

# SENATE . . . . . No. 1648

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## The Commonwealth of Massachusetts

PRESENTED BY:

*Ryan C. Fattman*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to vacation and short-term rentals.

PETITION OF:

| NAME:                   | DISTRICT/ADDRESS:            |                 |
|-------------------------|------------------------------|-----------------|
| <i>Ryan C. Fattman</i>  | <i>Worcester and Norfolk</i> |                 |
| <i>Michael J. Soter</i> | <i>8th Worcester</i>         | <i>2/1/2019</i> |

# SENATE . . . . . No. 1648

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By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1648) of Ryan C. Fattman and Michael J. Soter for legislation relative to vacation and short-term rentals. Revenue.

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act relative to vacation and short-term rentals.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Subsection (b) of section 21 of chapter 62C of the General Laws, as  
2     inserted by section 5 of chapter 337 of the acts of 2018, is hereby amended by striking out  
3     paragraph (29).

4           SECTION 2. Section 1 of chapter 64G of the General Laws is hereby amended by  
5     striking out the definition of the word “Hosting platform”, as inserted by section 6 of chapter 337  
6     of the acts of 2018, and inserting in place thereof the following:-

7           “Hosting platform”, a service that allows: (i) an operator to advertise, list or offer the use  
8     of an accommodation subject to the excise under this chapter in exchange for rent; (ii) an  
9     operator to charge the payment of rent on an accommodation; and (iii) a person to arrange, book,  
10    reserve or rent an accommodation.

SECTION 3. Said section 1 of said chapter 64G is hereby further amended by striking out the definition of the word “Intermediary”, as so appearing, and inserting in place thereof the following:-

“Intermediary”, a person or entity, other than an operator, that facilitates the sale, use or possession of an occupancy to the general public; provided, however, that the term “facilities” shall include a person or entity that brokers, coordinates or in any other way arranges for the purchase, sale, use or possession of occupancies by the general public; provided further, that the term intermediary shall include a hosting platform and operator’s agent.

SECTION 4. Section 3D of said chapter 64G, as inserted by section 6 of chapter 337 of the acts of 2018, is hereby repealed.

SECTION 5. Said chapter 64G is hereby amended by striking out section 6, as so appearing, and inserting in place thereof the following:-

Section 6. 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, except as otherwise provided in section 13(a) of chapter 64G.

SECTION 6. Section 7B of said chapter 64G is hereby amended by striking out the second paragraph, as amended by section 7 of chapter 337 of the acts of 2018, and inserting in place thereof the following:-

An operator who misrepresents to an intermediary that the transfer of occupancy of the operator’s property is exempt from the excise imposed by sections 3, 3A, and 3C shall be liable

for any unpaid excise under said sections 3, 3A and 3C and shall be deemed to have committed an unfair trade practice under chapter 93A in making such a misrepresentation to the intermediary.

SECTION 7. Section 13 of said chapter 64G is hereby amended by striking out subsection (a), as inserted by section 8 of chapter 337 of the acts of 2018, inserting in place thereof the following:-

(a) An intermediary shall: (i) apply for an obtain a certificate of registration from the commissioner in accordance with section 67 of chapter 62C; (ii) assess, collect, report and remit the excise to the commissioner as described for operators in sections 3, 3A, 3B, 3C, 5, 7A, 7B and 12; and (iii) notify the operator that the operator must comply with all applicable municipal, state and federal laws. The certificate of registration obtained by an intermediary from the commissioner pursuant to this subsection shall be in lieu of any requirement imposed by section 6 of chapter 64G on a person or for an operator.

SECTION 8. Subsection (b) of section 4F of chapter 175 of the General Laws, as inserted by section 9 of chapter 337 of the acts of 2018, is hereby amended by striking out the last sentence.

SECTION 9. Subsection (f) of said section 4F of said chapter 175, as so appearing, is hereby repealed.

SECTION 10. Chapter 337 of the acts of 2018 is hereby amended by striking out section 14 and inserting in place thereof the following:-

52           Section 14. Sections 3, 3A, and 3C of chapter 64G of the General Laws shall take effect  
53   for transfers of occupancies of short-term rentals for which contracts with occupants were  
54   entered into on or after July 1, 2019.