



Massachusetts Department of Public Health

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PUBLIC
HEALTH

Community Sanitation Program

Short-Term Rentals and General Housing Questions

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Current Issues in Environmental Health
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Short-Term Rentals

AN ACT REGULATING AND INSURING SHORT-TERM RENTALS

(Chapter 337 of the Acts of 2018)

- Chapter 64G, Section 1 Defines
 - **Short-term rental:** an owner-occupied, tenant-occupied, or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.
 - **Professionally-managed unit:** is 1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family or three-family dwelling that includes the operator's primary residence.

Short-Term Rentals

Definitions, cont'd.

- **Hosting Platform:** a service through a digital platform, third-party website, software, online-enabled application, mobile phone application or some other, similar electronic process that allows:
 - Advertising
 - Collect rent
 - Reserve accommodations
- **Bed and breakfast establishment:** a private owner-occupied house where not less than 4 rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance.
- **Bed and breakfast home:** a private owner-occupied house where not more than 3 rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance.
- **Intermediary:** a person or entity, other than an operator, that facilitates
 - The sale
 - Use or possession of an occupancy
 - Charges a room charge to the general public

Short-Term Rentals

Exemptions:

- Federal, state or municipal institution
- Religious, charitable, educational and philanthropic institutional dormitories
- Convalescent homes
- Religious or charitable homes for the aged, infirm, indigent or chronically ill
- Summer camps for children up to 18 years of age
- Short-Term Rental <14 days/year but must register
- Lodging accommodations provided to seasonal employees by employers
- Alcohol and drug free housing that is certified pursuant to section 18A of chapter 17
- Tenancies at will or month-to-month leases
- Time-shares

Short-Term Rentals

- **Operator**

- Required to register under M.G.L. 62C, s. 67

*A person shall not operate a bed and breakfast establishment, hotel, lodging house, **short-term rental** or motel unless a certificate of registration has been issued to the person in accordance with section 67 of chapter 62C.*

- **Intermediary acting on behalf of the operator**

- Agreement with the operator to collect rent or facilitate the collection or payment of rent on behalf of the operator
 - Must obtain a certificate of registration from the commissioner (section 67 of chapter 62C)
 - Collect fees
 - Notify operator they must comply with all laws/regulations

Short-Term Rentals

- **DHCD**

- Regulations for registration, 400 CMR 4.00: Public Registry of Lodging Operators
- Establishing registration fee
- Creating searchable database, <https://www.mass.gov/info-details/public-registry-of-lodging-operators>

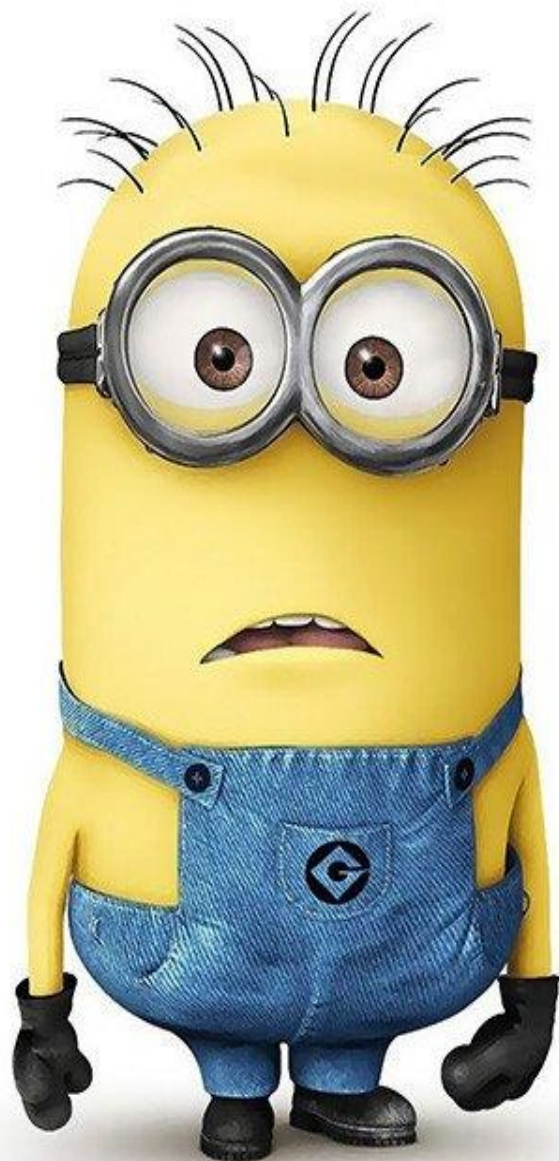
- **Board of Health**

- Entitled to room tax
- May require registration/permit in addition to DHCD
- May be entitled to Community Impact tax, up to additional 3%
- Require inspections
 - Determine frequency
 - May charge inspection fee
 - Conduct Chapter II inspection

Short-Term Rentals

- **DPH**

- Asked if the Licensing of Online Home Rental Services memo, 2014, remained valid
 - Chapter 337 of the Acts of 2018 does not supersede local licensing authority under MGL c. 140, s. 23, and while it revises the definition of “lodging house”, it does not substantially change it
 - Cities and towns may choose to:
 - Continue to regulate hotels, motels, lodging houses, and B and B’s as they have before and require licenses or permits under c. 140 or,
 - Discontinue local licensing and defer to the state registration under c. 62C, s. 67
 - Memo is now outdated and should minimally reference the requirements of the new law



What in the World Could this Be?

