

LAID-ON-THE-TABLE

Submitted by: Assembly Vice Chair Zaletel
Assembly Member Sulte
Assembly Member Volland
Prepared by: Assembly Counsel's Office
For reading: September 10, 2024

**ANCHORAGE, ALASKA
AO No. 2024-81(S)**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE SECTION 12.20.031 TO REQUIRE**
3 **REGISTERED HOSTING PLATFORMS THAT COLLECT AND REMIT ROOM**
4 **TAXES ON BEHALF OF OPERATORS OF SHORT-TERM RENTAL UNITS TO**
5 **COLLECT AND REPORT CERTAIN INFORMATION WITH THEIR ROOM TAX**
6 **RETURNS.**
7

8
9 **WHEREAS**, Short-Term Rentals (STR) is a relatively new rental housing market
10 that has grown exponentially in recent years through rental hosting platforms such
11 as AirBnB, VRBO, and others; and
12

13 **WHEREAS**, the Municipality of Anchorage is facing a housing shortage and is
14 working to increase housing supply in the Municipality through a variety of measures
15 and Short Term Rentals have shown to be a factor in the housing crisis in some
16 communities in the United States both for the positive and for the negative; and
17

18 **WHEREAS**, the Anchorage Assembly passed and approved AO 2023-110(S-1), As
19 Amended, on March 19, 2024, by a vote of 7-5, intended to regulate STR's within
20 the Municipality by requiring a license and insurance coverage, to ensure
21 compliance with applicable provisions of Municipal Code for land use, fire, health
22 and other regulations, but it was vetoed by the Mayor and no vote to override was
23 taken; and
24

25 **WHEREAS**, there is a need to understand the STR market and its impact on the
26 local housing market and inventory, and on the neighborhoods in which they operate
27 by first gathering data from STR platform hosts; and
28

29 **WHEREAS**, Anchorage Municipal Code section 12.20.031 requires a hosting
30 platform for STRs to register with the Finance Department to collect the
31 Municipality's room tax and remit to the Department on behalf of all operators for
32 which it provides that service, reporting it in an aggregate amount only; and
33

34 **WHEREAS**, in the past the registered hosting platforms have taken a position that
35 identification of each individual operator using its service and their individual room
36 rental and collection information is considered proprietary information by platform
37 hosts and is not provided to the level required to understand the market and whether
38 a problem exist; and
39

1 **WHEREAS**, records in the possession of the Municipality which are exempt from
 2 disclosure include “[p]roprietary information which a ... provider reasonably requires
 3 to be kept privileged or confidential to protect the property interests of persons
 4 providing the information or data” under AMC section 3.90.040G.; and
 5

6 **WHEREAS**, it is the intent of this ordinance to require quantitative data informative
 7 of the number of individual STRs served by a hosting platform and other relevant
 8 information while protecting proprietary and confidential information; now, therefore,
 9

10 **THE ANCHORAGE ASSEMBLY ORDAINS:**

11
 12 **Section 1.** Anchorage Municipal Code section 12.20.031 is hereby amended to
 13 read as follows (*the remainder of the section is not affected and therefore not set*
 14 *out, unaffected subsections are included for context*):
 15

16 **12.20.031 Registered hosting platforms.**

- 17
 18 A. *Registration, collection, and remittance required.* Every hosting
 19 platform that agrees to accept room rental payment from a guest
 20 pursuant to section 12.20.020, subject to exemption rules specified in
 21 section 12.20.031A.1., shall obtain a certificate of registration prior to
 22 offering services to operators subject to this chapter, and shall collect
 23 room tax and remit the tax to the department on behalf of all operators
 24 for which it provides this service.
 25 *** *** ***
- 26 B. *Application.* Application for a certificate of registration shall be made
 27 to the chief fiscal officer on a form provided by the department
 28 containing such information as the department may require. There
 29 shall be no charge for issuing a certificate of registration.
 30
- 31 C. *Responsibilities.* An operator who uses a registered hosting platform
 32 as the sole method for renting or offering for rent a room shall not be
 33 subject to this chapter to the extent the registered hosting platform
 34 performs the responsibilities of an operator, with the exception of
 35 section 12.20.070, maintenance and inspection of records.
 36 *** *** ***
- 37 G. A registered hosting platform shall submit tax returns and remit tax
 38 payments in accordance with sections 12.20.050 and 12.20.053,
 39 except that the tax return shall set forth or include the **aggregate**
 40 **[number of operators and rooms rented and]** [AGGREGATE]
 41 amounts of all rents earned by and taxes due from the operators who
 42 use the hosting platform to rent or offer to rent rooms through the
 43 hosting platform ~~**[, aggregated by zipcode. The department may**~~
 44 ~~**determine a different regional area designation than zipcode for**~~
 45 ~~**the hosting platform’s return]**~~. To the extent a hosting platform

collects taxes on behalf of an operator, the operator's liability for those taxes shall be deemed satisfied.

- 1. **In addition to the foregoing tax return information, a registered hosting platform shall submit contemporaneously with the tax return a list of all rooms rented from operators who used the hosting platform to rent or offered to rent those rooms and for which the hosting platform collected taxes. Notwithstanding section 12.20.060, the statistical information derived from these supplemental room information reports is public. The supplemental room information submittal shall include:**
 - a. **the number of operators the taxes are submitted on behalf of.**
 - b. **for each room rented during the reporting period: the location information that is displayed on the public listing on the hosting platform, whether it is a room or an entire dwelling unit, and if an entire dwelling unit whether it is a single-family home, duplex, triplex, accessory dwelling unit, or multifamily construction.**
 - i. **The location information may be reported in an aggregated method by a geographic area delineation as determined by the chief fiscal officer.**

H. A registered hosting platform shall obtain and preserve evidence sufficient to support all room rental transactions subject to this chapter and all claimed exemptions from payment, collection, or remittance of the room taxes under this chapter in accordance with section 12.20.070. To the extent a hosting platform may assign anonymous account numbers to operators using the hosting platform, when inspecting records the department shall inspect the required records in an anonymized fashion, unless the department has obtained a release of information from the operator or an order to produce identifiable operator information issued through a binding legal process.

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(AO No. 2016-66, § 2, 6-21-16 ; AO No. 2019-99(S) , § 1, 8-20-19)

Section 2. This ordinance shall be effective January 1, 2025.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2024.

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ATTEST:

Chair

Municipal Clerk