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STATE OF TEXAS
HOUSE OF REPRESENTATIVES
DISTRICT 103

RAFAEL ANCHIA

MEMBER

July 31, 2020

RQ-0368-KP

FILE# ML-48847-20

I.D.# 48847

The Honorable Ken Paxton
Texas Attorney General
Attention Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548
Email: opinion.committee@oag.texas.gov

RE: REQUEST FOR OPINION

Attorney General Paxton:

Pursuant to 402.042(b)(7) of the Texas Government Code, I am writing to request an opinion to determine if the use set out in the attached contractual provision meets the use requirements for hotel occupancy tax funds outlined in Tex. Tax Code. §351.101. et. seq.

The provision in the performance agreement (the "Agreement") calls for the payment of hotel occupancy tax revenue by the City of Mercedes to an apartment complex developer (Raybec Operating Corp., an Illinois corporation) upon completion of a public space/clubhouse. See page 4 of 11.

The Agreement and supporting documents describe the space located within the apartment complex as a "public space." The developer has indicated that the public space is to be used to display art exhibits and gatherings. A copy of the MOU and the developer's sketches are attached for context.

If there are any questions related to this request, please do not hesitate to contact my Chief of Staff, Abel Mulugheta, at 214-868-5440 or via email at abel.mulugheta@house.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rafael Anchía".

Rafael Anchía