



## ORDINANCE NO. 855

### AN ORDINANCE TO AMEND CHAPTER 1, DEFINITIONS, AND CHAPTER 167, TAXATION, TO DEFINE "ACCOMMODATIONS INTERMEDIARY" AND REVISE THE PROCEDURES RELATING TO THE REMITTANCE OF THE ACCOMMODATIONS TAX

**WHEREAS**, in 2009, the Town Council voted to adopt Ordinance 661, enacting an accommodations tax on all short-term rentals; and

**WHEREAS**, this current legislation places the responsibility of remitting the tax solely on the property owner; and

**WHEREAS**, the use of third-party listing agents has become a prevalent method of marketing and managing rental properties for homeowners; and

**WHEREAS**, permitting homeowners to designate a third-party listing agent to collect and remit the accommodations tax on their behalf ensures accurate calculation and timely submission of the tax payment.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

**Section 1.** Amend §1-16 of the Code of Ordinances as depicted by strikeouts and substitutions depicted below:

#### **ACCOMMODATIONS INTERMEDIARY**

Any person engaged in the business of facilitating or arranging a residential rental to an occupant on a website or through other means. The term accommodations intermediary includes, but is not limited to, a real estate broker, real estate agent, listing agent, or property manager.

**Section 2.** Amend §167-16 of the Code of Ordinances as depicted by strikeouts and substitutions depicted below:

- A. ~~Payment of the accommodations tax shall be the responsibility of the provider of the accommodations. The Town shall promulgate an accommodations tax payment form that shall be used by the provider of the accommodations to calculate the amount of accommodations tax due.~~ 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 an accommodations intermediary, 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.

**Section 3.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 4.** This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

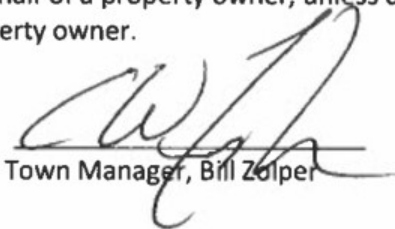
Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 25th day of April, 2025.

SYNOPSIS

This Act defines the term "accommodations intermediary," and requires these individuals or entities to collect and remit the accommodations tax to the Town on behalf of a property owner, unless directed otherwise in writing by the property owner.



Mayor, William Stevens



Town Manager, Bill Zolper