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Mayor

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Barney S. Heath  
Director

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## MEMORANDUM

**DATE:** September 8, 2017

**TO:** Councilor Ted Hess-Mahan, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Barney S. Heath, Director of Planning and Development  
James Freas, Deputy Director of Planning and Development  
Rachel Blatt, Long Range Planner

**RE:** **#140-14 Zoning amendment for lodging house ordinance**  
ALD. CROSSLEY AND HESS-MAHAN requesting to amend **Chapter 30**, City of Newton 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.

**#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.

**MEETING DATE:** September 11, 2017

**CC:** Donnalyn Khan, City Solicitor  
John Lojek, ISD Commissioner  
Deborah Youngblood, Health Commissioner  
David MacDonald, Chief of Police  
Bruce Proia, Fire Chief  
Planning and Development Board

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A lodging house is a traditional housing form that caters to single individuals living in quasi-group settings. This housing arrangement was once very common. In the 1880s it was estimated that 50% of

Americans had either lived in a lodging house or been a host of one.<sup>1</sup> Lodging houses have persisted, though in smaller numbers, and interest in living in lodging houses is growing again.

This will be the third discussion of this topic at the Zoning and Planning Committee (1<sup>st</sup> in March 2017, 2<sup>nd</sup> in June 2017). Over the past several months, the Planning and Development Department along with the Law Department, Inspectional Services Department, Health and Human Services Department, Police Department, and Fire Department, have been researching and developing updated regulations for lodging houses in the City of Newton. Included here is the culmination of that work – a draft Lodging House Licensing Ordinance and updates to the Zoning Ordinance related to Lodging Houses.

This memo offers an introduction to each section and summary of the work to date.

### **Why Newton is considering regulating Lodging Houses**

It is estimated that there are currently two-three boarding houses that were established prior to zoning requirements relating to Lodging Houses as well as an unknown number of illegal lodging houses in the City. While the number of lodging houses is estimated to be a very small percentage of all housing in Newton, it is an allowed use, without established permitting criteria or regulations regarding operations.

The Police, Fire, Health, and Inspectional Services Departments acknowledge that typically illegal Lodging Houses are discovered because of a 911 call. Often Lodging Houses are operated with violations to the state sanitary and fire codes and there are life safety concerns about how these facilities are run. The concern is not just for whether these facilities are safely constructed with proper egress stairs, sprinklers, etc., but also how they are operated - are managers ensuring that doors are not blocked, that hotplates are not being used in bedrooms, that trash is properly disposed of, and the like. Fires have occurred in a few illegal lodging houses in recent years, leading to a concern for the safety of Newtonians living in these arrangements.

Given the life safety and health concerns arising from recently found lodging houses, this docket item introduces the idea of regulating lodging houses on an ongoing basis. As the case studies have shown, licensing allows for routine inspections and operator education. Most of the noted problems in lodging houses arise from poor operations – e.g. blocked egress routes, electrical systems used beyond their capacity, unsafe cooking, noise complaints, improper trash disposal, etc. Licensing focuses on ensuring proper operation – educating property owners and managers, ensuring 24-hr site supervision, setting ‘house rules’ and electrical use policies for residents, etc.

Separate from the licensing, Newton is considering how lodging houses are addressed in the zoning code, including the criteria by which lodging houses are allowed to be established and which zoning districts they are allowed in. The proposed Zoning amendments maintain the requirement that Lodging Houses receive a Special Permit from the Council first, and then a license for the operator after that.

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<sup>1</sup> During, Alan (2012). “Rooming Houses: History’s Affordable Quarters.” Accessed 3/7/17 at <http://www.sightline.org/2012/11/14/rooming-houses-historys-affordable-quarters/>. Data quoted from Groth, Paul (1994), *Downtown Living Downtown: The History of Residential Hotels in the United States*. University of California Press.

## **Interdepartmental Approach**

After reviewing how neighboring communities regulate lodging houses, we have taken an approach similar to that used in Brookline, wherein Lodging Houses are regulated and inspected in a coordinated interdepartmental way. In drafting this ordinance 3 interdepartmental meetings were held, and the draft enclosed reflects the recommendations of all four departments who have a role in inspecting lodging houses for health, safety, and welfare: ISD, HHS, Police, and Fire.

While the enclosed draft is modeled on how Brookline approaches Lodging Houses, the draft Newton ordinance is tailored more closely to the traditional Lodging House form, and does not cover other forms of accommodation like hotels or dorms, as Brookline's ordinance does.

## **Zoning Amendments Overview**

The Zoning amendments included for consideration do four things:

- Update the definitions
- Set standards for the property, particularly around parking
- Allow Lodging Houses as a use above the ground floor in business and mixed use districts
- Incorporates "Single-room Occupancy Dwelling, Single-person occupancy dwelling" into the Lodging House category

Now, and in the proposed, lodging houses require a Special Permit in all zones where they are allowed.

**Definition Updates:** The definition updates mirror the same definitions as in the Lodging House Licensing Ordinance and relate the City's definition more closely with the definition of a lodging house in the state statute. Facilities that are regulated by the State Health Department are treated separately from lodging houses even if they have similar characteristics – e.g. group homes, convalescent homes, etc.

**Standards:** Section 6.2.7 is proposed to be expanded to include an intent statement and development standards requiring licensing, limiting signage, requiring consistency with the character of the neighborhood, and parking standards.

The parking requirement is proposed at 1 stall per 3 rooming units, with a maximum of 6 stalls. The maximum is recommended to ensure that the parking lots are consistent in scale with other residential parking areas. Lodging houses in close proximity to transit may seek a reduction as low as 0 spaces per rooming unit. The intention here is to incentivize the locating of any new lodging houses near transit facilities. The target population for lodging houses is low income individuals for whom rent in a traditional apartment is burdensome. The US Housing and Urban Development Department guidelines say that housing cost burdened households are those spending more than 30% of their income on housing or more than 45% of their income on housing and transportation combined. Providing access to transit rather than personal vehicles is highly encouraged to help residents in lodging houses reduce their need for the expense of a personal vehicle.

Allow by Special Permit in business and mixed use zones: The Zoning Ordinance allows residential uses above the ground floor in BU1, BU2, BU3, BU4, MU1, MU2, MU3, and MU4 districts. The proposed amendment specifically allows lodging houses above ground floors in these same zones by Special Permit in each case.

Incorporate “SRO” use into the Lodging House Use: The Lodging House License, described below, is set up to allow for rooming units to be Efficiency Single Room Occupancy units with rigorous standards for construction and operation. The current Single Room Occupancy (SRO) use is allowed by Special Permit only in the MU3 district. There is no definition associated with this allowed use or any standards. As such it is the Planning Department’s recommendation that this use listed in Sections 4.4.1 and 6.2.14 be removed and subsumed by the Lodging House Ordinance.

## **Licensing Ordinance Overview**

The Licensing Ordinance Amendments to Chapter 17 are attached for consideration and discussion. By state statute the Licenses for Lodging Houses in a City with a Licensing Board, must be granted by that body. The Licensing Board is aware of the ordinance being considered and staff will be updating them and asking for their review of the draft language. The Licensing Board has indicated that they would like to see clear standards for them to implement. Staff anticipates that most of the work in reviewing the licensing will fall to the inspecting departments (ISD, HHS, Police, and Fire) with the support of the Planning Department, Treasury Department, and City Clerk’s Office. As the property will first require a Special Permit before a License can be granted, any new lodging house, will have already been vetted in a public hearing before it goes before the licensing board.

The Licensing Ordinance is divided into the following sections:

- Division 1: Generally
  - Includes pertinent definitions and requirements for the facilities that are to be licensed
- Division 2: Licenses
  - This section covers requirements for the operator’s license and is broken into 4 main sections:
    - Requirements for operators looking to be licensed
    - Outline of the operator’s responsibilities relative to residents
    - Outline of the operator’s responsibilities relative to property maintenance
    - License application and renewal requirements
- Fees for the license and the inspections are listed in separate sections of Chapter 17
  - License fees max out at \$50 per state limits
  - Interdepartmental Inspection Fee is TBD – initial estimate of fee based on the following staff time:
    - 2 hours of the ISD Periodic Inspector’s time ( the lead inspecting staff person)
    - 1.5 hours of a HHS inspector’s time (1 hr inspection, 0.5 for reporting)
    - 1.5 hours of a Police inspector’s time (1 hr inspection, 0.5 for reporting)
    - 1.5 hours of a Fire inspector’s time (1 hr inspection, 0.5 for reporting)

### **Lodging House Facility Requirements.**

Generally, Lodging Houses do not offer fully private units, but instead offer private quarters with shared cooking and bathing facilities. The Lodging House Licensing Ordinance allows for two types of rooming facilities that someone could rent within a lodging house.

- The typical arrangement is for a **Rooming Unit**, with private sleeping and living space, and shared kitchen and bath facilities. In this arrangement the resident could expect to have a full kitchen in the house at their disposal and a bathroom on the same floor as their room. The Rooming unit would have a keyed lock, and inside would be at a minimum sleeping space and clothing storage space. The resident would not be allowed any cooking appliances but may be allowed a small fridge and non-cooking appliances like a coffee maker.
- The second option would be to rent an **Efficiency Single Room Occupancy Unit (E-SRO)**. This unit would have the same features as a standard rooming unit, but would additionally have its own mini-kitchen inside the room. Because of this added fire risk, E-SROs would be required to meet new construction standards for transient use (R-1 Occupancy) and would need to have 2 means of egress from the room. The resident would still have access to a shared kitchen and shared bath.

In a case where a Lodging House offered E-SROs with their own private bathrooms, these would be considered 'full functioning units' in the eyes of the City's Inclusionary Zoning Ordinance and a percentage of them would need to be deed restricted as affordable housing units.

### **Requirements for Operators**

Unlike the Special Permit which is granted to the property, the License is granted to a particular operator. In all cases the property owner is considered the Licensee who will hold primary legal responsibility for the premises and its operation.

It is expected that in many cases, the Licensee will designate an Agent to carry out their responsibilities. Both Licensees and Agents will need to get Licenses from the Licensing Board.

The Licensee or an Agent will need to act as the **Resident Supervisor**. The "Resident Agent" will be responsible for holding the master key to resident rooms, and ensuring day-to-day operations of the facility. Given the licensee and the resident agent are in positions of authority relative to the residents and have access to their private spaces, one of the requirements is that the licensee and resident agent undergo a background check with the Police Department. The resident agent has a number of responsibilities, but one of the most important, is that they will be the central point of contact for the City. The resident agent will be required to give a mobile contact number to the Police, Fire, HHS, and ISD staff and to respond within one hour for emergencies and 24 hours with respect to all other issues.

Licensees and all agents (resident or otherwise) will be required to be certified as well. A **Certification Program** will be run by the four inspecting departments once a year and for anyone starting more than 90 days from the next certification training, they will be required to complete a written preliminary certification at the beginning of their duties.

### **Operator's Responsibilities relative to Residents**

Residents play an important role in keeping the lodging house safe, and it is the responsibility of the operator to ensure their residents know how to do this. The primary goals are to ensure that the Lodging House is not overcrowded and that residents are maintaining safe and clean rooms and facilities.

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 maintenance issue or an emergency.

### **Operator's Responsibilities relative to Property Maintenance and Management**

One of the primary property maintenance issues is ensuring that proper egress is available to residents in case of a fire. Licensees and agents are responsible for ensuring egress routes are clear, well-marked, and well-advertised. They are responsible for holding quarterly Evacuation Drills and documenting the drills for the Fire Department to review.

Beyond this, the Licensees are responsible for ensuring that the property is generally in a good state of repair and maintenance.

### **License application and Renewal Requirements and Procedures**

The last section of the Licensing Ordinance covers the details of the minimal requirements for the license applications and renewal procedures.

This section lists the required annual interdepartmental inspections and reports that are to support the Licensing Board in making their decisions regarding applications.

In addition to the Special Permit public hearing for a newly established Lodging House, there will also be public hearings for each new Licensee or Agent. An important note is that the Board shall not deny a license based on "general grounds of adverse impact on the neighborhood." It is understood that the proper venue for such a discussion is at the City Council Special Permit hearing. This said, should there be "specific grounds" of adverse impact resulting from poor management of the property by a licensee or agent, then such a license may be denied.

The draft Licensing Ordinance additionally outlines penalties for violations that are considered egregious. While the Licensing Board may deny or suspend a license for just cause in any circumstance, the ordinance outlines situations which are considered worthy of immediate fines and if multiple fines are warranted in quick succession, then the immediate denial of a license renewal.

## **Next Steps**

This proposal involves multiple votes of the City Council.

- 1) In order to include E-SROs in the proposal, the City Council would first need to adopt MGL c. 140 §22A. This section provides that in a city accepting this section, a lodging house letting to more than 5 but less than 20 persons may furnish individual cooking facilities (but not in a room less than 150 sq. ft.).
- 2) Docket Item 140-14 is for the Chapter 30 Zoning Amendments
- 3) Docket Item 140-14(2) is for the Chapter 17 Licensing Ordinance Amendments. There are several fees in this section that will also need review from the Finance Committee.

The Zoning Ordinance amendment will require a public hearing.

## **Enclosures**

Draft Amendments to Chapter 30

Draft Amendments to Chapter 17

## Sec. 3.4. Allowed Uses

### 3.4.1. Residential Districts Allowed Uses

Residential Districts								Definition/ Listed Standards
	SR1	SR2	SR3	MR1	MR2	MR3	MR4	
<b>Residential Uses</b>								
Single-family, detached	P	P	P	P	P	P	P	<a href="#">Sec. 6.2.1</a>
Two-family, detached	--	--	--	P	P	P	P	<a href="#">Sec. 6.2.2</a>
Single-family, attached	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.3</a>
Multi-family dwelling	--	--	--	--	SP	SP	SP	<a href="#">Sec. 6.2.4</a>
Association of persons in a common dwelling	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.6</a>
Lodging Boarding house	--	--	--	SP	SP	SP	SP	<a href="#">Sec. 6.2.7</a>
Congregate living facility	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.8</a>
Dormitory (5-20 persons)	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.9</a>
Dormitory (20+ persons)	L	L	L	L	L	L	L	<a href="#">Sec. 6.2.9</a>
Cluster development for open space preservation	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.12</a>
Residential care facility	--	--	--	--	--	SP	SP	<a href="#">Sec. 6.2.13</a>
<b>Civic/Institutional Uses</b>								
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.1</a>
Club, clubhouse	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.2</a>
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.4</a>
Hospital	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.7</a>
Library, museum or similar institution	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.8</a>
Nonprofit institution	--	--	--	SP	SP	SP	SP	<a href="#">Sec. 6.3.9</a>
Public use	L	L	L	L	L	L	L	<a href="#">Sec. 6.2.10</a>
Religious institution	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.12</a>
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.13</a>
School or other educational purposes, non-profit	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.14</a>
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.14</a>
Scientific research and development activities, accessory	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.7.4</a>
<b>Commercial Uses</b>								
Funeral home	--	--	--	--	SP	SP	--	<a href="#">Sec. 6.4.15</a>
Radio or television transmission station or structure	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.4.27</a>
<b>Industrial Uses</b>								
Wireless communication equipment	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	<a href="#">Sec. 6.9</a>
<b>Open Space Uses</b>								
Agriculture on a parcel of 5 or more acres	P	P	P	P	P	P	P	<a href="#">Sec. 6.6.1</a>
Agriculture on a parcel under 5 acres	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.1</a>
Resource extraction	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.4</a>
Riding school, stock farm	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.5</a>

P = Allowed by Right   L = Allowed Subject to Listed Standards   SP = Special Permit by Board of Aldermen Required   -- Not Allowed



## Sec. 4.4. Allowed Uses

### 4.4.1. Business, Mixed Use & Manufacturing Districts

<b>Business, Mixed Use &amp; Manufacturing Districts</b>	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
<b>Residential Uses</b>												
Single-Family, detached	L	L	L	L	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.1</a>
Two-Family, detached	L	L	L	L	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.2</a>
Residential use, above ground floor	L	L	L	L	--	SP	L/SP	P	P	--	--	<a href="#">Sec. 6.2.4</a>
Residential use, ground floor	SP	SP	SP	SP	--	SP	SP	P	SP	--	--	<a href="#">Sec. 6.2.4</a>
Assisted living, nursing home	--	--	--	--	--	--	--	SP	SP	--	--	<a href="#">Sec. 6.2.5</a>
Elderly housing with services	SP	SP	SP	SP	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.10</a>
Live/work space	P	P	P	P	P	P	P	P	P	--	--	<a href="#">Sec. 6.2.11</a>
<del>Lodging House, above ground floor</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>--</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>--</del>	<del>--</del>	<del><a href="#">Sec. 6.2.7</a></del>
<del>Single-room occupancy dwelling, single-person occupancy dwelling</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del>SP</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del><a href="#">Sec. 6.2.14</a></del>
<b>Civic/Institutional Uses</b>												
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.1</a>
Club, clubhouse	P	P	P	P	--	--	P	--	SP	--	P	<a href="#">Sec. 6.3.2</a>
Community use space	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Sec. 6.3.3</a>
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.4</a>
Government offices or services	--	--	--	--	--	--	--	P	P	--	--	<a href="#">Sec. 6.3.5</a>
Heliport	--	--	--	--	SP	--	--	--	--	SP	SP	<a href="#">Sec. 6.3.6</a>
Hospital	SP	SP	SP	SP	SP	--	--	--	--	--	--	<a href="#">Sec. 6.3.7</a>
Library, museum or similar institution	P	P	P	P	SP	--	P	P	P	--	P	<a href="#">Sec. 6.3.8</a>
Public use	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.10</a>
Rail/bus station	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Sec. 6.3.11</a>
Religious institution	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.12</a>
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	--	SP	--	--	--	--	<a href="#">Sec. 6.3.13</a>
School or other educational purposes, non-profit	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.14</a>
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.14</a>
Theatre, hall	P	P	P	P	--	--	P	SP	SP	--	P	<a href="#">Sec. 6.3.15</a>
<b>Commercial Uses</b>												
Animal service, excluding overnight boarding	--	--	--	--	--	SP	SP	--	SP	--	--	<a href="#">Sec. 6.4.1</a>

P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by Board of Aldermen Required -- Not Allowed

### 5.1.4. Number of Parking Stalls

A. The minimum number of parking stalls to be supplied for each type of building or land use shall be in accordance with the following requirements. Where the computation results in a fractional number, the fraction shall be counted as one stall.

Use	Parking Stalls Required	Allowed by Special Permit
<b>Residential</b>		
Single-family dwelling, Two-family dwelling	2 per unit	
Accessory apartment	1 per unit	
Association of persons	1 per adult occupant in unit	
Single-family attached dwelling, Multi-family dwelling	2 per unit	1.25 per unit, except multi-family housing for low-income or elderly persons built under state or federal housing programs: 1 per 2 units in a low income unit plus 1 per 4 elderly units
<del>Lodging House Boarding house, rooming house, lodging house, tourist house, congregate living facility</del>	<del>1 per 3 Rooming Units; max. of 6 1 per sleeping room plus 1 per 3 employees</del>	<del>0 per Rooming Unit for Lodging Houses within 1/2 mile of rail transit (Green Line or Commuter Rail) or within 1/4 mile of MBTA Bus Service.</del>
Convalescent or rest home or other institution devoted to the board, care or treatment of humans	1 per every 4 beds plus 1 per every 3 employees	
Elderly housing with services facility, residential care facility, elderly congregate living facility	1 per every 2 dwelling units 1 per every 4 nursing beds plus 1 per 3 employees	.25 per dwelling unit where adequate transportation services are available
<b>Civic/Institutional</b>		
Dormitory	1 per 5 occupants	
Religious Institutions	1 per 3 seats, permanent or otherwise; 1 per 3 employees; plus 1 per 45 sf used for meeting function purposes when such space is customarily used concurrently with the seating space	
School serving children under 14 years of age	1 per employee not residing on premises	
<b>Commercial</b>		
Bank	1 per 300 sf plus 1 per every 3 employees	
Family child care home, large family child care home, day care center	1 per employee not residing on premises plus 1 per every 5 children	
Funeral home	1 per 40 sf; 30 spaces min.	
Health club, similar establishment	1 per 150 sf plus 1 per every 3 employees	
Hospital, sanitarium	1 per every 3 beds plus 1 per every 3 employees	
Hotel, motel	1 per sleeping room plus 1 per every 3 employees	

### 6.2.4. Multi-Family

#### A. Defined.

- 1. **Multi-Family.** See Sec. 1.5.1
- 2. **Residential Use, Above Ground Floor** [reserved]
- 3. **Residential Use, Ground Floor** [reserved]

#### B. Standards.

- 1. **In the Business 1 through Business 4, Mixed Use 2, and Mixed Use 4 Districts.** Multi-family residential is an allowed use in upper stories of a building containing allowed commercial uses on the ground floor.
- 2. **In the Multi-Residence 4 District.** A special permit is required, subject to the following conditions:
  - a. **Business Services.** Where deemed necessary by the Board of Aldermen because of the number of residents to be accommodated on the lot or tract, business facilities for the individual convenience of the residents, such as barbershops, beauty parlors, tailors, shoe repair shops and similar personal services, newsstands, drugstores, food shops, dining rooms and similar retail uses, medical and related professional services, gasoline selling and service stations and parking lots and similar services may be conducted within a multi-family dwelling except that dining rooms with related facilities may be conducted within a building attached to and made an integral part of a multi-family dwelling but shall not exceed 2 percent of the gross floor area of all buildings containing dwelling units; provided, that there shall be no entrance to such a place of business except from the inside of the building, except for gasoline selling and service stations and parking lots; there shall be no signs or advertising matter pertaining to such business services outside of any building and no illuminated signs in the windows of the business facilities, and the gross floor area of the business services including dining rooms and related facilities shall not exceed 5 percent of the gross floor area of all buildings containing dwelling units;

- b. No building shall be closer to any other building on the lot or tract than a distance equal to the sum of their heights nor in any case closer than 50 feet. The Board of Aldermen may permit buildings to be erected closer to each other in cases where by reason of the location or size of the buildings on such lot or tract and the relationship of one building to another, there is assurance of adequate light, air and privacy, and the approval of the site plans by the Board of Aldermen shall constitute the granting of such permission.

(Ord. No. S-260, 08/03/87)

### 6.2.5. Assisted Living, Nursing Home

#### A. Defined. [reserved]

### 6.2.6. Association of Persons in a Common Dwelling

- A. **Defined.** A group of 5 or more persons 18 years of age or older, who are unrelated by blood, marriage or adoption living together in a common dwelling.

(Ord. No. T-57, 11/20/89)

### 6.2.7. ~~Boarding House, Rooming House, Lodging House~~

- A. ~~Intent. Lodging House is an allowed residential use for independent living with shared facilities. The lodging house use is intended to:~~
  - 1. ~~Diversify housing choices in Newton while respecting the residential character and scale of existing neighborhoods;~~
  - 2. ~~Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;~~
  - 3. ~~Lodging houses are encouraged to locate near transit to further provide lodgers access to transportation services.~~
- B. **Defined.** ~~A Lodging House is~~ Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers ~~(defined as a person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit).~~ Includes

rooming house, boarding lodging house. It shall not include convalescent, nursing, or rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; or apartments or hotels.

**C. Standards.**

1. All lodging houses shall be licensed at all times of operation.
2. Signage for lodging houses shall be consistent with Section 5.2.7. Signs in Residence Districts or Section 5.2.8. Signs in Commercial Districts as appropriate; exceptions to the maximum size shall not be granted by Special Permit.
3. In residential districts, all lodging houses shall be consistent with the character of the neighborhood.
4. **Parking.**
  - a. The number of parking stalls shall be consistent with Section 5.1.4.
  - b. No lodging house may provide more than 6 parking spaces on a lot.
  - c. Lodging houses located within 1/2 mile of rail transit (Green Line or Commuter Rail), or within 1/4 mile of an MBTA Bus stop, may reduce the number of parking spaces to 0.
  - d. All parking areas shall be screened from any adjacent residences and from the public way.

**D. Process.**

1. All lodging houses created by a change of use shall require design review by the Urban Design Commission. Report of the Urban Design Commission shall be submitted to the City Council.

(Ord. No. S-260 08/03/87)

### 6.2.8. Congregate Living Facility

- A. Defined.** An association of persons living together in a shared living environment which integrates shelter and service needs of elderly, functionally impaired or functionally isolated persons who are otherwise in good health and can maintain a semi-independent lifestyle and who do not require constant supervision

or intensive health care as provided by an institution. Each resident may have a separate bedroom, living room, kitchen, dining area or bathroom, or may share living, dining, and bathroom facilities with other persons. Such facility shall be deemed an association of persons living together in a single dwelling and not a lodging house.

(Ord. No. S-260 08/03/87)

### 6.2.9. Dormitory

- A. Defined.** A building owned or controlled directly or indirectly by a religious or educational non-profit institution (excepting a nonprofit hospital) providing sleeping quarters for 5 or more unrelated persons.
- B. Standards.** In all residence districts, the construction, alteration, enlargement, extension or reconstruction of a building or structure as, and the use of a building, structure or land for, a dormitory providing sleeping quarters for 20 or more persons must meet the following conditions:
1. **Building location.** A dormitory shall not be closer to any other building on the same lot than 50 feet.
  2. **Courts.**
    - a. An inner court shall have a minimum dimension at least equal to twice the average height of the surrounding walls and shall have an opening at ground level with a minimum height of 18 feet and a minimum width of 18 feet to permit access to service and emergency vehicles.
    - b. An outer court shall be open to the full extent of its width at least equal to 1.5 times the average height of the surrounding walls and a depth no greater than its width.
    - c. The area of any court which exceeds 15 percent of the "Minimum Open Area" required shall not be included in the calculation of that minimum open area.

- C. Site Plan Review.** Dormitories are subject to the Site Plan Review procedures in Sec. 7.4.

(Rev. Ords. 1973 §24-18; Ord. No. S-260, 08/03/87; Ord. No. S-322, 07/11/88)

### 6.2.10. Elderly Housing with Services

- A. **Defined.** Elderly housing with services, including residential care facilities, assisted living facilities and congregate care facilities.
- B. **Standards.** In the business districts, the Board of Aldermen may grant a special permit for elderly housing with services with a lot area of no less than 400 square feet per dwelling unit.

(Ord. No. T-183, 11/04/91)

### 6.2.11. Live/Work Space

- A. **Defined.** [reserved]

### 6.2.12. Cluster Development for Open Space Preservation

- A. **Defined.** [reserved]
- B. **Standards.** See Sec. 3.3.1

### 6.2.13. Residential Care Facility

- A. **Defined.** A residential care facility shall consist in part of independent dwelling units, and shall contain a combination of central cooking and dining facilities, recreation facilities and shall provide to all its residents, specified medical services, which medical services shall include, but are not limited to, nursing and dietary assistance, together with the availability on the premises of full-time nursing care in a licensed care facility, provided that at least 1 occupant of each dwelling unit shall be at least 65 years of age or older.

#### B. Standards.

1. **In the Multi-Residence 3 District.** A special permit is required, subject to the following conditions:
  - a. The ratio of gross floor area devoted to residential purposes to lot area shall not exceed 0.67. Such gross residential floor area shall include hallways, stairwells, utility rooms and other similar areas which are directly accessory to independent dwelling units. Such gross residential floor area shall not include garage, library, activity, office, medical care, eating, assembly or other special supportive areas;
  - b. The Board of Aldermen may establish a limitation upon the maximum number of

persons to be permitted per dwelling unit; and the Board of Aldermen may establish a minimum staff requirement for the residential care facility, provided, however, that the Board of Aldermen may, if circumstances warrant, grant a special permit, for construction of a residential care facility with a lesser lot area per dwelling unit, a lesser number of parking spaces per dwelling unit, a greater gross floor area or a greater gross residential floor area ratio, but in no case:

- i. With less than 850 square feet of lot area per dwelling unit;
- ii. With a gross floor area ratio of more than 2.0;
- iii. With a gross residential floor area ratio of more than 1.34;
- iv. With less than 0.25 parking spaces per dwelling unit.

(Ord. No. 31, 12/02/74; Ord. No. R-14, 07/09/79; Ord. No. V-307, 06/19/00)

### ~~6.2.14. Single-Room Occupancy Dwelling, Single-Person Occupancy Dwelling~~

- A. **Defined.** [reserved]

### 6.2.10. Elderly Housing with Services

- A. **Defined.** Elderly housing with services, including residential care facilities, assisted living facilities and congregate care facilities.
- B. **Standards.** In the business districts, the Board of Aldermen may grant a special permit for elderly housing with services with a lot area of no less than 400 square feet per dwelling unit.

(Ord. No. T-183, 11/04/91)

### 6.2.11. Live/Work Space

- A. **Defined.** [reserved]

### 6.2.12. Cluster Development for Open Space Preservation

- A. **Defined.** [reserved]
- B. **Standards.** See Sec. 3.3.1

### 6.2.13. Residential Care Facility

- A. **Defined.** A residential care facility shall consist in part of independent dwelling units, and shall contain a combination of central cooking and dining facilities, recreation facilities and shall provide to all its residents, specified medical services, which medical services shall include, but are not limited to, nursing and dietary assistance, together with the availability on the premises of full-time nursing care in a licensed care facility, provided that at least 1 occupant of each dwelling unit shall be at least 65 years of age or older.

#### B. Standards.

1. **In the Multi-Residence 3 District.** A special permit is required, subject to the following conditions:
  - a. The ratio of gross floor area devoted to residential purposes to lot area shall not exceed 0.67. Such gross residential floor area shall include hallways, stairwells, utility rooms and other similar areas which are directly accessory to independent dwelling units. Such gross residential floor area shall not include garage, library, activity, office, medical care, eating, assembly or other special supportive areas;
  - b. The Board of Aldermen may establish a limitation upon the maximum number of

persons to be permitted per dwelling unit; and the Board of Aldermen may establish a minimum staff requirement for the residential care facility, provided, however, that the Board of Aldermen may, if circumstances warrant, grant a special permit, for construction of a residential care facility with a lesser lot area per dwelling unit, a lesser number of parking spaces per dwelling unit, a greater gross floor area or a greater gross residential floor area ratio, but in no case:

- i. With less than 850 square feet of lot area per dwelling unit;
- ii. With a gross floor area ratio of more than 2.0;
- iii. With a gross residential floor area ratio of more than 1.34;
- iv. With less than 0.25 parking spaces per dwelling unit.

(Ord. No. 31, 12/02/74; Ord. No. R-14, 07/09/79; Ord. No. V-307, 06/19/00)

### ~~6.2.14. Single-Room Occupancy Dwelling, Single-Person Occupancy Dwelling~~

- A. **Defined.** [reserved]



## Sec. 8.3. Defined Terms

### A

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**Accessory Apartment:** See [Sec. 3.4.3](#)

**Accessory Purpose:** As applied to buildings or structures, a use in conjunction with an existing building on the same or an adjoining lot.

**Accessory Sign:** See Sign, accessory.

**Adult Entertainment Uses:** See [Sec. 6.10.1](#)

**Agriculture:** See [Sec. 6.6.1](#)

**Animal Service:** See [Sec. 6.4.1](#)

**Apartment House:** See Dwelling, multifamily

**Assembly or Fabrication of Materials Manufactured Off Premise:** See [Sec. 6.5.1](#)

**Assisted Living:** See [Sec. 6.2.5](#)

**Association of Persons:** A group of 5 or more persons 18 years of age or older, who are unrelated by blood, marriage or adoption; provided that an association of persons as defined in this [Sec. 8.3.](#) shall not be deemed to constitute a “family” within the meaning of this Chapter.

**Attached Dwelling:** See Dwelling, single-family attached.

**Attached, Single-Family:** See Dwelling, single-family attached.

**Attic:** The space in a building between the ceiling joists of the top full story and the roof rafters.

### B

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**Bakery, Retail:** See [Sec. 6.4.3](#)

**Bakery, Wholesale:** See [Sec. 6.5.2](#)

**Bank:** See [Sec. 6.4.4](#)

**Basement:** See [Sec. 1.5.4](#)

**Bike Rental:** See [Sec. 6.4.8](#)

**Boarder:** See Lodger.

**Boarding House:** See [Lodging House Sec. 6.2.7](#)

**Bottling Works:** See [Sec. 6.5.4](#)

**Bowling Alley:** See [Sec. 6.4.5](#)

**Build Factor:** A mathematical formula which limits the irregularity of the lot shape. See [Sec. 1.5.6](#)

**Building:** A structure, including alterations, enlargements, and extensions, built, erected, or framed of any combination of materials having a roof, whether portable or fixed, designed or intended for the shelter of persons, animals, or the storage of property.

**Building Materials Sales Yard:** See [Sec. 6.5.5](#)

**Building, Nonconforming:** A building which does not conform in whole or in part to the use or construction regulations of the district in which the building is located.

**Business Establishment:** Each separate place of business whether or not consisting of one or more buildings or a part of a building or vacant land.

**Business Services:** See [Sec. 6.4.7](#)

### C

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**Car Sharing Service:** See [Sec. 6.4.8](#)

**Car Rental:** See [Sec. 6.4.8](#)

**Car Wash:** See [Sec. 6.4.9](#)

**Carport:** A one-story roofed structure permanently open on at least three sides and designed for or used for occupancy by a motor vehicle. For the purposes of this Chapter, a one-story port-cochere meets the definition of a carport.

**Cemetery:** See [Sec. 6.3.1](#)

**Club, Clubhouse:** See [Sec. 6.3.2](#)

**Cluster Development for Open Space Preservation:** See [Sec. 6.2.12](#)

**Commercial Vehicle Parking:** See [Sec. 6.7.2](#)

**Community Use Space:** See [Sec. 6.3.3](#)

**Hospital:** See [Sec. 6.3.7](#)

**Hotel:** See [Sec. 6.4.17](#)

## I

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**Indoor Recreation Facility:** See [Sec. 6.6.2](#)

**Institution, Single-Use:** A religious or nonprofit educational use having no more than one principal building and less than 50,000 square feet of lot area.

**Institution, Multi-Use:** A religious or nonprofit educational use having one or more buildings and at least 50,000 square feet of lot area.

**Interior Lot:** See [Lot, interior](#).

## J

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[reserved]

## K

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**Keno:** See [Sec. 6.10.2](#)

## L

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**Laboratory and Research Facility, No Recombinant DNA:** See [Sec. 6.5.9](#)

**Landing:** A level area at the top of a staircase or between one flight of stairs and another.

**Laundry, Cleaning and Dyeing Establishment:** See [Sec. 6.5.10](#)

**Library:** See [Sec. 6.3.8](#)

**Listed Standards:** Rules and regulations for land uses otherwise allowed by right.

**Live/Work Space:** See [Sec. 6.2.11](#)

**Lodger:** A person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit

**Lodging House:** Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers. Includes rooming house, boarding house. It shall not include convalescent, nursing, or rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; or apartments or hotels. See [Sec. 6.2.7](#).

**Lot, Corner:** See [Corner Lot](#).

**Lodging Establishment:** See [Sec. 6.4.17](#)

**Lot Coverage:** See [Sec. 1.5.2](#)

**Lot, Interior:** Any lot or part of a lot other than a corner lot.

**Lot Line:** See [Sec. 1.5.2](#)

## M

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**Maneuvering Aisle:** A maneuvering space which serves a row or rows of parking stalls.

**Manufacturing:** See [Sec. 6.5.11](#)

**Mass Below First Story:** See [Sec. 1.5.5](#)

**Mixed-Use Residential Building:** A building occupied by both residential and nonresidential uses.

**Molding, Shaping or Assembly from Prepared Materials (Including Repairs):** See [Sec. 6.5.12](#)

**Multi-Family Dwelling:** See [Sec. 6.2.4](#)

**Museum:** See [Sec. 6.3.8](#)

## N

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**Nonconforming Building:** See [Building, nonconforming](#).

**Nonconforming Use:** See [Use, nonconforming](#).

**Nonprofit Institution:** See [Sec. 6.3.8](#)

**Nursing Home:** See [Sec. 6.2.5](#)



In the case of a corner lot, the rear lot line shall be the lot line opposite the street on which the main entrance is located.

**Recreational Trailer or Vehicle:** A vehicular, portable unit which exceeds 18 feet in length, 7 feet in height or 7 feet in width and which is designed and principally used for travel, camping or recreational use, including, but not limited to, a travel trailer, pick-up camper, motorized camper, tent trailer, boat or boat trailer.

**Registered Marijuana Dispensaries:** See [Sec. 6.10.3](#)

**Residential Care Facility:** See [Sec. 6.2.13](#)

**Resource Extraction:** See [Sec. 6.6.4](#)

**Rest Home:** See [Sec. 6.3.7](#)

**Restaurant:** See [Sec. 6.4.29](#)

**Retail Sales:** See [Sec. 6.4.30](#)

**Retaining Wall:** See [Sec. 5.4.2](#)

**Riding School:** See [Sec. 6.6.5](#)

**Roof, Flat:** A roof with a pitch of less than 1:12.

**Roof, Sloped:** A roof with a pitch of 1:12 or greater, typically having gables at both ends.

**Roomer:** The same as “Lodger”.

**Rooming House:** The same as “Lodging house”.

**Rooming Unit:** [The room or group of rooms rented to an individual or household for use as living and sleeping quarters in a Lodging House.](#)

## S

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**Sanitarium:** See [Sec. 6.3.7](#)

**School or Other Educational Purposes:** See [Sec. 6.3.14](#)

**Scientific Research and Development Activities:** See [Sec. 6.7.4](#)

**Service Establishment:** See [Sec. 6.4.31](#)

**Setback Line:** See [Sec. 1.5.3](#)

**Shipbuilding, Small Boat Building, Yards for Storage and Repair:** See [Sec. 6.5.3](#)

**Side Setback Line:** A line equidistant from the side lot line which establishes the nearest point to the lot line at which the nearest point of a structure may be erected.

**Sign:** See [Sec. 5.2](#)

**Sign Painting Shop:** See [Sec. 6.5.14](#)

**Single-Person Occupancy Dwelling:** See [Sec. 6.2.14](#)

**Single-Room Occupancy Dwelling:** See [Sec. 6.2.14](#)

**Single-Family Attached:** See [Sec. 1.5.1](#)

**Single-Family Detached:** See [Sec. 1.5.1](#)

**Sloped Roof:** See [Roof, Sloped](#).

**Space, habitable:** Gross floor area in a building structure used for living, sleeping, eating or cooking purposes, including closets and hallways.

**Sports Stadium:** A building or structure containing tiered seating facilities for more than 200 spectators at sporting events.

**Stable:** See [Sec. 6.4.32](#)

**Stairs:** A set of steps leading from one floor of a building to another, typically inside the building.

**Steps:** A flat surface, especially one in a series, on which to place one's foot when moving from one level to another.

**Stock Farm:** See [Sec. 6.6.5](#)

**Storage Building:** See [Sec. 6.5.5](#)

**Storage, Outdoor:** See [Sec. 6.4.23](#)

**Story:** See [Sec. 1.5.4](#)

**Street:** A public way or a way opened and dedicated to the public use which has not become a public way, or a toll road open to public travel, including its approaches and toll houses or booths.

**Street Level:** The level of a building the floor of which is nearest to the grade of the adjacent sidewalk.

## Sec. 3.4. Allowed Uses

### 3.4.1. Residential Districts Allowed Uses

Residential Districts								Definition/ Listed Standards
	SR1	SR2	SR3	MR1	MR2	MR3	MR4	
<b>Residential Uses</b>								
Single-family, detached	P	P	P	P	P	P	P	<a href="#">Sec. 6.2.1</a>
Two-family, detached	--	--	--	P	P	P	P	<a href="#">Sec. 6.2.2</a>
Single-family, attached	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.3</a>
Multi-family dwelling	--	--	--	--	SP	SP	SP	<a href="#">Sec. 6.2.4</a>
Association of persons in a common dwelling	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.6</a>
Lodging house	--	--	--	SP	SP	SP	SP	<a href="#">Sec. 6.2.7</a>
Congregate living facility	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.8</a>
Dormitory (5-20 persons)	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.9</a>
Dormitory (20+ persons)	L	L	L	L	L	L	L	<a href="#">Sec. 6.2.9</a>
Cluster development for open space preservation	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.12</a>
Residential care facility	--	--	--	--	--	SP	SP	<a href="#">Sec. 6.2.13</a>
<b>Civic/Institutional Uses</b>								
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.1</a>
Club, clubhouse	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.2</a>
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.4</a>
Hospital	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.7</a>
Library, museum or similar institution	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.8</a>
Nonprofit institution	--	--	--	SP	SP	SP	SP	<a href="#">Sec. 6.3.9</a>
Public use	L	L	L	L	L	L	L	<a href="#">Sec. 6.2.10</a>
Religious institution	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.12</a>
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.13</a>
School or other educational purposes, non-profit	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.14</a>
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.14</a>
Scientific research and development activities, accessory	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.7.4</a>
<b>Commercial Uses</b>								
Funeral home	--	--	--	--	SP	SP	--	<a href="#">Sec. 6.4.15</a>
Radio or television transmission station or structure	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.4.27</a>
<b>Industrial Uses</b>								
Wireless communication equipment	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	<a href="#">Sec. 6.9</a>
<b>Open Space Uses</b>								
Agriculture on a parcel of 5 or more acres	P	P	P	P	P	P	P	<a href="#">Sec. 6.6.1</a>
Agriculture on a parcel under 5 acres	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.1</a>
Resource extraction	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.4</a>
Riding school, stock farm	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.5</a>

P = Allowed by Right    L = Allowed Subject to Listed Standards    SP = Special Permit by Board of Aldermen Required    -- Not Allowed

## Sec. 4.4. Allowed Uses

### 4.4.1. Business, Mixed Use & Manufacturing Districts

<b>Business, Mixed Use &amp; Manufacturing Districts</b>	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
<b>Residential Uses</b>												
Single-Family, detached	L	L	L	L	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.1</a>
Two-Family, detached	L	L	L	L	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.2</a>
Residential use, above ground floor	L	L	L	L	--	SP	L/SP	P	P	--	--	<a href="#">Sec. 6.2.4</a>
Residential use, ground floor	SP	SP	SP	SP	--	SP	SP	P	SP	--	--	<a href="#">Sec. 6.2.4</a>
Assisted living, nursing home	--	--	--	--	--	--	--	SP	SP	--	--	<a href="#">Sec. 6.2.5</a>
Elderly housing with services	SP	SP	SP	SP	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.10</a>
Live/work space	P	P	P	P	P	P	P	P	P	--	--	<a href="#">Sec. 6.2.11</a>
Lodging House, above ground floor	SP	SP	SP	SP	--	SP	SP	SP	SP	--	--	<a href="#">Sec. 6.2.7</a>
<b>Civic/Institutional Uses</b>												
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.1</a>
Club, clubhouse	P	P	P	P	--	--	P	--	SP	--	P	<a href="#">Sec. 6.3.2</a>
Community use space	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Sec. 6.3.3</a>
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.4</a>
Government offices or services	--	--	--	--	--	--	--	P	P	--	--	<a href="#">Sec. 6.3.5</a>
Heliport	--	--	--	--	SP	--	--	--	--	SP	SP	<a href="#">Sec. 6.3.6</a>
Hospital	SP	SP	SP	SP	SP	--	--	--	--	--	--	<a href="#">Sec. 6.3.7</a>
Library, museum or similar institution	P	P	P	P	SP	--	P	P	P	--	P	<a href="#">Sec. 6.3.8</a>
Public use	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.10</a>
Rail/bus station	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Sec. 6.3.11</a>
Religious institution	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.12</a>
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	--	SP	--	--	--	--	<a href="#">Sec. 6.3.13</a>
School or other educational purposes, non-profit	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.14</a>
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.14</a>
Theatre, hall	P	P	P	P	--	--	P	SP	SP	--	P	<a href="#">Sec. 6.3.15</a>
<b>Commercial Uses</b>												
Animal service, excluding overnight boarding	--	--	--	--	--	SP	SP	--	SP	--	--	<a href="#">Sec. 6.4.1</a>
ATM, standalone	SP	SP	SP	SP	SP	SP	SP	P	SP	SP	SP	<a href="#">Sec. 6.4.2</a>

P = Allowed by Right    L = Allowed Subject to Listed Standards    SP = Special Permit by Board of Aldermen Required    -- Not Allowed

### 5.1.4. Number of Parking Stalls

A. The minimum number of parking stalls to be supplied for each type of building or land use shall be in accordance with the following requirements. Where the computation results in a fractional number, the fraction shall be counted as one stall.

Use	Parking Stalls Required	Allowed by Special Permit
<b>Residential</b>		
Single-family dwelling, Two-family dwelling	2 per unit	
Accessory apartment	1 per unit	
Association of persons	1 per adult occupant in unit	
Single-family attached dwelling, Multi-family dwelling	2 per unit	1.25 per unit, except multi-family housing for low-income or elderly persons built under state or federal housing programs: 1 per 2 units in a low income unit plus 1 per 4 elderly units
Lodging House	1 per 3 Rooming Units; max. of 6	0 per Rooming Unit for Lodging Houses within 1/2 mile of rail transit (Green Line or Commuter Rail) or within 1/4 mile of MBTA Bus Service.
Convalescent or rest home or other institution devoted to the board, care or treatment of humans	1 per every 4 beds plus 1 per every 3 employees	
Elderly housing with services facility, residential care facility, elderly congregate living facility	1 per every 2 dwelling units 1 per every 4 nursing beds plus 1 per 3 employees	.25 per dwelling unit where adequate transportation services are available
<b>Civic/Institutional</b>		
Dormitory	1 per 5 occupants	
Religious Institutions	1 per 3 seats, permanent or otherwise; 1 per 3 employees; plus 1 per 45 sf used for meeting function purposes when such space is customarily used concurrently with the seating space	
School serving children under 14 years of age	1 per employee not residing on premises	
<b>Commercial</b>		
Bank	1 per 300 sf plus 1 per every 3 employees	
Family child care home, large family child care home, day care center	1 per employee not residing on premises plus 1 per every 5 children	
Funeral home	1 per 40 sf; 30 spaces min.	
Health club, similar establishment	1 per 150 sf plus 1 per every 3 employees	
Hospital, sanitarium	1 per every 3 beds plus 1 per every 3 employees	
Hotel, motel	1 per sleeping room plus 1 per every 3 employees	

### 6.2.4. Multi-Family

#### A. Defined.

1. **Multi-Family.** See Sec. 1.5.1
2. **Residential Use, Above Ground Floor [reserved]**
3. **Residential Use, Ground Floor [reserved]**

#### B. Standards.

1. **In the Business 1 through Business 4, Mixed Use 2, and Mixed Use 4 Districts.** Multi-family residential is an allowed use in upper stories of a building containing allowed commercial uses on the ground floor.
2. **In the Multi-Residence 4 District.** A special permit is required, subject to the following conditions:
  - a. **Business Services.** Where deemed necessary by the Board of Aldermen because of the number of residents to be accommodated on the lot or tract, business facilities for the individual convenience of the residents, such as barbershops, beauty parlors, tailors, shoe repair shops and similar personal services, newsstands, drugstores, food shops, dining rooms and similar retail uses, medical and related professional services, gasoline selling and service stations and parking lots and similar services may be conducted within a multi-family dwelling except that dining rooms with related facilities may be conducted within a building attached to and made an integral part of a multi-family dwelling but shall not exceed 2 percent of the gross floor area of all buildings containing dwelling units; provided, that there shall be no entrance to such a place of business except from the inside of the building, except for gasoline selling and service stations and parking lots; there shall be no signs or advertising matter pertaining to such business services outside of any building and no illuminated signs in the windows of the business facilities, and the gross floor area of the business services including dining rooms and related facilities shall not exceed 5 percent of the gross floor area of all buildings containing dwelling units;

- b. No building shall be closer to any other building on the lot or tract than a distance equal to the sum of their heights nor in any case closer than 50 feet. The Board of Aldermen may permit buildings to be erected closer to each other in cases where by reason of the location or size of the buildings on such lot or tract and the relationship of one building to another, there is assurance of adequate light, air and privacy, and the approval of the site plans by the Board of Aldermen shall constitute the granting of such permission.

(Ord. No. S-260, 08/03/87)

### 6.2.5. Assisted Living, Nursing Home

#### A. Defined. [reserved]

### 6.2.6. Association of Persons in a Common Dwelling

- A. Defined.** A group of 5 or more persons 18 years of age or older, who are unrelated by blood, marriage or adoption living together in a common dwelling.

(Ord. No. T-57, 11/20/89)

### 6.2.7. Lodging House

- A. Intent.** Lodging House is an allowed residential use for independent living with shared facilities. The lodging house use is intended to:
1. Diversify housing choices in Newton while respecting the residential character and scale of existing neighborhoods;
  2. Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;
  3. Lodging houses are encouraged to locate near transit to further provide lodgers access to transportation services.
- B. Defined.** A Lodging House is Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers. Includes rooming house, boarding house. It shall not include convalescent, nursing, or rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; or apartments or hotels.

### C. Standards.

1. All lodging houses shall be licensed at all times of operation.
2. Signage for lodging houses shall be consistent with Section 5.2.7. Signs in Residence Districts or Section 5.2.8. Signs in Commercial Districts as appropriate; exceptions to the maximum size shall not be granted by Special Permit.
3. In residential districts, all lodging houses shall be consistent with the character of the neighborhood.
4. **Parking.**
  - a. The number of parking stalls shall be consistent with Section 5.1.4.
  - b. No lodging house may provide more than 6 parking spaces on a lot.
  - c. Lodging houses located within 1/2 mile of rail transit (Green Line or Commuter Rail), or within 1/4 mile of an MBTA Bus stop, may reduce the number of parking spaces to 0.
  - d. All parking areas shall be screened from any adjacent residences and from the public way.

### D. Process.

1. All lodging houses created by a change of use shall require design review by the Urban Design Commission. Report of the Urban Design Commission shall be submitted to the City Council.

(Ord. No. S-260 08/03/87)

### 6.2.8. Congregate Living Facility

- A. Defined.** An association of persons living together in a shared living environment which integrates shelter and service needs of elderly, functionally impaired or functionally isolated persons who are otherwise in good health and can maintain a semi-independent lifestyle and who do not require constant supervision or intensive health care as provided by an institution. Each resident may have a separate bedroom, living room, kitchen, dining area or bathroom, or may share living, dining, and bathroom facilities with

other persons. Such facility shall be deemed an association of persons living together in a single dwelling and not a lodging house.

(Ord. No. S-260 08/03/87)

### 6.2.9. Dormitory

- A. Defined.** A building owned or controlled directly or indirectly by a religious or educational non-profit institution (excepting a nonprofit hospital) providing sleeping quarters for 5 or more unrelated persons.
- B. Standards.** In all residence districts, the construction, alteration, enlargement, extension or reconstruction of a building or structure as, and the use of a building, structure or land for, a dormitory providing sleeping quarters for 20 or more persons must meet the following conditions:
1. **Building location.** A dormitory shall not be closer to any other building on the same lot than 50 feet.
  2. **Courts.**
    - a. An inner court shall have a minimum dimension at least equal to twice the average height of the surrounding walls and shall have an opening at ground level with a minimum height of 18 feet and a minimum width of 18 feet to permit access to service and emergency vehicles.
    - b. An outer court shall be open to the full extent of its width at least equal to 1.5 times the average height of the surrounding walls and a depth no greater than its width.
    - c. The area of any court which exceeds 15 percent of the "Minimum Open Area" required shall not be included in the calculation of that minimum open area.

- C. Site Plan Review.** Dormitories are subject to the Site Plan Review procedures in Sec. 7.4.

(Rev. Ords. 1973 §24-18; Ord. No. S-260, 08/03/87; Ord. No. S-322, 07/11/88)

### 6.2.10. Elderly Housing with Services

- A. Defined.** Elderly housing with services, including residential care facilities, assisted living facilities and congregate care facilities.

**B. Standards.** In the business districts, the Board of Aldermen may grant a special permit for elderly housing with services with a lot area of no less than 400 square feet per dwelling unit.

(Ord. No. T-183, 11/04/91)

### 6.2.11. Live/Work Space

**A. Defined.** [reserved]

### 6.2.12. Cluster Development for Open Space Preservation

**A. Defined.** [reserved]

**B. Standards.** See Sec. 3.3.1

### 6.2.13. Residential Care Facility

**A. Defined.** A residential care facility shall consist in part of independent dwelling units, and shall contain a combination of central cooking and dining facilities, recreation facilities and shall provide to all its residents, specified medical services, which medical services shall include, but are not limited to, nursing and dietary assistance, together with the availability on the premises of full-time nursing care in a licensed care facility, provided that at least 1 occupant of each dwelling unit shall be at least 65 years of age or older.

**B. Standards.**

1. **In the Multi-Residence 3 District.** A special permit is required, subject to the following conditions:
  - a. The ratio of gross floor area devoted to residential purposes to lot area shall not exceed 0.67. Such gross residential floor area shall include hallways, stairwells, utility rooms and other similar areas which are directly accessory to independent dwelling units. Such gross residential floor area shall not include garage, library, activity, office, medical care, eating, assembly or other special supportive areas;
  - b. The Board of Aldermen may establish a limitation upon the maximum number of persons to be permitted per dwelling unit; and the Board of Aldermen may establish a minimum staff requirement for the residential care facility, provided, however, that the Board of Aldermen may, if circumstances

warrant, grant a special permit, for construction of a residential care facility with a lesser lot area per dwelling unit, a lesser number of parking spaces per dwelling unit, a greater gross floor area or a greater gross residential floor area ratio, but in no case:

- i. With less than 850 square feet of lot area per dwelling unit;
- ii. With a gross floor area ratio of more than 2.0;
- iii. With a gross residential floor area ratio of more than 1.34;
- iv. With less than 0.25 parking spaces per dwelling unit.

(Ord. No. 31, 12/02/74; Ord. No. R-14, 07/09/79; Ord. No. V-307, 06/19/00)



## Sec. 8.3. Defined Terms

### A

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**Accessory Apartment:** See [Sec. 3.4.3](#)

**Accessory Purpose:** As applied to buildings or structures, a use in conjunction with an existing building on the same or an adjoining lot.

**Accessory Sign:** See Sign, accessory.

**Adult Entertainment Uses:** See [Sec. 6.10.1](#)

**Agriculture:** See [Sec. 6.6.1](#)

**Animal Service:** See [Sec. 6.4.1](#)

**Apartment House:** See Dwelling, multifamily

**Assembly or Fabrication of Materials Manufactured Off Premise:** See [Sec. 6.5.1](#)

**Assisted Living:** See [Sec. 6.2.5](#)

**Association of Persons:** A group of 5 or more persons 18 years of age or older, who are unrelated by blood, marriage or adoption; provided that an association of persons as defined in this [Sec. 8.3.](#) shall not be deemed to constitute a “family” within the meaning of this Chapter.

**Attached Dwelling:** See Dwelling, single-family attached.

**Attached, Single-Family:** See Dwelling, single-family attached.

**Attic:** The space in a building between the ceiling joists of the top full story and the roof rafters.

### B

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**Bakery, Retail:** See [Sec. 6.4.3](#)

**Bakery, Wholesale:** See [Sec. 6.5.2](#)

**Bank:** See [Sec. 6.4.4](#)

**Basement:** See [Sec. 1.5.4](#)

**Bike Rental:** See [Sec. 6.4.8](#)

**Boarder:** See Lodger.

**Boarding House:** See Lodging House

**Bottling Works:** See [Sec. 6.5.4](#)

**Bowling Alley:** See [Sec. 6.4.5](#)

**Build Factor:** A mathematical formula which limits the irregularity of the lot shape. See [Sec. 1.5.6](#)

**Building:** A structure, including alterations, enlargements, and extensions, built, erected, or framed of any combination of materials having a roof, whether portable or fixed, designed or intended for the shelter of persons, animals, or the storage of property.

**Building Materials Sales Yard:** See [Sec. 6.5.5](#)

**Building, Nonconforming:** A building which does not conform in whole or in part to the use or construction regulations of the district in which the building is located.

**Business Establishment:** Each separate place of business whether or not consisting of one or more buildings or a part of a building or vacant land.

**Business Services:** See [Sec. 6.4.7](#)

### C

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**Car Sharing Service:** See [Sec. 6.4.8](#)

**Car Rental:** See [Sec. 6.4.8](#)

**Car Wash:** See [Sec. 6.4.9](#)

**Carport:** A one-story roofed structure permanently open on at least three sides and designed for or used for occupancy by a motor vehicle. For the purposes of this Chapter, a one-story port-cochere meets the definition of a carport.

**Cemetery:** See [Sec. 6.3.1](#)

**Club, Clubhouse:** See [Sec. 6.3.2](#)

**Cluster Development for Open Space Preservation:** See [Sec. 6.2.12](#)

**Commercial Vehicle Parking:** See [Sec. 6.7.2](#)

**Community Use Space:** See [Sec. 6.3.3](#)



**Hospital:** See [Sec. 6.3.7](#)

**Hotel:** See [Sec. 6.4.17](#)

## I

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**Indoor Recreation Facility:** See [Sec. 6.6.2](#)

**Institution, Single-Use:** A religious or nonprofit educational use having no more than one principal building and less than 50,000 square feet of lot area.

**Institution, Multi-Use:** A religious or nonprofit educational use having one or more buildings and at least 50,000 square feet of lot area.

**Interior Lot:** See Lot, interior.

## J

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[reserved]

## K

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**Keno:** See [Sec. 6.10.2](#)

## L

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**Laboratory and Research Facility, No Recombinant DNA:** See [Sec. 6.5.9](#)

**Landing:** A level area at the top of a staircase or between one flight of stairs and another.

**Laundry, Cleaning and Dyeing Establishment:** See [Sec. 6.5.10](#)

**Library:** See [Sec. 6.3.8](#)

**Listed Standards:** Rules and regulations for land uses otherwise allowed by right.

**Live/Work Space:** See [Sec. 6.2.11](#)

**Lodger:** A person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit

**Lodging House:** Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers. Includes rooming house, boarding lodging house. It shall not include convalescent, nursing, or rest homes; group homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels. See [Sec. 6.2.7](#)

**Lodging Establishment:** See [Sec. 6.4.17](#)

**Lot, Corner:** See Corner Lot.

**Lot Coverage:** See [Sec. 1.5.2](#)

**Lot, Interior:** Any lot or part of a lot other than a corner lot.

**Lot Line:** See [Sec. 1.5.2](#)

## M

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**Maneuvering Aisle:** A maneuvering space which serves a row or rows of parking stalls.

**Manufacturing:** See [Sec. 6.5.11](#)

**Mass Below First Story:** See [Sec. 1.5.5](#)

**Mixed-Use Residential Building:** A building occupied by both residential and nonresidential uses.

**Molding, Shaping or Assembly from Prepared Materials (Including Repairs):** See [Sec. 6.5.12](#)

**Multi-Family Dwelling:** See [Sec. 6.2.4](#)

**Museum:** See [Sec. 6.3.8](#)

## N

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**Nonconforming Building:** See Building, nonconforming.

**Nonconforming Use:** See Use, nonconforming.

**Nonprofit Institution:** See [Sec. 6.3.8](#)

**Nursing Home:** See [Sec. 6.2.5](#)

In the case of a corner lot, the rear lot line shall be the lot line opposite the street on which the main entrance is located.

**Recreational Trailer or Vehicle:** A vehicular, portable unit which exceeds 18 feet in length, 7 feet in height or 7 feet in width and which is designed and principally used for travel, camping or recreational use, including, but not limited to, a travel trailer, pick-up camper, motorized camper, tent trailer, boat or boat trailer.

**Registered Marijuana Dispensaries:** See [Sec. 6.10.3](#)

**Residential Care Facility:** See [Sec. 6.2.13](#)

**Resource Extraction:** See [Sec. 6.6.4](#)

**Rest Home:** See [Sec. 6.3.7](#)

**Restaurant:** See [Sec. 6.4.29](#)

**Retail Sales:** See [Sec. 6.4.30](#)

**Retaining Wall:** See [Sec. 5.4.2](#)

**Riding School:** See [Sec. 6.6.5](#)

**Roof, Flat:** A roof with a pitch of less than 1:12.

**Roof, Sloped:** A roof with a pitch of 1:12 or greater, typically having gables at both ends.

**Roomer:** The same as “Lodger”.

**Rooming House:** The same as “Lodging house”.

**Rooming Unit:** The room or group of rooms rented to an individual or household for use as living and sleeping quarters in a Lodging House.

## S

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**Sanitarium:** See [Sec. 6.3.7](#)

**School or Other Educational Purposes:** See [Sec. 6.3.14](#)

**Scientific Research and Development Activities:** See [Sec. 6.7.4](#)

**Service Establishment:** See [Sec. 6.4.31](#)

**Setback Line:** See [Sec. 1.5.3](#)

**Shipbuilding, Small Boat Building, Yards for Storage and Repair:** See [Sec. 6.5.3](#)

**Side Setback Line:** A line equidistant from the side lot line which establishes the nearest point to the lot line at which the nearest point of a structure may be erected.

**Sign:** See [Sec. 5.2](#)

**Sign Painting Shop:** See [Sec. 6.5.14](#)

**Single-Person Occupancy Dwelling:** See [Sec. 6.2.14](#)

**Single-Room Occupancy Dwelling:** See [Sec. 6.2.14](#)

**Single-Family Attached:** See [Sec. 1.5.1](#)

**Single-Family Detached:** See [Sec. 1.5.1](#)

**Sloped Roof:** See [Roof, Sloped](#).

**Space, habitable:** Gross floor area in a building structure used for living, sleeping, eating or cooking purposes, including closets and hallways.

**Sports Stadium:** A building or structure containing tiered seating facilities for more than 200 spectators at sporting events.

**Stable:** See [Sec. 6.4.32](#)

**Stairs:** A set of steps leading from one floor of a building to another, typically inside the building.

**Steps:** A flat surface, especially one in a series, on which to place one's foot when moving from one level to another.

**Stock Farm:** See [Sec. 6.6.5](#)

**Storage Building:** See [Sec. 6.5.5](#)

**Storage, Outdoor:** See [Sec. 6.4.23](#)

**Story:** See [Sec. 1.5.4](#)

**Street:** A public way or a way opened and dedicated to the public use which has not become a public way, or a toll road open to public travel, including its approaches and toll houses or booths.

**Street Level:** The level of a building the floor of which is nearest to the grade of the adjacent sidewalk.

# Chapter 17 – Licensing and Permits Generally

## Art. II. Fees for licenses and permits, 17-2—17-21

### **Sec. 17-3. Fees for certain licenses and permits.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be paid a fee on an annual basis or unless otherwise noted to the city clerk for each of the following applications, permits, licenses or charges, the sum set forth as follows:

...  
(8) Lodging house ~~and dormitory~~ licenses ..... \$50.00

(#) Dormitory license.....\$50.00

### **Sec. 17-10. Fees to be paid to the fire department.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be a fee paid on an annual basis or unless otherwise noted to the fire chief for each of the following applications, permits, licenses or charges, the sum set forth as follows:

...  
(b) Inspection fees:

...  
~~(10) Quarterly on-site inspection, lodging/rooming houses ..... \$ 50.00~~

### **Sec 17-16. Fees for interdepartmental inspections.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be a fee paid on an annual basis or unless otherwise noted to the Commissioner of Inspectional Services for each of the following interdepartmental inspections:

(1) Lodging House Inspection Fee.....\$XXX.XX

## **Article VI. Lodging Houses, §§ 17-138 – 17-147**

Div. 1. Generally, §§17-138 – 17-142

Div. 2. Licenses, §§17-143 - 17-147

### **DIVISION 1. GENERALLY**

#### **Sec.17-138. Definitions.**

a) Lodger: A person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit.

- b) Lodging House: Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers. Includes rooming house, boarding house. It shall not include convalescent, nursing or rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; or apartments or hotels.  
**State law reference – G.L. c. 140, §22**
- c) Rooming Unit: The room or group of rooms rented to an individual or household for use as living and sleeping quarters.
- d) Enhanced Single Room Occupancy Units (E-SROs): Any Rooming Unit in a Lodging House that provides cooking facilities within the rooming unit.

#### **Sec. 17-139. Requirements for all Lodging Houses.**

- a) Common facilities. At minimum the following common facilities are required:
  - i. Kitchen for use by all residents that includes food storage and cooking facilities in compliance with the State Sanitary Code
  - ii. Bathrooms shall be provided in compliance of all applicable codes. Bathrooms for each room shall be provided on the same floor as the associated rooming unit.
- b) Facilities in Rooming Units.
  - i. Rooming Units, unless considered E-SROs, shall not include cooking facilities (convection microwaves, stoves, ranges, toasters, etc.) but may include food storage and non-cooking appliances (e.g. mini-fridge, coffee maker, blender, non-convection microwave) in compliance with the licensee's approved electrical policy.
  - ii. Rooming units shall have individual keyed locks. Resident agent shall keep the master key (Resident Agent defined in Sec. 17-144).
  - iii. Rooming Units may include private bathrooms.
- c) Number of Residents. The maximum number of residents in any rooming unit shall be determined by the State Sanitary Code. The maximum number of adult residents at any Lodging House shall be in accordance with requirements in the Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.

#### **Sec. 17-140. Requirements for Enhanced Single Room Occupancy Units (E-SROs).**

Licensed lodging houses may provide E-SROs under the following requirements and in accordance with the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the city.

- a) Life Safety. Inclusion of one or more E-SRO unit in a lodging house shall trigger compliance with minimum life safety requirements applicable to new construction for R-1 occupancies as required in the State Building Code. All E-SRO units shall have two independent means of egress from the unit.
- b) Cooking facilities. Cooking facilities in E-SRO units shall consist of a mini-kitchen providing a sink with hot and cold water, food storage area, refrigerator, and electric cook top with a maximum of 2 burners. Ovens and ranges shall not be permitted. Microwaves with or without convection and other accessory appliances shall be permitted in compliance with the licensee's approved electrical use policy.
- c) Dimensional requirements. Each E-SRO shall have a minimum of 175 square feet.

- d) Max. number of E-SROs. In accordance with MGL c. 140 §22A , only a lodging house letting to more than 5 but less than 20 persons may furnish individual cooking facilities.
- e) Inclusionary Units. E-SRO units that include full living, cooking, and washing facilities, shall be subject to the Inclusionary Housing Section of the Zoning Ordinance (Chapter 30, Section 5.11).

**Sec. 17-141. Compliance with City Ordinances and State and Local Codes.**

- a) All lodging houses shall comply with the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.
- b) All lodging houses shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential properties in the city.

**Sec. 17-142. Reserved.**

**DIVISION 2: LICENSES**

**Sec. 17-143. License Required.**

No person shall operate or cause to be operated a Lodging House unless licensed by the Licensing Board of the City of Newton.

**17-144. Requirements for Licensees and Agents.**

- a) Licensee, defined. That person(s) or entity listed on the lodging house license and the owners of the land and building where the lodging house is operated.
- b) Agent, defined. That person designated by the licensee to carry out all or part of the licensee responsibilities.
- c) Responsibility of Licensee. The licensee shall be responsible for the proper supervision, operation, and maintenance of the lodging house in accordance with the requirements of these ordinances and all other pertinent laws, regulations, and codes. The appointment of an agent shall in no way relieve the licensee from responsibility for full compliance with the law.
- d) On-site supervision of the premises. Licensed premises must have supervision from a resident who shall be available on a 24-hour basis. In the event that the licensee does not reside on the premises, the licensee shall designate a resident agent. The Licensing Board shall approve such agent(s).

Contact information for the resident agent, including cell phone or similar mobile communication device, as applicable, shall be posted in a conspicuous place inside the lodging house and provided to the Police Department, Health and Human Services Department, Fire Department, and Inspectional Services Department.

Resident supervisor, whether licensee or agent, must respond to calls from City officials within a reasonable time: within one hour for emergencies and within 24 hours with respect to all other issues.

- e) Background Checks. All Licensees and agents shall be subject to background checks by the Newton Police Department.
- f) Mandatory Certification for Licensees and Agents.
  - i. All Licensees and their Agent(s) shall complete a one-time certificate program conducted by the Newton Inspectional Services Department along with representatives from the Health and Human Services Department, Police Department, and Fire Department.
  - ii. The certificate training program shall be offered once per year and will be an instructional program that will educate the licensee and the agent(s) with regard to the requirements of these regulations and other laws or related topics that the City may deem necessary for the safe and proper operation of lodging houses.
  - iii. Licensees and agents must complete either the certification training program or the preliminary certification within 30 days of receiving their license. Preliminary certification requirements shall be set by the Commissioner of Inspectional Services, with input from the Health and Human Services Department, Police Department, and Fire Department.
  - iv. Failure to complete the certification program within 1 year of assuming the duties of licensee or agent may result in a fine of the licensee not to exceed \$500.00 or the suspension or revocation of the lodging house license, as the Licensing Board, after notice and hearing, may determine.
- g) Timeliness Requirements when there is a change of Licensee or Agent. If at any time there is a change in the Licensee or Agent, the newly designated person(s) shall be required to notify the Licensing Board at least 48 hours prior to assuming responsibilities, receive their license within 60 days, and complete either the certification program or preliminary certification within 90 days.

#### **17-144. Responsibilities of Licensees and Agents regarding Residents.**

- a) Agreements with Residents. Licensees may not enter into agreements with residents that are inconsistent with the terms of these regulations, including, but not limited to, the regulations requiring licenses to inspect occupied and unoccupied rooming units and requiring licensees to institute certain House Rules. Licensees shall supply the Licensing Board a copy of agreements with lodgers and any related documents.
- b) Minors. No room shall be let to any unemancipated person who is younger than eighteen (18) years of age.
- c) Occupancy. No licensee shall vary the occupancy of the licensed premises as certified by the Inspectional Services Department.
- d) Resident and Guest Registries. The licensee of every lodging house shall keep or cause to be kept, in permanent form, a registry of residents. Such register shall contain the true name or name in ordinary use and the last residence of every person engaging or occupying a private room together with a true and accurate record of the room assigned to such person and of the day and hour of move-in and move-out. The entry of names of the residents shall be made by the residents themselves. Copies of these records shall always be maintained and be available for inspection by any City official.

Guests shall be registered in a separate guest registry with day and time of entry and exit listed.

e) House Rules. Licensees and their agent(s) shall institute house rules as necessary to prevent the lodging house from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighborhood.

i. House rules should make residents aware of the City's ordinances and the licensee's policies, which shall be in writing. At a minimum, house rules shall adequately address the following:

1. Noise control, including use of audio equipment that may disturb the peace;

2. Adherence to laws regarding disorderly behavior;

3. Proper garbage disposal and sanitary storage of food;

4. Cleanliness of rooming units and common areas;

5. Unobstructed egress paths.

6. Compliance with Electrical Use Policy.

7. Prohibition of use of fire escapes for general access to rooming units.

8. Prohibition of tampering or removal of life safety devices.

9. Guest policy.

10. Pet policy.

11. Any other provisions as may be required by the Licensing Board or City Officials.

12. -Consequences for repeat violations of the House Rules or the requirements of these regulations, up to and including eviction.

ii. Licensees or agents shall ensure all residents are aware of the rules by distributing them at move-in, posting them in a visible place in the common area, and distributing updated copies when changes are made.

f) Electrical Use Policy. Licensees and their agent(s) shall institute an electrical use policy to prevent the lodging house from being a fire risk to the residents and neighborhood.

i. Licensees and their agent(s) shall institute an electrical use policy to be approved by the Fire Department and Inspectional Services Departments. At a minimum, electrical use policies shall adequately address the following:

1. Prohibition of use of portable heaters

2. Prohibition of use of candles or other items that require burning (incense, odor oils, etc.)

3. Prohibition of use of cooking appliances other than non-convection microwaves in rooming units, including prohibition of: toasters, toaster ovens, electric hot plates, gas plates, ovens, stoves (including stoves using sterno or other fuel), or grills. The licensee may, at his/her discretion, prohibit the use of non-convection microwaves in rooming units.

ii. Licensees or agents shall ensure all residents are aware of the electric use policy by distributing it at move-in, posting it in a visible place in the common area, and distributing updated copies when changes are made.

#### **17-145. Responsibilities of Licensees and Agents regarding Property Maintenance & Management.**

a) Egress from and Access to Building. Licensees and Agents shall be responsible for ensuring that adequate egress is provided. A minimum of two means of egress shall be provided from each

occupied story of a lodging house. No private room shall be used as access to a required fire escape except that additional egress shall be provided to E-SROs in accordance with Sec. 17-140.

Licensees and Agents shall promptly remove any obstacle that may interfere with the means of egress or escape from any building or other premises, or access to any part of the building or premises by the fire department. Doors and windows designated as exits shall be kept clear at all times.

- b) Egress Route Information. Licensees and Agents shall be responsible for ensuring that egress routes are clearly marked and identified.

Licensees or Agents shall establish and post an Evacuation Plan in compliance with the NFPA Protocol for residential occupancies on all levels of the building and near all exits. The facility is required to conduct at least four Evacuation Drills a year held quarterly and submit documentation to Fire Prevention showing that they have been done.

Licensees or Agents shall ensure that exit signs and emergency lighting along the egress routes are in good working order at all times.

- c) Maintenance. The building and all parts thereof shall be kept in good general repair and properly maintained.

#### **17-146. License Application and Renewal Requirements.**

- a) Application Requirements. The Licensing Board shall establish application forms and procedures for application filing that at minimum adequately address the following:

- i. Incomplete applications shall not be accepted.
- ii. Submission of an application containing false information shall be cause for refusing the application or for suspending, canceling, or revoking a license already granted.
- iii. No person or entity shall obtain or renew a license unless the applicant can demonstrate proof of a legal right to the licensed premises for the term of the license.
- iv. At minimum the application for a Licensee must contain the following documents:
  - i. Personal information for the licensee and any agent(s) at the time of application
  - ii. Contact information for resident supervisor whether licensee or agent
  - iii. Background Check form(s) for licensee and resident supervising agent as applicable
  - iv. Copy of House Rules
  - v. Copy of Electrical Use Policy
  - vi. Copy of Evacuation Plan
  - vii. Application filing fee
- v. At a minimum, the application for an Agent shall include:
  - i. Personal information
  - ii. Contact information
  - iii. Background Check form if serving as resident supervising agent
  - iv. Description of responsibilities

- b) Fees. Application and License fees shall be in an amount established by the City Council.

- i. Application filing fees are non-returnable once an application has been accepted by the Inspectional Services Department.
- ii. Annual license fees shall be payable immediately upon approval of the license by the Board.



c) City Inspections and Reports. All licensed premises shall be inspected by the City of Newton prior to initial license, and annually thereafter. Annual Inspections shall be conducted by the Inspectional Services Department, Police Department, Fire Department, and Health and Human Services Department, coordinated as a one-time inspection. The above departments may conduct additional inspections as may be required to ensure safety. All inspecting departments shall keep records of annual inspections and visits to the property made to the property throughout each year.

The following City departments shall provide a report to the Licensing Board prior to license renewal, Inspectional Services, Police, Fire, Health and Human Services, Treasurer/collector, and Planning Department as appropriate.

d) Licensing Board Process Requirements. The Licensing Board shall establish procedures for assessing Lodging House License applications and conduct the meetings in accordance with established rules. The Licensing Board shall approve/deny applications for both licensees and their agent(s).

The Licensing Board shall hold a public hearing on each application for a new licensee or agent.

In determining whether or not to grant a request for a new license, the Board shall consider matters bearing on health, life safety, and compliance with city ordinances, including the adequacy of the facilities, the applicant's record in running lodging houses, and the qualifications and character of the applicant and their agent(s). The Board shall not deny a license based on general grounds of adverse impact on the neighborhood.

e) Denial of Licenses or Renewal Applications. The Licensing Board may deny an application for a license or renewal or may suspend a license where there is just cause for doing so. A public hearing must be held prior to denial of an application.

f) Penalties for Violations. In addition to the penalties for code and ordinance violations established by the Commonwealth of Massachusetts and City of Newton, the Licensing Board shall have the authority to issue the following penalties for violations of these regulations after notice of hearing and opportunity to be heard.

i. More than three (3) code violations not addressed within 30 days of Inspection...\$XXX Fine

ii. More vehicles stored on the premises than allowed on the premises by zoning on (3) or more occasions...\$XXX Fine

iii. More residents on the premises than allowed on two (2) or more occasions ...\$XXX Fine

iv. If two (2) or more of the above fines are warranted in any 12 month period or if three (3) or more of the above fines are warranted in a 36 month period...Denial of License Renewal.

g) Transfer/Sales of Licenses. No licensee may transfer to another person or entity a license issued pursuant to these regulations except upon application to and approval of the transfer by the Licensing Board. Any such transfer shall be subject to the terms and conditions of the original license, unless otherwise ordered by the Board.

h) Display of Licenses. All licenses issued by the City pursuant to these regulations shall be displayed on the premises in a conspicuous place where they can be easily read.

i) Taxes and Charges. All taxes and charges owed to the City must be paid on a current basis. The City may deny a license or license renewal if taxes are not current.

Sec. 17-147. Reserved.

# Chapter 17 – Licensing and Permits Generally

## Art. II. Fees for licenses and permits, 17-2—17-21

### **Sec. 17-3. Fees for certain licenses and permits.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be paid a fee on an annual basis or unless otherwise noted to the city clerk for each of the following applications, permits, licenses or charges, the sum set forth as follows:

- ...
- (8) Lodging house licenses ..... \$50.00
- (#) Dormitory license.....\$50.00

### **Sec. 17-10. Fees to be paid to the fire department.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be a fee paid on an annual basis or unless otherwise noted to the fire chief for each of the following applications, permits, licenses or charges, the sum set forth as follows:

- ...
- (b) Inspection fees:
- ...

### **Sec 17-16. Fees for interdepartmental inspections.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be a fee paid on an annual basis or unless otherwise noted to the Commissioner of Inspectional Services for each of the following interdepartmental inspections:

- (1) Lodging House Inspection Fee.....\$XXX.XX

## Article VI. Lodging Houses, §§ 17-138 – 17-147

Div. 1. Generally, §§17-138 – 17-142

Div. 2. Licenses, §§17-143 - 17-147

### **DIVISION 1. GENERALLY**

#### **Sec.17-138. Definitions.**

- a) Lodger: A person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit.
- b) Lodging House: Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers. Includes rooming house, boarding house. It shall not include convalescent, nursing or

rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; or apartments or hotels.

**State law reference** – G.L. c. 140, §22

- c) Rooming Unit: The room or group of rooms rented to an individual or household for use as living and sleeping quarters.
- d) Enhanced Single Room Occupancy Units (E-SROs): Any Rooming Unit in a Lodging House that provides cooking facilities within the rooming unit.

#### **Sec. 17-139. Requirements for all Lodging Houses.**

- a) Common facilities. At minimum the following common facilities are required:
  - i. Kitchen for use by all residents that includes food storage and cooking facilities in compliance with the State Sanitary Code
  - ii. Bathrooms shall be provided in compliance of all applicable codes. Bathrooms for each room shall be provided on the same floor as the associated rooming unit.
- b) Facilities in Rooming Units.
  - i. Rooming Units, unless considered E-SROs, shall not include cooking facilities (convection microwaves, stoves, ranges, toasters, etc.) but may include food storage and non-cooking appliances (e.g. mini-fridge, coffee maker, blender, non-convection microwave) in compliance with the licensee's approved electrical policy.
  - ii. Rooming units shall have individual keyed locks. Resident agent shall keep the master key (Resident Agent defined in Sec. 17-144).
  - iii. Rooming Units may include private bathrooms.
- c) Number of Residents. The maximum number of residents in any rooming unit shall be determined by the State Sanitary Code. The maximum number of adult residents at any Lodging House shall be in accordance with requirements in the Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.

#### **Sec. 17-140. Requirements for Enhanced Single Room Occupancy Units (E-SROs).**

Licensed lodging houses may provide E-SROs under the following requirements and in accordance with the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the city.

- a) Life Safety. Inclusion of one or more E-SRO unit in a lodging house shall trigger compliance with minimum life safety requirements applicable to new construction for R-1 occupancies as required in the State Building Code. All E-SRO units shall have two independent means of egress from the unit.
- b) Cooking facilities. Cooking facilities in E-SRO units shall consist of a mini-kitchen providing a sink with hot and cold water, food storage area, refrigerator, and electric cook top with a maximum of 2 burners. Ovens and ranges shall not be permitted. Microwaves with or without convection and other accessory appliances shall be permitted in compliance with the licensee's approved electrical use policy.
- c) Dimensional requirements. Each E-SRO shall have a minimum of 175 square feet.
- d) Max. number of E-SROs. In accordance with MGL c. 140 §22A , only a lodging house letting to more than 5 but less than 20 persons may furnish individual cooking facilities.

- e) Inclusionary Units. E-SRO units that include full living, cooking, and washing facilities, shall be subject to the Inclusionary Housing Section of the Zoning Ordinance (Chapter 30, Section 5.11).

**Sec. 17-141. Compliance with City Ordinances and State and Local Codes.**

- a) All lodging houses shall comply with the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.
- b) All lodging houses shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential properties in the city.

**Sec. 17-142. Reserved.**

**DIVISION 2: LICENSES**

**Sec. 17-143. License Required.**

No person shall operate or cause to be operated a Lodging House unless licensed by the Licensing Board of the City of Newton.

**17-144. Requirements for Licensees and Agents.**

- a) Licensee, defined. That person(s) or entity listed on the lodging house license and the owners of the land and building where the lodging house is operated.
- b) Agent, defined. That person designated by the licensee to carry out all or part of the licensee responsibilities.
- c) Responsibility of Licensee. The licensee shall be responsible for the proper supervision, operation, and maintenance of the lodging house in accordance with the requirements of these ordinances and all other pertinent laws, regulations, and codes. The appointment of an agent shall in no way relieve the licensee from responsibility for full compliance with the law.
- d) On-site supervision of the premises. Licensed premises must have supervision from a resident who shall be available on a 24-hour basis. In the event that the licensee does not reside on the premises, the licensee shall designate a resident agent. The Licensing Board shall approve such agent(s).

Contact information for the resident agent, including cell phone or similar mobile communication device, as applicable, shall be posted in a conspicuous place inside the lodging house and provided to the Police Department, Health and Human Services Department, Fire Department, and Inspectional Services Department.

Resident supervisor, whether licensee or agent, must respond to calls from City officials within a reasonable time: within one hour for emergencies and within 24 hours with respect to all other issues.

- e) Background Checks. All Licensees and agents shall be subject to background checks by the Newton Police Department.

- f) Mandatory Certification for Licensees and Agents.
- i. All Licensees and their Agent(s) shall complete a one-time certificate program conducted by the Newton Inspectional Services Department along with representatives from the Health and Human Services Department, Police Department, and Fire Department.
  - ii. The certificate training program shall be offered once per year and will be an instructional program that will educate the licensee and the agent(s) with regard to the requirements of these regulations and other laws or related topics that the City may deem necessary for the safe and proper operation of lodging houses.
  - iii. Licensees and agents must complete either the certification training program or the preliminary certification within 30 days of receiving their license. Preliminary certification requirements shall be set by the Commissioner of Inspectional Services, with input from the Health and Human Services Department, Police Department, and Fire Department.
  - iv. Failure to complete the certification program within 1 year of assuming the duties of licensee or agent may result in a fine of the licensee not to exceed \$500.00 or the suspension or revocation of the lodging house license, as the Licensing Board, after notice and hearing, may determine.
- g) Timeliness Requirements when there is a change of Licensee or Agent. If at any time there is a change in the Licensee or Agent, the newly designated person(s) shall be required to notify the Licensing Board at least 48 hours prior to assuming responsibilities, receive their license within 60 days, and complete either the certification program or preliminary certification within 90 days.

**17-144. Responsibilities of Licensees and Agents regarding Residents.**

- a) Agreements with Residents. Licensees may not enter into agreements with residents that are inconsistent with the terms of these regulations, including, but not limited to, the regulations requiring licenses to inspect occupied and unoccupied rooming units and requiring licensees to institute certain House Rules. Licensees shall supply the Licensing Board a copy of agreements with lodgers and any related documents.
- b) Minors. No room shall be let to any unemancipated person who is younger than eighteen (18) years of age.
- c) Occupancy. No licensee shall vary the occupancy of the licensed premises as certified by the Inspectional Services Department.
- d) Resident and Guest Registries. The licensee of every lodging house shall keep or cause to be kept, in permanent form, a registry of residents. Such register shall contain the true name or name in ordinary use and the last residence of every person engaging or occupying a private room together with a true and accurate record of the room assigned to such person and of the day and hour of move-in and move-out. The entry of names of the residents shall be made by the residents themselves. Copies of these records shall always be maintained and be available for inspection by any City official.

Guests shall be registered in a separate guest registry with day and time of entry and exit listed.

- e) House Rules. Licensees and their agent(s) shall institute house rules as necessary to prevent the lodging house from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighborhood.
- i. House rules should make residents aware of the City's ordinances and the licensee's policies, which shall be in writing. At a minimum, house rules shall adequately address the following:
    1. Noise control, including use of audio equipment that may disturb the peace;
    2. Adherence to laws regarding disorderly behavior;
    3. Proper garbage disposal and sanitary storage of food;
    4. Cleanliness of rooming units and common areas;
    5. Unobstructed egress paths.
    6. Compliance with Electrical Use Policy.
    7. Prohibition of use of fire escapes for general access to rooming units.
    8. Prohibition of tampering or removal of life safety devices.
    9. Guest policy.
    10. Pet policy.
    11. Any other provisions as may be required by the Licensing Board or City Officials.
    12. Consequences for repeat violations of the House Rules or the requirements of these regulations, up to and including eviction.
  - ii. Licensees or agents shall ensure all residents are aware of the rules by distributing them at move-in, posting them in a visible place in the common area, and distributing updated copies when changes are made.
- f) Electrical Use Policy. Licensees and their agent(s) shall institute an electrical use policy to prevent the lodging house from being a fire risk to the residents and neighborhood.
- i. Licensees and their agent(s) shall institute an electrical use policy to be approved by the Fire Department and Inspectional Services Departments. At a minimum, electrical use policies shall adequately address the following:
    1. Prohibition of use of portable heaters
    2. Prohibition of use of candles or other items that require burning (incense, odor oils, etc.)
    3. Prohibition of use of cooking appliances other than non-convection microwaves in rooming units, including prohibition of: toasters, toaster ovens, electric hot plates, gas plates, ovens, stoves (including stoves using sterno or other fuel), or grills. The licensee may, at his/her discretion, prohibit the use of non-convection microwaves in rooming units.
  - ii. Licensees or agents shall ensure all residents are aware of the electric use policy by distributing it at move-in, posting it in a visible place in the common area, and distributing updated copies when changes are made.

**17-145. Responsibilities of Licensees and Agents regarding Property Maintenance & Management.**

- a) Egress from and Access to Building. Licensees and Agents shall be responsible for ensuring that adequate egress is provided. A minimum of two means of egress shall be provided from each occupied story of a lodging house. No private room shall be used as access to a required fire escape except that additional egress shall be provided to E-SROs in accordance with Sec. 17-140.

Licensees and Agents shall promptly remove any obstacle that may interfere with the means of egress or escape from any building or other premises, or access to any part of the building or premises by the fire department. Doors and windows designated as exits shall be kept clear at all times.

- b) Egress Route Information. Licensees and Agents shall be responsible for ensuring that egress routes are clearly marked and identified.

Licensees or Agents shall establish and post an Evacuation Plan in compliance with the NFPA Protocol for residential occupancies on all levels of the building and near all exits. The facility is required to conduct at least four Evacuation Drills a year held quarterly and submit documentation to Fire Prevention showing that they have been done.

Licensees or Agents shall ensure that exit signs and emergency lighting along the egress routes are in good working order at all times.

- c) Maintenance. The building and all parts thereof shall be kept in good general repair and properly maintained.

#### **17-146. License Application and Renewal Requirements.**

- a) Application Requirements. The Licensing Board shall establish application forms and procedures for application filing that at minimum adequately address the following:
- i. Incomplete applications shall not be accepted.
  - ii. Submission of an application containing false information shall be cause for refusing the application or for suspending, canceling, or revoking a license already granted.
  - iii. No person or entity shall obtain or renew a license unless the applicant can demonstrate proof of a legal right to the licensed premises for the term of the license.
  - iv. At minimum the application for a Licensee must contain the following documents:
    - i. Personal information for the licensee and any agent(s) at the time of application
    - ii. Contact information for resident supervisor whether licensee or agent
    - iii. Background Check form(s) for licensee and resident supervising agent as applicable
    - iv. Copy of House Rules
    - v. Copy of Electrical Use Policy
    - vi. Copy of Evacuation Plan
    - vii. Application filing fee
  - v. At a minimum, the application for an Agent shall include:
    - i. Personal information
    - ii. Contact information
    - iii. Background Check form if serving as resident supervising agent
    - iv. Description of responsibilities
- b) Fees. Application and License fees shall be in an amount established by the City Council.
- i. Application filing fees are non-returnable once an application has been accepted by the Inspectional Services Department.
  - ii. Annual license fees shall be payable immediately upon approval of the license by the Board.
- c) City Inspections and Reports. All licensed premises shall be inspected by the City of Newton prior to initial license, and annually thereafter. Annual Inspections shall be conducted by the



Inspectional Services Department, Police Department, Fire Department, and Health and Human Services Department, coordinated as a one-time inspection. The above departments may conduct additional inspections as may be required to ensure safety. All inspecting departments shall keep records of annual inspections and visits to the property made to the property throughout each year.

The following City departments shall provide a report to the Licensing Board prior to license renewal, Inspectional Services, Police, Fire, Health and Human Services, Treasurer/collector, and Planning Department as appropriate.

- d) Licensing Board Process Requirements. The Licensing Board shall establish procedures for assessing Lodging House License applications and conduct the meetings in accordance with established rules. The Licensing Board shall approve/deny applications for both licensees and their agent(s).

The Licensing Board shall hold a public hearing on each application for a new licensee or agent.

In determining whether or not to grant a request for a new license, the Board shall consider matters bearing on health, life safety, and compliance with city ordinances, including the adequacy of the facilities, the applicant's record in running lodging houses, and the qualifications and character of the applicant and their agent(s). The Board shall not deny a license based on general grounds of adverse impact on the neighborhood.

- e) Denial of Licenses or Renewal Applications. The Licensing Board may deny an application for a license or renewal or may suspend a license where there is just cause for doing so. A public hearing must be held prior to denial of an application.
- f) Penalties for Violations. In addition to the penalties for code and ordinance violations established by the Commonwealth of Massachusetts and City of Newton, the Licensing Board shall have the authority to issue the following penalties for violations of these regulations after notice of hearing and opportunity to be heard.
- i. More than three (3) code violations not addressed within 30 days of Inspection...\$XXX Fine
  - ii. More vehicles stored on the premises than allowed on the premises by zoning on (3) or more occasions...\$XXX Fine
  - iii. More residents on the premises than allowed on two (2) or more occasions ...\$XXX Fine
  - iv. If two (2) or more of the above fines are warranted in any 12 month period or if three (3) or more of the above fines are warranted in a 36 month period...Denial of License Renewal.
- g) Transfer/Sales of Licenses. No licensee may transfer to another person or entity a license issued pursuant to these regulations except upon application to and approval of the transfer by the Licensing Board. Any such transfer shall be subject to the terms and conditions of the original license, unless otherwise ordered by the Board.
- h) Display of Licenses. All licenses issued by the City pursuant to these regulations shall be displayed on the premises in a conspicuous place where they can be easily read.

- i) Taxes and Charges. All taxes and charges owed to the City must be paid on a current basis. The City may deny a license or license renewal if taxes are not current.

**Sec. 17-147. Reserved.**