

**Rental/Accommodations Taxes by Municipality**

Municipality	Residential Rental Tax Rate	Rate for Property Subject to State 8% Lodging Tax	Provision Establishing Tax	Municipality's Residential Rental Tax Rate if State Lodging Tax Is Extended to All Rentals	Notes
Dewey Beach	3%	0%	Charter and Code	0%	Properties subject to State tax exempt from municipality tax; only municipality with tax limited by Charter
Rehoboth	6%	0%	Code	0%	Properties subject to State tax exempt from municipality tax
Bethany	7%	3.25%	Code (Rates unspecified)	3.25%	No exclusion for properties subject to State lodging tax. Rates posted on town website
South Bethany	8%	8%?	Code	8%	No exclusion for properties subject to State lodging tax
Fenwick	7.5%	3%	Code	7.5%	No exclusion for properties subject to State lodging tax; no reference to State lodging tax in code
Lewes	5%	0%	Code	0%	Properties subject to State tax exempt from municipality tax
Ocean View	5%	5%?	Code	5%	No exclusion for properties subject to State lodging tax

## Dewey Beach

### **From the Charter**

#### 16.

To levy and collect tax upon the renting or leasing of residential property located within the municipal boundaries of Dewey Beach, except that no accommodations tax for a residential rental shall be collected upon a valid rental agreement or valid lease agreement with an initial term of at least one (1) year. The accommodations tax on a residential rental shall be as set from time to time by the Commissioners of Dewey Beach, but not to exceed three percent (3%) of the rent or lease amount unless approved by referendum. This residential rental accommodations tax does not apply to the rental or lease of any property being assessed a public accommodation lodging excise tax under Chapter 61 of Title 30. **(77 Del. Laws, c. 29, 5/18/2009)**

Approved May 18, 2009

### **From the Town Code**

#### § 167-15 Rate.

##### A.

The accommodations tax rate shall be as set from time to time by the Commissioners of Dewey Beach, but shall not exceed 3% unless approved by referendum and authorized by the Delaware General Assembly.

##### B.

An accommodations tax of 3% is hereby established on the gross proceeds derived from the rental or charges for accommodations.

## Rehoboth

#### § 245-17 Gross receipts tax on rentals.

[Added 10-14-1994 by Ord. No. 1094-1; amended 11-10-1994 by Ord. No. 1194-1; 7-14-1995 by Ord. No. 795-1]

##### A.

There is hereby imposed and assessed a gross receipts tax at the rate of 6% of the rent for occupancy of any private and public lodging facilities and housing accommodations, including rooms, rooming homes, boardinghouses, bed-and-breakfast inns, cottages, cabins, houses and apartments (whether in condominiums or not), other than those that are subject to the State of Delaware's lodging tax under Title 30, Chapter 61. The payment of the tax shall be the responsibility of the person who is the owner of the property being rented; provided, however, that such person may designate an agent to collect and pay the tax to the City. Where said designated agent is a real estate broker or agent, the latter shall collect and pay the tax to the City, unless

authorized in writing by the owner of the property to collect the tax and remit said tax to the owner for the owner's payment to the City.

[Amended 11-17-2017 by Ord. No. 1117-01<sup>[1]</sup>]

## **Bethany**

### **§ 102-7. License fees and rental taxes.**

[Amended 1-19-1990 by Ord. No. 241; 9-18-1992 by Ord. No. 279<sup>[1]</sup>]

License fees and rental taxes as set forth in the fee schedule on file in the Town office shall be paid to the Town of Bethany Beach, Delaware, for the following:

**A.**

Apartments, cottages, cabins or private houses or other establishments offering rooms for public rental.

**B.**

Motels, rooming houses, boardinghouses, motor courts, inns or other establishments offering public rental which are subject to paying the State of Delaware accommodations tax.

**C.**

Stores, garages, warehouses or any other commercial buildings or structures which rent or lease space or other facilities.

**D.**

All others engaging in businesses, occupations or activities within the corporate limits.

**[1]**

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

### **Real Estate Rental Tax (Bethany Website)**

Real Estate Rental Tax is payable to the Town semi-annually and is based on the gross rental income received.

The Town of Bethany Beach Rental Tax Rate on residential and commercial space is 7% of gross receipts.

The Town of Bethany Beach Rental Tax rate on rental properties subject to the State Accommodations tax is 3.25% of gross receipts.

Rental Tax may be paid with a credit card payment online.

## **South Bethany**

### **§ 118-14. Rental tax.**

[Amended 3-14-2003 by Ord. No. 117-02]

**A.**

There is hereby imposed a rental tax not to exceed 8% of the gross rental receipts of each residential and commercial property. The Council shall establish the current rate each year concurrent with the adoption of the annual operating budget and shall become effective the following October 1.

**B.**

The rental tax shall be due and payable to the Town no later than October 31 of each year and shall cover the prior period of October 1 to September 30.

[Amended 8-5-2011 by Ord. No. 157-11]

**C.**

The payment of the rental tax shall be the responsibility of the property owner; provided, however, that any such owner may designate an agent to collect and pay the tax to the Town.

[Amended 8-5-2011 by Ord. No. 157-11<sup>(1)</sup>]

**[1]**

*Editor's Note: This ordinance also repealed former Subsection C, regarding the collection of rental tax for 2003, and redesignated former Subsection D as Subsection C*

## **Fenwick**

[Amended 9-29-1989; 7-29-1994; 3-22-2002; 12-13-2002]

There is hereby imposed a tax on gross rental receipts as follows:

**A.** In the Commercial Zone for the rental of rooms or suites in any motel/hotel, a three-percent tax shall become due and payable to the Town of Fenwick Island, Delaware, as set forth in this article.

[Amended 9-23-2005]

**B.**

In the Commercial Zone or Residential Zone for the rental of single-family dwelling units, and nonconforming dwellings that were in existence prior to the enactment of applicable zoning and building ordinances, a seven-and-five-tenths-percent tax shall become due and payable to the Town of Fenwick Island, Delaware, as set forth in this article.

**C.**

In the Commercial Zone for the rental, after January 1, 2003, of any real property, or portion thereof, other than described in Subsections **A** and **B** above, a three-percent tax shall become due and payable to the Town of Fenwick Island, Delaware, as set forth in this article.

## **Lewes**

**§ 172-17Gross receipts tax on rentals.**

[Amended 4-20-2009]

There is hereby imposed and assessed a gross receipts tax at the rate of 5% of the rent for occupancy of any private and public lodging facilities and housing accommodations, including rooms, rooming homes, boarding house, bed-and-breakfast inn, rooming house, tourist home, cottage, cabin, house and apartment (whether in condominium or not), other than those that are

subject to the State of Delaware's Lodging Tax under Title 30, Chapter 61. The payment of the tax shall be the responsibility of the person who is the owner of the property being rented; provided, however, that such person may designate an agent to collect and pay the tax to the City. Where said designated agent is a real estate broker or agent, the latter shall collect and pay the tax to the owner for the owner's payment to the City.

## **Ocean View**

### ***§ 93-15 Tax on rental properties.***

#### **A.**

There is hereby imposed and assessed a gross receipts tax at the rate of 3%, increasing to a rate of 4% on January 1, 2011, and increasing to a rate of 5% on January 1, 2012, of the rent for occupancy of any private and public lodging facilities and housing accommodations, including rooms, rooming homes, boardinghouses, bed-and-breakfast inns, cottages, cabins, houses, apartments (whether in condominiums or not), stores, garages, warehouses, or any commercial buildings or structures which rent or lease space or other facilities. The payment of the tax shall be the responsibility of the person who is the owner of the property being rented; provided, however, that such person may designate an agent to collect and pay the tax to the Town. Where said designated agent is a real estate broker or agent, the latter shall collect and pay the tax to the Town, unless authorized in writing by the owner of the property to collect the tax and remit said tax to the owner for the owner's payment to the Town.

[Amended 5-11-2010 by Ord. No. 265]

**Part V**  
**Public Accommodation Taxes**  
**Chapter 61**  
**LODGING TAX**  
**Subchapter I**  
**Lodging Tax Collection**

**§ 6101 Definitions.**

As used in this chapter:

(1) "Hotel" means any person engaged in the business of operating a place where the public may, for a consideration, obtain sleeping accommodations and meals and which has at least 6 permanent bedrooms for the use of guests, excluding, however, any charitable, educational or religious institution, summer camp for children, hospital or nursing home.

(2) "Motel" means any person engaged in the business of furnishing, for a consideration, transient guests with sleeping accommodations, bath and toilet facilities, linen service and a place to park an automobile.

(3) "Occupancy" means the use or possession or the right to the use or possession by any person other than a permanent resident of any room or rooms in a hotel, motel or tourist home for any purpose or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.

(4) "Occupant" means any person other than a permanent resident who for a consideration, uses, possesses or has a right to use or possess any room or rooms in a hotel, motel or tourist home under any lease, concession, permit, right of access, license or agreement.

(5) "Operator" means any person operating a hotel, motel or tourist home.

(6) "Permanent resident" means any occupant who has occupied or has the right to occupancy of any room or rooms in a hotel, motel or tourist home for at least 5 consecutive months.

(7) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash credits and property or services of any kind or nature and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever.

(8) "Tourist home" means any person who operates a place where tourists or transient guests, for a consideration, may obtain sleeping accommodations and which has at least 5 permanent bedrooms for the use of tourists or transient guests, but which does not have cooking facilities for the use of tourists or transient guests.

(30 Del. C. 1953, § 6101; 58 Del. Laws, c. 288; 63 Del. Laws, c. 68, § 1.)

**§ 6102 Levy of tax and disposition of proceeds.**

(a) There is imposed and assessed an excise tax at the rate of 8% of the rent upon every occupancy of a room or rooms in a hotel, motel or tourist home within this State.

(b) The proceeds of this tax shall be distributed as follows: 5% to the State General Fund, 1% to the Beach Preservation Program of the Department of Natural Resources and Environmental Control of the State, 1% annually shall be designated in the proportion in which collected, to the duly established convention and visitors bureau in each county and 1% to the Delaware Tourism Office.

(30 Del. C. 1953, § 6102; 58 Del. Laws, c. 288; 67 Del. Laws, c. 138, § 1; 72 Del. Laws, c. 395, § 76.)

**§ 6103 Collection of tax.**

The tax shall be collected by the operator from the occupant at the time of the payment of the rent for the occupancy.

(30 Del. C. 1953, § 6103; 58 Del. Laws, c. 288.)

**§ 6104 Payment of tax.**

The amount of the tax collected for each month shall be reported and paid over to the Department of Finance not later than the fifteenth day of the month following the month of collection on forms to be prescribed by the Department of Finance. Interest at the rate of 1 percent per month, or fraction thereof, shall be charged on payments made after the prescribed due date.

(30 Del. C. 1953, § 6104; 58 Del. Laws, c. 288.)

**§§ 6105 -6109. Failure to file or pay; assessments; notice of demand; judgments; refunds.**

Repealed by 68 Del. Laws, c. 187, § 21, effective Jan. 1, 1992.

**Subchapter II**  
**County Convention & Visitors Bureaus**

**§ 6121 Eligible organizations.**

Each county-based convention and visitors bureau, to be eligible to receive such moneys as enumerated in § 6102 of this title must be a registered Delaware nonprofit corporation, qualified under terms of the Internal Revenue Code of 1986, as amended, § 501(c)(6)