



SALES AND USE TAX FOR LODGING RENTALS

This publication deals only with the state and municipal sales and use tax requirements associated with the rental of private houses, condominiums, or apartments and the rental of sleeping rooms at bed and breakfast inns, tourist homes, rooming houses, or other types of lodging. It does not apply to county or municipal hotel occupancy taxes, which are administered locally. This publication provides general information. It is not a substitute for tax laws or regulations. Please see [TSD-435 "Short-Term Leases and Rentals of Real Property"](#) for additional tax information for this business activity.

LEASING AND RENTING REAL ESTATE FOR LODGING

- Persons who lease or rent out real estate or provide lodging to others are engaging in business in this State and must register with the State Tax Department and obtain a business registration certificate.
 - Registration is accomplished by completing the "Application for Registration Certificate" ([Form WV/BUS-APP](#)).
 - Anyone engaged in these activities, whether as an individual, partnership, corporation or other business entity, must register. Failure to register may subject the owner of the business to fines or criminal penalties.
- Persons engaged in renting out rooms in hotels, motels, tourist homes, rooming houses and other facilities including personal residences must collect state sales tax and municipal sales tax when applicable based on the rental fee. The amount subject to sales tax does not include local hotel or motel occupancy tax.
- The following businesses must collect sales tax from their customers when they provide lodging or sell tangible personal property, or furnish services or amusements:
 - Bed and Breakfast Inns
 - Boarding Houses
 - Cabin Rentals
 - Camp Grounds
 - Condominium Rentals
 - Hostels
 - Hotels
 - Inns
 - Lodges
 - Motels
 - Private Clubs
 - Resorts
 - Sleeping Rooms (both public & private)
 - State Parks
 - Tourist Homes
 - YMCA-YWCA

This list is not exhaustive. Any person who provides lodging for a fee must collect the tax.

- Motels, hotels and rooming houses that rent rooms or apartments as a permanent place of abode do not collect the state and municipal sales taxes on such rentals. Local hotel or motel occupancy tax may still apply. The term "permanent place of abode," as used in this context, means occupancy of the premises by the same individual for more than 30 consecutive days.
- Rentals of real property such as houses, apartments, offices or other buildings on a month-to-month basis, or for a longer period, are not subject to sales tax. If a daily or weekly rental extends to more than 30 days, the entire rental period is not subject to sales tax. In such cases, if the renter or lessee has been charged the sales tax because the charges were paid on a day-to-day or week-to-week basis, he or she may apply to the Tax Department for a refund.
- College dormitories or fraternity and sorority houses must charge the sales tax if they provide lodging to the public, but no tax is due on charges for room and board to students enrolled at the college or university.
- The total amount of tax collected must be remitted to the Tax Department. When the rental unit is located in a municipality that imposes a municipal sales and use tax, that tax must also be collected and remitted to the Tax Department along with the state sales tax. Failure to collect the tax results in the vendor being liable for tax due.

**PURCHASES BY
PERSONS WHO
PROVIDE LODGING**

- Persons engaged in the business of renting rooms and collecting tax thereon must pay the state and municipal sales and use taxes on their purchases of tangible personal property and services for use in the conduct of their business, except for the following purchases:
 - Complimentary items such as shampoo, coffee and newspapers to be given to guests by hotels, motels, tourist homes and rooming houses; and
 - Items to be resold to customers of such businesses.

Example:

Bob and Mary Jones own a condominium near a West Virginia ski resort. During the tourist season, they regularly rent the condominium by the day, weekend or week to skiers. Although the Jones's may not consider themselves to be engaged in business, they must register with the Tax Department and obtain a business registration certificate, unless they meet the criteria for exemption. They must also collect sales tax on charges for lodging or sales of other taxable services or tangible personal property.

Bob and Mary Jones must pay sales or use tax on all of their purchases of tangible personal property or taxable services for use or consumption in the conduct of this business. This includes, but is not limited to, paying sales or use tax on real estate management fees, furniture purchased to furnish rooms, linens, cleaning services and repair and maintenance services purchased to maintain the real property. However, purchases of complimentary items such as shampoos, bath soaps, coffee and newspapers which are given to guests are not subject to the consumer sales or use tax.

**ASSISTANCE AND
ADDITIONAL
INFORMATION**

- For assistance or additional information, you may call a Taxpayer Service Representative at:

**1-800-WVA-TAXS
(1-800-982-8297)**

Or visit our website at:

www.tax.wv.gov

File and pay taxes online at:

<https://mytaxes.wvtax.gov>
