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**GUIDANCE: PROHIBITED ACTIONS BY LONG-TERM STAY HOTELS, MOTELS
OR OTHER LODGING DURING THE COVID-19 EMERGENCY**

The Office of the Attorney General (AGO) issues the following guidance concerning long-term stay hotels, motels or other similar lodging housing persons during the COVID-19 State of Emergency (the “COVID-19 State of Emergency”). This guidance relates to the AGO’s enforcement of the Massachusetts Consumer Protection Act, M.G.L. c. 93A, § 2.

BACKGROUND:

Hotels, motels and other lodging establishments have an essential housing role during the COVID-19 public health crisis. On April 28, 2020, the Department of Public Health updated its *Guidance Implementing the Order by the Governor Extending the Closing of Certain Workplaces and the Prohibition on Gatherings of More than 10 People* (hereinafter the “DPH Hotel Guidance”). The DPH Guidance implements the terms of COVID-19 Order No. 13, updated and further extended on April 28, 2020, as to hotels, motels, and other lodgings.

Pursuant to the DPH Hotel Guidance, hotels, motels and other lodging establishments may remain open for the sole purpose of providing overnight lodging determined to be essential during the COVID-19 State of Emergency. All leisure, vacation and other non-essential lodging has ceased for the duration of COVID-19 Order No. 13. During Phase 1 of the Commonwealth’s reopening plan, these restrictions remain in place.

As such, hotels, motels and other lodging establishments that remain open are operating in a specially designated function, the purpose of which is to support the public health efforts underway across the Commonwealth to stop the spread of COVID-19, and reduce the surge and impact on our state’s medical capacity.

The DPH Hotel Guidance applies to all hotels, motels, bed and breakfasts, short term rentals rented for 31 days or fewer, lodging houses and professionally-managed units rented for 31 days or fewer, inns, resorts, and time shares, as defined by M.G.L. c. 64G, § 1; M.G.L. c. 140, § 12A, or M.G.L. 183B, § 2, (hereinafter, together “Lodging Establishments”). The DPH Hotel Guidance restricts Lodging Establishments to providing accommodations for limited purposes as defined by Section 1 of the DPH Hotel Guidance, including for the purpose of housing for vulnerable populations and preventing homelessness, to house health care workers, first responders and other workers constituting COVID-19 essential workforce and for other specific purposes defined by the DPH Hotel Guidance.

GUIDANCE:

Due to the essential role hotels, motels and other Lodging Establishments will play in protecting the public during the COVID-19 State of Emergency, the Attorney General provides the following guidance concerning these essential lodging operations.

It is the opinion of the Attorney General that during the COVID-19 State of Emergency it is an unfair or deceptive act or practice for any Lodging Establishment, to eject, evict or otherwise remove a guest using the accommodation for a purpose specified in Section 1 of the DPH Hotel Guidance for non-payment of the costs of the stay, unless otherwise permitted by court order.

It is further the opinion of the Attorney General that during the COVID-19 State of Emergency it is an unfair or deceptive act or practice for any Lodging Establishment to eject, evict or otherwise remove a guest using the accommodation for a purpose specified in Section 1 of the DPH Hotel Guidance for any other reason unless such reason involves: (a) criminal activity that may impact the health or safety of other residents, health care workers, emergency personnel, persons lawfully on the subject property or the general public; or (b) violations of the rules of the hotel, motel or lodging establishment that may impact the health or safety of other residents, health care workers, emergency personnel, persons lawfully on the subject property or the general public, unless otherwise permitted by court order.

In the event that any Lodging Establishment has a guest who is unable to pay for the accommodations, the Lodging Establishment may: (i) Provide the guest information related to emergency housing assistance funds available in the area; and (ii) Arrange a repayment plan or suspended fees in anticipation of an unemployment benefit or other additional source of funds.

This guidance may be updated if further expansion of Lodging Establishment functions is permitted in future phases of the Commonwealth's reopening plan.

This guidance should not be interpreted to relieve guests of their obligations to pay for their accommodations. This guidance is not intended to create a tenancy where a tenancy does not otherwise exist.

Prior to any ejection, eviction or other removal of a guest, the owner or operator of a Lodging Establishment is encouraged contact the Attorney General's Office at (617) 727-8400.