



Public Safety & Transportation Committee Report

City of Newton In City Council

Wednesday, October 18, 2017

Present: Councilors Ciccone (Chair), Yates, Norton, Blazar, Fuller, Lipof, Harney and Cote

Also present: Councilors Rice (Chair), Auchincloss, Baker, Leary, Sangiolo and Schwartz

Absent: Councilors Kalis and Hess-Mahan

City Staff: James Freas, Associate Director, Planning and Development Department; Asst. Chief Gino Lucchetti, Newton Fire Department; Sgt. George McMains, Newton Police Department and Maura O'Keefe, Assistant City Solicitor

Item referred by the City Council to the Programs & Services Committee on October 2, 2017

Item referred by the City Council to the PS&T and Finance Committees on September 18, 2017

Referred to Zoning and Planning Committee

#140-14 (2) Amend ordinances to add licensing requirements and criteria for lodging houses
ZONING & PLANNING COMMITTEE requesting to amend Chapter 17, City of Newton Ordinances, to establish licensing requirements and criteria for lodging houses.

Action: Programs & Services Held 5-0, Councilor Sangiolo not voting
Public Safety & Transportation Held 6-0, Councilors Fuller and Norton not voting

Note: This item is referred to Programs & Services, Public Safety & Transportation, Finance and the Zoning and Planning Committees.

The Committee met jointly with the Programs & Services Committee on this item.

Committee members were provided with a memo dated October 6, 2017, this was attached to the agenda. Mr. Freas introduced the item providing a PowerPoint, attached to this report. He stated that this item is to establish licensing requirements and criteria for lodging houses. The Zoning and Planning Committee is discussing an item in their Committee on a request to amend Chapter 30, Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements. The Planning, Law, Police, Fire and Health Departments have been working closely on creating this proposed amended ordinance.

Mr. Freas briefly described Lodging Houses. Lodging Houses are also known as a boarding house or a rooming house.

- Four plus individuals living in a quasi-group setting.
- Leasing a room rather than sharing in an apartment lease.

- Access to but not legal responsibility for shared kitchen and bath facilities. This is the property owner's responsibility.

How does Newton currently regulate a lodging house?

Zoning

- Defines a lodging/rooming/boarding house.
- Establishes where lodging houses can be located and what process approves those locations. Use is allowed by Special Permit in the MR-1, MR-2, MR-3, and MR-4 districts (3.4.1)
- Sets parking standards. One parking stall per sleeping room plus one per three employees (5.1.4)

License Fees

- \$50/year Lodging House License (§17.3)
- \$50/quarter On-site Inspection Fee (§17-10)
- **NO REGULATIONS ASSOCIATED WITH THE FEES**

Mr. Freas addressed the memorandum that was attached to the agenda dated October 18, 2017. Mr. Freas briefly explained the sections summarizing the proposed licensing amendments including divisions, fees, lodging house facility requirements, requirements for operators, operator's responsibilities relative to residents, operator's responsibilities relative to property maintenance and management, and license application and renewal requirements and procedures.

Mr. Freas stated to prevent overcrowding; licensees and agents are responsible for keeping track of their residents and residents' guests, with signed resident agreements, resident and guest registries, and a published guest policy. To ensure safety, licensees are responsible for setting 'house rules' that cover a number of topics as well as setting a Fire Department approved electrical use policy. The licensees are responsible for ensuring that residents are made aware of these policies as well as how to get in touch with the resident agent in the case of a maintenance issue or an emergency.

In addition to the Special Permit public hearing for a newly established Lodging House, it is proposed that there will also be public hearings for each new Licensee or Agent.

Committee members expressed their questions, suggestions and comments:

Questions:

- Will these licensing requirements be applicable to existing lodging houses?

Mr. Freas answered yes.

- Please explain the notice requirements for a public hearing?

Mr. Freas did not know at this time, what the public hearing notice would require. Ms. O'Keefe stated that this is to be discussed and established by these Committees and the Licensing Commission. The Licensing Commission will be reviewing this docket item.

- Is this ordinance modeled after the Town of Brookline Ordinance? Did Brookline inform you what is troublesome to them?

Mr. Freas answered yes; this draft ordinance is modeled after the Town of Brookline but he did not know if Brookline has concerns.

- What is ISD doing to be proactive on identifying and inspecting homes acting as lodging houses?

- Are all lodging houses in the city illegal?

Mr. Freas answered no; some lodging houses were granted by special permit and others were grandfathered. Three lodging houses in the City existed prior to any regulations by the Zoning Ordinance.

- In Newton, there are group homes for people with disabilities. The homes have a number of units with a number of tenants who buy the units. The units have a shared common area, kitchen and living spaces. Is it possible for people with disabilities to live together without buying rooms, to be treated as a single family home even though the units are considered condominiums within the building? It cannot be considered a group home because tenants own the house.

- In Newton, lodging houses usually are discovered after 911 calls are made. Is there anything suggesting that there is a higher proportion of safety violations found after these 911 calls? Assistant Chief Lucchetti stated that problems are because the rooms are individually locked. The Fire Department has no access to the rooms, the rooms have extension cords, hot plates and blocked egresses. There are more dangers to a lodging house than any other structure. The City must be proactive in requiring these lodging houses get up to code. Mr. Freas stated that some lodging houses are established illegally. A joint inspection by Fire, ISD and Health Departments would regulate the areas they oversee. The onsite-operator is required to have a master key for entry. The City requires contact information and annual training for the onsite-operator who must be a resident of the property. Sgt. McMains answered and stated that the Police Department experiences the same issues as the Fire Department.

Suggestions:

- A Committee member said that a local non-profit agency suggested that the City review the special permit process.
- The public hearing requirements need to be detailed.
- Talk to residents and abutters in neighborhoods wishing to be considered for lodging houses. Illegal lodging houses are a problem and residents have expressed their concerns.
- A Committee member suggested Programs & Services, Public Safety & Transportation and the Zoning and Planning Committees discuss this item jointly in a Committee of the Whole (COW) as it is too difficult to separate the zoning and licensing regulations. A Committee member disagreed on a COW meeting at this time. The Zoning and Planning Committee has had extensive conversations.

Comments:

- It will be necessary to understand how the Licensing Commission will be administering this ordinance.

Mr. Freas stated that the License Commission is aware of this ordinance amendment to add licensing requirements and criteria for lodging houses. Ms. O'Keefe stated that the Licensing Commission has received this memorandum requesting that they review. As of today, this item has not been discussed in their Committee because there was not an agenda item. November 21 is their next scheduled meeting date.

- Some Committee members stated that they support lodging houses as they provide affordable housing options to people.
- Lodging houses preserve large size homes by providing housing for young single professionals.
- Lodging houses are necessary as an affordable means to housing, but must be licensed correctly.

In Programs & Services, Councilor Baker made a motion to hold. Committee members agreed 5-0, Councilor Sangiolo not voting.

In Public Safety & Transportation, Councilor Yates made a motion to hold. Committee members agreed 6-0, Councilors Fuller and Norton not voting.

Clerk's Note:

**** REGARDING DOCKET ITEMS #179-17, #345-16, #312-15, #28-14 and #413-11 ****

Chair Ciccone stated that this year, items cannot be referred to the new City Council because in December or January, the City Clerk's office will be converting to a new program that will not allow City Council docket items to be carried over. All remaining items on the agenda will be voted out at the end of this year. He then said if desired; please docket a new item in the New Year.

He would entertain a motion to vote No Action Necessary on the following five items:

Referred to Public Safety & Transportation, Public Facilities, and Finance Committees

- #179-17** **Request for parking meter pilot(s)**
COUNCILORS ALBRIGHT, KALIS, LAREDO AND LEARY, requesting a parking meter pilot or multiple pilots in Fiscal Year 2018 using the latest technology, which allows payment by credit card and other features, such as monitoring meter usage, providing feedback to administrators, information to drivers, and allowing time-based fee adjustment.
[05/22/17 @ 9:15 AM]
- Action:** **Public Safety & Transportation No Action Necessary 5-0, Councilors Blazar, Fuller and Norton not voting**

Note: Without discussion, Councilor Yates made a motion for no action necessary. Committee members agreed 5-0, Councilors Blazar, Fuller and Norton not voting.

#345-16 **Requesting a review, amendment or elimination of the Winter Overnight Parking Ban**
PUBLIC SAFETY & TRANSPORTATION COMMITTEE, requesting a review and possible amendment or elimination of the winter overnight parking ban. [10/06/16 @ 9:10 AM]
Action: **Public Safety & Transportation No Action Necessary 5-0, Councilors Blazar, Fuller and Norton not voting**

Note: Chair Ciccone stated that this item was held on 11/02/16 awaiting the Executive Department's decision on how they would like to proceed. The new forthcoming Executive Department will determine how they would like to proceed.

Without discussion, Councilor Harney made a motion for no action necessary. Committee members agreed 5-0, Councilors Blazar, Fuller and Norton not voting.

REERRED TO PROGRAMS & SERVICES AND PUBLIC SAFETY COMMITTEES

#312-15 **Update from Health Department on opiate overdose epidemic**
ALD. COTE, HARNEY AND NORTON, requesting a review and discussion of the opiate overdose epidemic including an update from the Health Department appraising the board on the current situation to include comparative statistics from previous years as to the number of opiate overdoses handled by first responders. In addition, what is being done immediately to take this on and what support can the Board provide. [10/19/15 @ 1:30 PM]
Action: **Public Safety & Transportation No Action Necessary 6-0, Councilors Fuller and Norton not voting**

Note: Chair Ciccone stated that he attends monthly the EMS Committee meetings. Thankfully, most recently the opiate overdoses have been low in the City. Councilor Harney suggested re-docketing this item in the New Year.

Without further discussion, Councilor Harney made a motion for no action necessary. Committee members agreed 6-0, Councilors Fuller and Norton not voting.

#28-14 **Discussion on duplicate street names**
ALD. CICCONE AND FULLER, on behalf of the Health Department and the Emergency Medical Services (EMS) requesting a discussion on duplicate street names. [01/09/14 @ 10:57 AM]
Action: **Public Safety & Transportation No Action Necessary 6-0, Councilors Fuller and Norton not voting**

Note: Without discussion, Councilor Ciccone made a motion for no action necessary. Committee members agreed 6-0, Councilors Fuller and Norton not voting.

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

#413-11

Updates on the renovations to the City's fire stations

ALD. CICCONE, SALVUCCI, GENTILE & LENNON, updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11/17/11 @ 11:07 AM]

Action: **Public Safety & Transportation No Action Necessary 6-0, Councilors Fuller and Norton not voting**

Note: Without discussion, Councilor Ciccone made a motion for no action necessary. Committee members agreed 6-0, Councilors Fuller and Norton not voting.

At approximately 8:00 p.m., Councilor Yates made a motion to adjourn. Committee members agreed 6-0, Councilors Fuller and Norton not voting.

Respectfully submitted,

Allan Ciccone, Jr. Chair

Lodging House Regulation

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PROPOSED LODGING HOUSE LICENSING AMENDMENTS

10/18/2017

Outline

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- What is a lodging house?
- How does Newton currently regulate a lodging house?
- Regulating Lodging Houses through Zoning and Licensing
- Details of the Proposed Ordinance Amendments

What is a lodging house?

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Lodging House

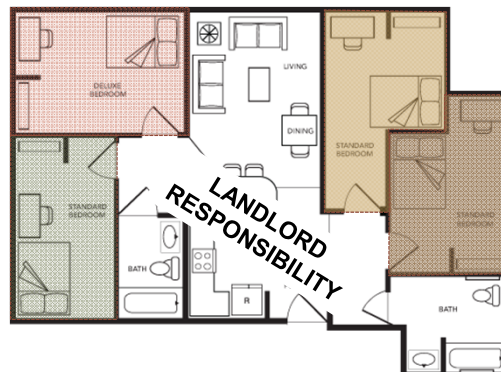
- 4+ individuals living in a quasi-group setting
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Also known as a boarding house or a rooming house

What is a lodging house?

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- Renter #1
- Renter #2
- Renter #3
- Renter #4



How does this compare to a group of roommates?

5

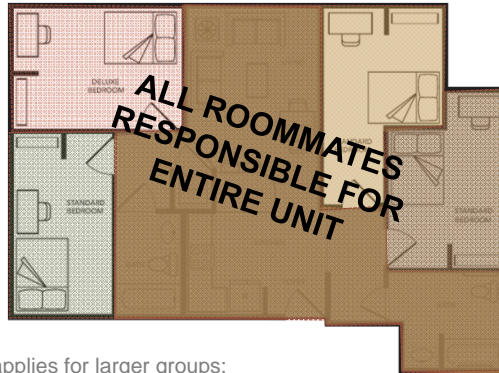
Group of Roommates

Roommate #1
(UNIT OWNER)

Roommate #2

Roommate #3

Roommate #4



Same distinction applies for larger groups:

- more than four individual lodgers = lodging house
- More than four roommates = association of persons

How does Newton currently regulate a lodging house?

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Newton, MA

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Zoning and Licensing

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Zoning + Licensing

Establishing a new lodging house

- Allowed Zones
- If/When a special permit is required
- Parking standards
- Building Development Standards

Approval of use of a property

Operating a lodging house

- Operator Requirements
- Inspection Schedule
- License Fees
- Responsibilities for Managing Lodgers
- Responsibilities for Property Maintenance

Approval of an operator