

City of Boston Lobbying Registration and Reporting Overview and Requirements

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On April 16, 2019, the City of Boston's new [Lobbyist Registration and Regulation Ordinance](#) went into effect. The Ordinance, which is largely modeled after the Massachusetts State Lobbying Law (G.L. c. 3, §§39-50), was enacted to promote transparency in government by requiring registration and disclosure of lobbying activities. [Online registration](#) opened on the same day.

Covered and Exempted Practices

Under the Ordinance, lobbying *includes* any attempt to influence:

- Legislative action by the City Council including the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval or veto or other action or non-action on any ordinance, resolution, motion, order appointment, application, or other matter.
- Administrative action by the Mayor to support, oppose, approve, disapprove any local legislation or resolution.
- Any decision or administrative action by a city employee with respect to procurement, including the preparation of contract specifications, or the solicitation, award, or administration of a contract.
- Any decision with respect to the approval, denial, or postponement of a decision concerning the development of real property or zoning, including zoning approval.
- Any legislative or administrative action concerning the adoption, defeat or postponement of a standard, rate, rule or regulation, promulgated pursuant to any local or special law; the adoption or rejection of a policy position.

A range of actions are also *excluded* from lobbying, including:

- A request for a meeting or a request for the status of an action.
- Participation in an advisory committee or task force.
- Written responses in response to a written request for specific information by a city employee.
- An act required by subpoena, civil investigative demand, or otherwise compelled by law.
- Communications made with regard to the status of a judicial proceeding, criminal or law enforcement inquiry, investigation or proceeding.
- An act made in compliance with written board or agency procedures regarding an adjudicatory proceeding or evidentiary proceedings conducted by any department, board, commission or employee.

- Attorneys, consultants, or advocates representing a client solely in an appearance at a publicly noticed meeting of a city board or commission.
- A petition for action by the city made in writing and required to be a matter of public record pursuant to established procedures.
- Any act done in furtherance or obtaining a non-discretionary city approval, such as applying for a permit or license.
- A response to a request for proposals or similar public invitation, provided, however, that any communication with a city employee seeking to encourage the city to procure a particular item or service, or to consider a particular vendor is not subject to the exception.
- Participation in a bid conference.
- An appeal or request for review of a procurement decision.
- Persons who participate as witnesses, attorneys, or other representatives in public rule making or rate making proceedings.

Registration Requirements

- Lobbyists must register within 10 days of being retained, employed, or designated by any client or lobbying entity (with or without compensation) to engage in lobbying activity.
- A lobbyist is every person retained, employed, or with or without compensation to engage in lobbying activity.
- A lobbyist does not include any uncompensated volunteer of a not-for-profit entity who seeks to influence legislative or administrative action solely on behalf of that entity, thus permitting grassroots lobbying by non-profit organizations.
- There is no *de minimis* exception like in the state requirements.
- A client or lobbying entity must register within 10 days of qualifying as such.
- Annual renewal by December 15 each year.
- Annual registration fee of \$300 for every lobbying entity and \$150 for every client and lobbyist.

Reporting Requirements

- The reporting requirements are very similar to state law, but required on a quarterly instead of a semi-annual basis.
- Quarterly reports (due January 20, April 20, July 20 and October 20) must list all actions on which the lobbyist worked including the lobbyist's position on the matter, compensation, expenditures, and campaign contributions.
- Failure to report results in a \$50 a day fine for the first twenty days, and then a \$100 dollar a day fine for every day after the twentieth day.

Implementation

- The Ordinance became effective April 16, 2019. Online lobbying registration can be found [here](#).
- The Office of the City Clerk is responsible for implementation and administration of the of the Ordinance.
- The Ordinance also establishes a Municipal Lobbying Compliance Commission, which is authorized to promulgate regulations with respect to the ordinance. Commission members are appointed by the Mayor after a public hearing by the City Council.
- The Commission is also charged with enforcing compliance with the Ordinance.

Key Differences from State Lobbying Law

The Ordinance differs from the state law in several key respects:

- First, the Ordinance does not include a *de minimis* exception to the lobbyist reporting requirements. Under the state law, there is minimum of either “hours worked” or “compensation received” that a lobbyist must meet in the reporting period in order to incur reporting obligations. *No such exception exists in the Ordinance.*
- Second, the Ordinance *does not* exempt uncompensated lobbying from the reporting requirements. However, it does exclude uncompensated volunteers of a not-for-profit entity, effectively permitting grassroots lobbying by non-profit organizations.
- Third, the Ordinance requires *quarterly* reporting, compared to semi-annual reporting required under the state law.
- Fourth, the Ordinance includes in the definition of lobbying an attorney representing a client in a contract negotiation with the city over a procurement.

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