



Boston Lobbyist Registration and Regulation Ordinance

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In 2018, the Boston City Council enacted An Ordinance Amending Chapter 2 of the City of Boston Code, regarding Lobbyist Registration and Regulation, Ordinances, Chapter 2-15, (the "Lobbying Ordinance"). Under the Lobbying Ordinance, any individual or entity that lobbies the City of Boston, including its quasi-public and affiliated but separate bodies, and their employees, must register to lobby with the Office of the City Clerk on an annual basis. Clients that have engaged lobbyists to lobby the City must also register. Any individual or entity that lobbies the City and is not registered is in violation of the Lobbying Ordinance. Such violations may result in fines and/or suspension or revocation of registration.

While the administration and enforcement of the Lobbying Ordinance is carried out by the Office of the City Clerk, it is not possible for the Clerk's Office to monitor every instance of lobbying, registered and unregistered. It is incumbent on all city employees to be aware that non-City employees interfacing with City employees, who may be engaging in lobbying activity, are required to be registered as lobbyists. It is only through our collective knowledge of the Lobbying Ordinance and joint efforts to ensure compliance that the City can realize the purpose of the Ordinance: to promote transparency and accountability in local government.

The Lobbying Ordinance created the five-member Municipal Lobbying Compliance Commission. In January 2021, the Commission finalized regulations that interpret and implement the Lobbying Ordinance. A complete copy of the Commission's regulations and City Ordinance (Chapter 2-15.1) can be found here: www.boston.gov/departments/city-clerk/lobbying-city-boston (scroll down to "Related Documents").

This Memorandum is intended to give you an overview of the Lobbying Ordinance and provide you with the tools to check the lobbyist registration status and report suspected violations of the Ordinance.

What are lobbying activities?

The Lobbying Ordinance and its regulations broadly describe lobbying activities to include any attempt to influence by direct communication with the Mayor, City Council, or any City Employee:

- 1. Legislative action of the City Council or any of its members with respect to the introduction, passage, defeat, or substance of any legislation or resolution of the City Council or the Mayor;*
- 2. Administrative action of the Mayor to support, oppose, approve, or disapprove any legislation or resolution of the City Council;*
- 3. Decisions or administrative actions of a City Employee with respect to the procurement of goods, services, or construction, including the preparation of contract specifications or language, or the solicitation, award, or administration of a contract, or with respect to the solicitation, award, or administration of a grant, loan, or agreement involving the disbursement of public monies;*
- 4. Decisions of the Mayor, the City Council, or a City Employee with respect to the approval, denial, or postponement of a decision concerning the development of real property or zoning, including zoning approval, except that the filing of applications for permits or approvals are not considered lobbying; and,*
- 5. Legislative or administrative action of the Mayor, the City Council, or a City Employee concerning the adoption, defeat, or postponement of a standard, rate, rule, or regulation, or the adoption or rejection of a policy position.*

The Ordinance and the Regulations outline several activities that are expressly excluded from being considered "lobbying" or "lobbying activities," and those exclusions can be found in Section 3(2) of the Regulations.

Who are City Employees Under the Ordinance?

For purposes of the Ordinance, a City Employee is defined broadly to mean any employee of the City, including persons holding elected office, employees of the Mayor, employees of the Boston City Council, and members of City commissions and boards. The term City Employee also includes those employees of the Boston Planning and Development Agency, the Economic Development Industrial Corporation, the Boston Public Health Commission, the Boston Licensing Board, and the Boston Water and Sewer Commission.

Lobbying Registration and Reporting Requirements

The Ordinance requires lobbyists, lobbying entities, and clients of lobbyists and/or lobbying entities to (1) annually register with the Clerk's Office and (2) file quarterly reports describing their lobbying activities and expenditures. Lobbyists, lobbying entities, and clients may not engage in lobbying activities if they are not registered with the Clerk's Office.

The Clerk's Office has made lobbyist and client registrations and reports publicly available on the Analyze Boston website. If you want to check the registration and reporting compliance status of any lobbyist or client, you may view the information in the Municipal Lobbying dataset at <https://data.boston.gov/dataset/municipal-lobbying>. If you believe that an individual or entity is engaged in lobbying activity, but is not registered, you should report the unregistered lobbying activity to the Clerk's Office.

Reporting Suspected or Actual Violations to the Clerk's Office

If you believe that an individual or entity is engaged in unregistered lobbying activity, you should contact the Clerk's Office immediately by sending an e-mail to lobbying@boston.gov. Your email should contain (i) the date(s) the suspected unregistered lobbying activity occurred, (ii) a description of the unregistered lobbying activity, and (iii) the identity of the individual or entity engaged in the unregistered lobbying activity. You may also file a complaint online with the City Clerk's Office by visiting <https://www.boston.gov/departments/city-clerk/lobbying-city-boston/how-file-lobbying-complaint>.

The Clerk's Office and the Commission are incredibly grateful to all City employees for their assistance with ensuring and streamlining the enforcement of the Lobbying Ordinance. Through our joint efforts, the Ordinance's purposes of transparency and accountability in our local government will be promoted and enhanced. If you have any questions regarding the Ordinance, the Regulations, the Commission, or lobbying in the City of Boston, please contact us at lobbying@boston.gov.