

## EXHIBIT A to Ordinance Bill No. 13-24

### Sec. 38.020. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Booking agent* means any person that provides a means through which a host or other operator may offer transient lodging for occupancy, usually, though not necessarily, via an online platform that allows a host or other operator to advertise transient lodging through a website and that provides a way for potential users to arrange transient lodging occupancy and payment, regardless of whether the transient pays rent directly to the host or to the booking agent. Booking agents include, but are not limited to:

- (1) Online booking sites which are involved in listing and booking transient lodging and handle any aspect of the resulting financial transaction;
- (2) Online booking sites for transient lodging where advertisements of transient lodging are displayed;
- (3) A hosting or other online site that provides a means through which an operator may offer transient lodging for occupancy;
- (4) Any person who lists commercial transient lodging for occupancy;
- (5) Any person who directly or indirectly accepts, receives or facilitates payment, whether or not the person is the ultimate recipient of the payment, including through Application Programming Interfaces (APIs) or other computerized devices where third-party providers receive information about a transaction and collect funds for the transient lodging occupancy from a transient; or
- (6) Any transient lodging provider, transient lodging intermediary, or transient lodging tax collector as defined in ORS 320.300.

*Destination Marketing Organization ("DMO")* means a non-profit organization, designated by the City, that is responsible for the promotion of Salem on a year-round basis; manages tourism-related economic development plans, programs, and projects targeting the visitor industry including leisure visitors, corporate travelers, conventions, groups, and sports, and represents the interests of tourism-related businesses.

*Occupancy* means the use or possession, or the right to the use or possession, for lodging or sleeping purposes of any room or rooms in transient lodging.

*Operator* means:

- (1) Any person that is a proprietor of transient lodging in any capacity; or
- (2) Any person that provides transient lodging for occupancy to the public for compensation. The provision of transient lodging can be done through employees, contractors, agents, or any other person allowed to process reservations and accept payment for the transient lodging on behalf of the transient lodging provider;
- (3) Any person who facilitates the reservation of transient lodging and collects payment for the transient lodging reservation;

- (4) A booking agent as defined by this chapter; or
- (5) A transient lodging intermediary as defined in ORS 320.300.

A "host" or "hosting platform" as defined by SRC chapter 37 is not an operator as defined by this section.

*Rent* means the full consideration paid or payable by a transient for the right to occupy transient lodging, valued in money, goods, labor, gift cards, credits, property, or other consideration of value, without any deduction.

*Transient* means any individual who exercises occupancy or is entitled to occupancy in transient lodging for a period of 30 consecutive calendar days or fewer, counting portions of calendar days as full days. The day a transient checks out of the transient lodging shall not be included in determining the period of occupancy if the transient is not charged rent for that day by the operator. Any such individual so occupying space in transient lodging shall be deemed to be a transient until a period of 30 days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy and the occupancy actually extends for more than 30 consecutive calendar days. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.

*Transient lodging or transient lodging facility* means any structure or premises, or any portion of a structure or premises, which is used, occupied, intended, or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes, but is not limited to, any hotel, motel, inn, studio hotel, boutique hotel, bed and breakfast, tourist home, vacation home, single family dwelling, duplex, condominium, cabin, accessory short-term rental, short-term rental, manufactured dwelling, lodging house, rooming house, apartment house, public or private dormitory, hostel, fraternity, sorority, public or private club, corporate housing, houseboat, space in a mobile home park, space in a trailer park, space in a campground, or similar premises or portions thereof so occupied, provided such occupancy is for a period of 30 days or less. Notwithstanding any other provision of this Chapter, an accessory short term rental or a short term rental, as those terms are defined in SRC 111.001, are not transient lodging as defined by this section and is not subject to the fee established herein.

### **Sec. 38.150. TPA periodic review.**

On or before [fifth anniversary of the effective date of this chapter], and every five years thereafter, the City Council shall conduct a public hearing to determine whether the TPA should be terminated. ~~Prior to the first such hearing in 2024 and each fifth year thereafter, the Finance Officer shall mail notice of the hearing to all licensed operators within the district.~~ The renewal, and hearing and notice procedures, shall conform to the requirements of SRC 38.040. In the event that the TPA is terminated, all remaining funds, less any City administrative costs, shall be disbursed to the DMO to be used for purposes consistent with this chapter.