

400 CMR 4.00: PUBLIC REGISTRY OF LODGING OPERATORS

Section

4.01: Purpose

4.02: Definitions

4.03: Registry Creation and Content

4.04: Use of Registry Data; Confidentiality

4.01: Purpose

The purpose of 400 CMR 4.00 is to set forth the process by which the EOHEd, in consultation with DOR and EOTSS, shall establish and maintain a Registry pursuant to M.G.L. c. 23A, § 68. The primary purpose of the Registry is to provide for public transparency regarding the number and approximate location of Short-term rentals in each municipality. In developing 400 CMR 4.00, EOHEd was required to consider, and did consider:

- (a) existing practices of peer states;
- (b) data security practices, protocols and standards;
- (c) technological feasibility of existing digital systems, including the feasibility of developing and maintaining a searchable online directory;
- (d) information required to be collected and maintained for Operators in the Registry, which shall, at a minimum, include a list of accommodations offered for rent by Operators who are registered in accordance with M.G.L. c. 62C, § 67, provided, however, that the location information for any accommodation offered for rent shall be limited to the name of the street and the city or town where the accommodation is located;
- (e) any forms or records necessary to implement this section and meet such requirements under 400 CMR 4.00 and M.G.L. c. 64G;
- (f) practices utilized to disclose or report information to cities and towns by request;
- (g) impacts on the traditional lodging industry, short-term rental industry and hosting platforms;
- (h) the fiscal impact to the commonwealth; and
- (i) any relevant federal or state laws and regulations.

4.02: Definitions

As used in 400 CMR 4.00, capitalized words not defined in 400 CMR 4.02 shall have the meanings ascribed to them in M.G.L. c. 64G, § 1 and the following additional words shall, unless the context clearly requires otherwise, have the following meanings:

DOR. The Department of Revenue.

DULA. A Data Use Licensing Agreement between DOR and EOHEd permitting the sharing of data necessary to create and maintain the Registry.

EOHEd. The Executive Office of Housing and Economic Development.

EOTSS. The Executive Office of Technology Services and Security.

Registered Site. A bed and breakfast establishment, hotel, lodging house, short-term rental or motel in the Commonwealth.

Registry. A publicly accessible database of Operators that have been issued a certificate of registration by DOR in accordance with M.G.L. c. 62C, § 67.

Traditional Lodging Unit. A bed and breakfast establishment, hotel, lodging house, or motel in the Commonwealth.

4.03: Registry Creation and Content

(1) EOHEd shall engage the expertise of EOTSS to establish the Registry and to ensure the secure transmission of data from DOR to EOHEd. The Registry shall reflect data provided to EOHEd by DOR in accordance with the DULA. To the extent practicable, EOHEd will request from DOR only those data intended to be included in the Registry. If DOR transfers to EOHEd any data that are not intended to be included in the Registry, EOHEd shall use diligent efforts to keep such data secure and private.

(2) The Registry shall list the street and municipality of each Registered Site; whether the Registered Site is classified as a Short-term rental or a Traditional Lodging Unit; and the certificate number issued by DOR for each Registered Site. EOHEd may, in its discretion, format the Registry to provide separate listings of Short-term rentals and Traditional Lodging Units. The Registry shall be searchable by street name and municipality or certificate number.

(3) To the extent feasible, EOHEd shall maintain and update the Registry data continuously, with such updates occurring not more than 24 hours after DOR updates source databases.

4.04: Use of Registry Data; Confidentiality

EOHEd shall not disclose, and the Registry shall not include, personally identifiable information of any Operator but may include the certificate number issued by DOR for each Registered Site.

REGULATORY AUTHORITY

400 CMR 4.00: M.G.L. c. 23A, § 68.