a warning from the department that the operator's license may be revoked, suspended, or denied. The warning shall include notification to the operator of his or her obligation to obtain a meals and rooms license and pay the meals and rooms tax under this chapter. Subsequent violations of the provisions of this section may constitute sufficient cause for revocation, suspension, or denial of license.

II. [Repealed.]

III. No person shall engage in serving taxable meals, renting rooms, ***providing short-term rentals*** or renting motor vehicles without first obtaining the license required by this section. The license is nonassignable and cannot be transferred. Any person who fails to register or obtain a license as provided in this section shall be subject to the penalty provisions of RSA 21-J:39.

IV. Licenses, operator information displayed on licenses, and license dispositions, such as issuance, renewal, suspension, and revocation, shall be public records. ***This information regarding short-term rentals this information must be regularly updated and shared with the local municipalities to ensure local law enforcement are able to access property ownership and renter status.***

2 Effective Date. This act shall take effect July 1, 2024.

LBA
24-2774
11/24/23

HB 1498-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to establishing a state short term rental registry.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures	$0	$0	$0	$0
Funding Source(s)	None			
Appropriations	$0	$0	$0	$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill includes short-term rentals in the licensing and registration requirements for taxes on meals and rooms. The Department of Revenue Administration states current law requires short-term rental operators obtain a meals and rooms (M&R) license and also requires short-term rental properties who do not use a room facilitator to obtain an M&R license. Room facilitators obtain only a single license that covers all the rental locations being facilitated. This bill clarifies that a room facilitator shall register with the Department the name and address of each short-term rental location and obtain a license for each rental location it operates.

To the extent this bill requires owners who use a room facilitator to also register and obtain an M&R license, there would be no impact on revenue as all properties of short-term rentals would already have been included in either the owner's or the room facilitator's registration and license. Therefore, this bill will not change General Fund or Education Trust Fund revenue as it does not expand or reduce taxable occupancy.

AGENCIES CONTACTED:

Department of Revenue Administration