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GUIDANCE IMPLEMENTING THE ORDER BY THE GOVERNOR EXTENDING THE CLOSING OF CERTAIN WORKPLACES AND THE PROHIBITION ON GATHERINGS OF MORE THAN 10 PEOPLE

ISSUED MARCH 31, 2020

This guidance implements the terms of COVID-19 Order No. 13, updated as of March 31, 2020, COVID-19 Order No. 21, as the Order applies to hotels, motels, inns, bed and breakfasts, and short-term residential rentals including those arranged through on-line hosting platforms such as Airbnb or VRBO (collectively, as defined below, "lodgings").

1. Limited Purposes and Uses for which Lodging is an Essential Service

The provision of lodging shall be defined as a COVID-19 Essential Service for purposes of COVID-19 Order No. 13 only when offered and employed for the following uses:

a. Housing and accommodation for health care workers, first responders, and other workers constituting the COVID-19 Essential Workforce as specified in Exhibit A of COVID-19 Order No. 13 (as amended)
b. To the extent not already included in (a), housing and accommodation for out-of-state workers engaged in transportation of materials, logistics, and construction associated with the delivery of health-related services, such as the development of COVID-19 alternative care sites
c. Housing and accommodation for members of vulnerable populations, for instance when serving as emergency shelter for homeless individuals and families
d. Housing and accommodation for Massachusetts residents (i) who are isolating or self-quarantining; and (ii) families or roommates of individuals who are isolating or self-quarantining; but (iii) in each case, for no longer than the period required to complete the necessary period of self-isolation or self-quarantining
e. Housing and accommodation for individuals receiving long-term, specialized medical care from a physician located in the Commonwealth, and for accompanying family members
f. Housing, accommodation, and shelter when required by extenuating circumstances such as fire or casualty to ensure the care and safety of Massachusetts residents and to accommodate other persons unable to return to their own homes due to flight cancellations, border closures, or other direct and material constraints on travel.

Workers engaged in providing or servicing or maintaining lodging for any of the purposes above shall be included within the COVID-19 Essential Workforce in order to support the continuing operation of lodging facilities for those purposes.

2. Other Purposes and Uses for Lodging Are Not Essential

Lodging offered, operated, or employed for purposes other than those listed in section 1 above does not constitute a COVID-19 Essential Service. Accordingly, the provision and occupancy of lodging for leisure, vacation, and other purposes may not continue. Operators of lodging may, however, continue to provide other, lodging-related services through remote means that do not require workers, customers, or the public to enter or appear at any brick-and-mortar lodging premises.

3. Existing and Future Booked Lodging Guests

Persons occupying lodging as of March 31, 2020 may remain in their current lodgings through the end of their originally scheduled stay but may not extend their originally scheduled stay except for one of the purposes listed in section 1 above.

During the effective period of COVID-19 Order No. 13

(a) persons with future reservations or bookings or agreements to occupy lodgings may not exercise those agreements and may not occupy those lodgings; and
(b) operators of lodgings may not provide lodging to persons with future reservations or bookings or agreements to occupy lodgings

unless in each case the lodgings are provided and occupied for one of the purposes listed in section 1 above.

4. Lodging Definition

For the purposes of this Order, "lodging" shall mean the provision of overnight accommodations by commercial transaction in any of the following categories, each as defined or identified where specified below in the Massachusetts General Laws:

Section 1 of Chapter 64G

a. Bed and breakfast establishments
b. Bed and breakfast homes
c. Hotels
d. Motels
e. Lodging houses rented for a period of 31 days or fewer
f. Professionally-managed units rented for a period of 31 days or fewer
g. Short-term rentals (including Airbnb, VRBO and similar rental properties) rented for a period of 31 days or fewer

Section 12A of Chapter 140

h. Resorts
i. Inns

Section 2 of Chapter 183B

j. Time-shares

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March 31, 2020