

The lodging house license application, for the following twelve month period from May 1<sup>st</sup>, 2018, to April 30<sup>th</sup>, 2019, requires the approval of the Lowell License Commission at a regular meeting.

Applicants are to check on the City of Lowell zoning requirements for lodging house with the Office of Development Services.

Applicants are required to comply with all code regulations of Development Services and the Fire Department; the telephone numbers listed below are for your convenience:

Development Services, 2<sup>nd</sup> floor, City Hall, 978-674-4144

Fire Prevention Office, 978-459-5554

License Commission, 3<sup>rd</sup> floor, Law Office, City Hall, 978-674-4156

The annual fee for lodging house license is \$50.00, payable to the *City of Lowell*.

Applications filed in the name of a corporation, limited liability company, or limited liability partnership, the entities are to be duly organized and registered with the Corporations Division of the Secretary of the Commonwealth.

Responsible individuals for the daily operation of a lodging house are to complete a personal background data sheet. At the discretion of the Lowell License Commission, the individuals may be asked to complete a Criminal Offender Record Information form to be submitted to the Criminal History Systems Board by the License Commission's CORI authorized employee.

THE COMMONWEALTH OF MASSACHUSETTS  
CITY OF LOWELL  
APPLICATION FOR A LODGING HOUSE LICENSE

May 1, 2018 to April 30, 2019

I - We hereby certify that I - we will keep a register on my - our Lodging House premises at «Number»  
«Street\_Name», as required by the License Commission of the City of Lowell.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

The license applied for, if Granted, cannot be Sold, Transferred or Surrendered without authority of the Board granting it.

Date of application: \_\_\_\_\_, 2018

MONTH & DATE

Signature(s) of person(s) applying for license:

Place of Residence:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Licensee:

Premises:

Number of floors above basement:

Number of rooms to be occupied:

Number of lodgers:

Business address of owner of premises:

Business telephone number:

Person in charge/manager:

License fee: \$50.00

**Background Information by License Applicant**  
[print or type]

Name \_\_\_\_\_

Home address \_\_\_\_\_

City/Town, State, Zip Code \_\_\_\_\_

How long a resident at the above address \_\_\_\_\_

Day time telephone #, include area code \_\_\_\_\_

Other telephone #, area code, if available \_\_\_\_\_

Date of birth \_\_\_\_\_

Birthplace \_\_\_\_\_

Social Security # \_\_\_\_\_

Federal/Employee Identification # \_\_\_\_\_



**§ 21F. Licensing of Clubs, Societies, Associations, or Other Organizations — Penalties.**

Any officer or employee of any such organization who dispenses or causes to be dispensed any food or beverage on its premises, or such organization is then licensed under section twenty-one E, shall be punished by a fine of not more than one hundred dollars for the first or second offence and by such fine and imprisonment for not more than three months for each subsequent offence. If any officer or employee of any such organization which is incorporated is convicted of any offence under this section, the selectmen, or the aldermen, in the place where such organization is situated, except Boston, and in Boston the police commissioner, shall immediately give notice to the state secretary, who, upon receipt thereof, shall declare the charter of such organization void, and shall publish a notice in at least one newspaper published in the county where such organization is located that such incorporation is void and of no further effect.

**HISTORY:**  
1933, 284.

**§ 22. Lodging House.**

"Lodging house", as used in sections twenty-two to thirty-one, inclusive, shall mean a house where lodgings are let to four or more persons not within second degree of kindred to the person conducting it, and shall include fraternity houses and dormitories of educational institutions, but shall not include dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed under section seventy-one of chapter one hundred and eleven or rest homes so licensed, or group residences licensed or regulated by agencies of the commonwealth.

**HISTORY:**  
1918, 259, § 1 ; 1960, 740 ; 1965, 171 ;  
1973, 481.

**Editorial Note—**  
Acts 1918, 259, § 1, enacted this section.

**CASE NOTES**

While the purpose of the provisions of ALM GL c 140, §§ 22-32 may be largely the prevention of immoral conduct, the definition of "lodging house" in the instant section is broad enough to include nursing and convalescent homes run for profit, the requirements of §§ 23-32 are not necessarily plainly inappropriate to such homes, and in the absence of any statutory provision exempting such establishments from the requirements of §§ 23-32, they must be taken to be within the scope of the definition of this section, and the fact that a particular house provided lodging as well as nursing and convalescent care to persons of advanced age who were convalescing from illness did not make the premises any less a lodging house within the instant section. *Maier v. Brookline* (Mass. 1959), 339 Mass. 209, 158 N.E.2d 320, 1959 Mass. LEXIS 789.

Upon an issue as to whether a building containing 10 bedrooms and 2 utility rooms on a basement floor, and 12 bedrooms on each of 2 upper floors was a lodging house for purposes of a zoning ordinance or a motel, it was stated that the dictionary definition of "lodging" is "accommodation in a house, esp. in rooms for rent" and the definition of "lodging house" is "a house in which lodgings are let, esp. a house other than an inn or hotel". Accordingly the court determined, referring to the instant section, that the house was adapted for use as lodging house but that whether it would be used as such could not be determined until the building was actually put into use. *Selvetti v. Building Inspector of Revere* (Mass. 1967), 353 Mass. 645, 233 N.E.2d 915, 1968 Mass. LEXIS 706.

A lodging house implies a degree of permanence in its occupancy at least as

distinguished from the tripancy of hotel and motel acc this distinction being supp definition of lodging house i motel in ALM GL c 140, § 3; building which provides sle modations for transient in whether a building which w use either as a lodging hou was used as a lodging hou purposes would depend on occupants would remain in for extended periods of time rooms would be provided motorists or other travelers of time. *Selvetti v. Build of Revere* (Mass. 1967), 353 N.E.2d 915, 1968 Mass. LEX

A building with respect airline and an airline pilot had made arrangements on basis for rotating occupan rooms by flight crews based to which flight crews of ano pany had a similar but less continuing arrangement, and in were occupied on a seasonal tain horse racing personnel house. *Selvetti v. Building Revere* (Mass. 1969), 356 M. N.E.2d 744, 1969 Mass. LEX

Judgments enjoining the allowing four unrelated adu each of their apartments co because the apartments as o not "lodgings" so as to rende properties lodging houses unc 140, § 22. *City of Worcester v Props., LLC* (Mass. 2013), 46 987 N.E.2d 1236, 2013 Mass.



Where there was history of use of buildings as dormitories and accredited college operated by qualified people sought license to operate dormitories which complied with building laws and regulations for same number of students as had occupied buildings in past, selectmen acted unlawfully in denying application for lodging-house license. *Newbury Junior College v. Brookline* (Mass. App. Ct. 1985), 19 Mass. App. Ct. 197, 472 N.E.2d 1373, 1985 Mass. App. LEXIS 1481.

Boston Licensing Board, in deciding to grant or deny license for dormitory use in Boston, may not consider general public interest or general effect of issuance of license upon neighborhood. Trustees of Boston University v. Licensing Bd. of Boston (Mass. App. Ct. 1987), 24 Mass. App. Ct. 475, 510 N.E.2d 283, 1987 Mass. App. LEXIS 2038.

In ruling on university's application for dormitory licenses, licensing board could consider only adequacy of facilities, university's record in running dormitories, and qualifications and character of dormitory supervisors. Trustees of Boston University v. Licensing Bd. of Boston (Mass. App. Ct. 1987), 24 Mass. App. Ct. 475, 510 N.E.2d 283, 1987 Mass. App. LEXIS 2038.

Dormitories of educational institutions fall within definition of "lodging houses." Trustees of Boston University v. Licensing Bd. of Boston (Mass. App. Ct. 1987), 24 Mass. App. Ct. 475, 510 N.E.2d 283, 1987 Mass. App. LEXIS 2038.

City licensing commission could not deny lodging house license on general grounds of adverse impact on neighborhood. Trustees of Paul Revere Realty Trust v. Revere License Com. (Mass. App. Ct. 1990), 29 Mass. App. Ct. 11, 556 N.E.2d 1038, 1990 Mass. App. LEXIS 370.

Since renting of majority of rooms in building temporarily to public welfare recipients waiting for long-term housing was consistent with ordinary concept of lodging house, city licensing commission's denial of license would be reversed and remanded to commission for further proceedings. Trustees of Paul Revere Realty Trust v. Revere License Com. (Mass. App. Ct. 1990), 29 Mass. App. Ct. 11, 556 N.E.2d 1038, 1990 Mass. App. LEXIS 370.

1, § 22. *Maher v. Brookline* 339 Mass. 209, 158 N.E.2d s. LEXIS 789.

License may be denied because are physically inadequate, and institution has had bad dormitories, or because unqualified or of bad character. *Newbury Junior College v. Brookline* (Mass. App. Ct. 1985), 19 Mass. App. Ct. 197, 472 N.E.2d 1373, 1985 Mass. App. LEXIS 1481.

Dormitory may not be denied because body thinks educational be good for neighborhood. *Brookline College v. Brookline* (Mass. App. Ct. 1985), 19 Mass. App. Ct. 197, 472 N.E.2d 1373, 1985 Mass. App. LEXIS 1481.

Purpose of legislation for lodginghouses was prevention of overcrowding. *Newbury Junior College v. Brookline* (Mass. App. Ct. 1985), 19 Mass. App. Ct. 197, 472 N.E.2d 1373, 1985 Mass. App. LEXIS 1481.

License may not be exercised over lodginghouses, under existing law which forbids retention of land for educational purposes of adverse impact on neighborhood. *Newbury Junior College v. Brookline* (Mass. App. Ct. 1985), 19 Mass. App. Ct. 197, 472 N.E.2d 1373, 1985 Mass. App. LEXIS 1481.

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### § 24. Lodging House — Licensing — Penalties.

Whoever conducts a lodging house without a license shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not more than three months, or both. Upon the complaint of an aggrieved party, the licensing authority or an officer of a city or town wherein such unlicensed lodging house is conducted, a justice of the housing court division or the superior court division of the trial court, may enjoin the conducting of any unlicensed lodging house and may make such other orders as the court may deem equitable to enforce the provisions of sections twenty-two to thirty-one, inclusive.

#### HISTORY:

1918, 259, § 8; 1980, 173; 1982, 634, § 10.

#### Editorial Note—

Acts 1918, 259, § 8, enacted this section.

The 1980 amendment added a sen-

tence relative to the enforcement of the licensing provisions of lodging houses.

The 1982 amendment made a corrective change to the last sentence of the section, replacing the word "or" with "and" after the words "justice of the housing court division".

### § 25. Lodging House — Inspection.

Premises occupied, used or controlled by a licensee under sections twenty-two to thirty-one, inclusive, or under an innholder's license shall be subject to inspection by the licensing authorities and their authorized agents, and by the police on request from the licensing authorities.

#### HISTORY:

1918, 259, § 3.

#### Editorial Note—

Acts 1918, 259, § 3, enacted this section.

### § 26. Lodging House — Immoral Conduct.

Whoever, being licensed as a lodging house keeper under sections twenty-two to thirty-one, inclusive, or as an innholder, or, being licensed under sections thirty-two A to thirty-two E, inclusive, or being in actual charge, management or control of such lodging house, inn or premises for which the license is issued, knowingly permits the property under his control to be used for the purpose of immoral solicitation, immoral bargaining or immoral conduct shall be punished by a fine of not less than five hundred nor more than one thousand



dollars or by imprisonment for not less than six months nor more than one year, or both. Evidence that a room in a hotel or lodging house or that the premises licensed under sections thirty-two A to thirty-two E, inclusive, were not actually used for immoral conduct shall not prevent a conviction under this section of a person in actual charge, control or management of the hotel, lodging house or premises who permits the occupation of such a room or such premises knowing or having good reason to know that the person occupying such room or premises intends to use either for immoral solicitation, immoral bargaining or immoral conduct. If it is required that registers be kept, as provided in sections twenty-seven and twenty-eight, evidence that the person in actual charge, control or management of the hotel, lodging house or premises has knowingly permitted the occupation of a private room of less than four hundred square feet floor area or of premises, containing a bed or couch, by the same woman on different occasions within a period of thirty days with different men, or by the same man on different occasions within a period of thirty days with different women, shall be prima facie evidence of a violation of this section.

**HISTORY:**

1918, 259, §§ 4, 8; 1954, 61.

**Editorial Note—**

Acts 1918, 259, §§ 4, 8, enacted this section.

The 1954 amendment made several changes in this section, without altering its fundamental purpose.

**CASE NOTES**

The evidence clearly warranted findings that the rooms of the defendant's hotel were used for immoral conduct and that guests on several occasions registered under false names. But more than this must be proved in order to convict the defendant. There must be evidence that the defendant "knowingly" permitted these things to be done. *Commonwealth v. Alten-*

haus (Mass. 1944), 317 Mass. 270, 57 N.E.2d 921, 1944 Mass. LEXIS 847. "Knowingly" when used in a criminal statute "commonly imports a perception of the facts requisite to make up the crime." *Commonwealth v. Altenhaus* (Mass. 1944), 317 Mass. 270, 57 N.E.2d 921, 1944 Mass. LEXIS 847.

residence of every person engaging or occupying a private room averaging less than four hundred square feet floor area, excepting a private dining room not containing a bed or couch, or opening into a room containing a bed or couch, for any period of the day or night in any part of the premises controlled by the licensee, together with a true and accurate record of the room assigned to such person and of the day and hour when such room is assigned. The entry of the names of the person engaging a room and of the occupants of said room shall be made by said person engaging said room or by an occupant thereof, except that when five or more members of a business, fraternal, or social group or other group having a common interest are engaging rooms, they may designate one person to make said entry on their behalf and prior to occupancy. Until the entry of such name and the record of the room has been made, such person shall not be allowed to occupy privately any room upon the licensed premises. Such register shall be retained by the holder of the license for a period of at least one year after the date of the last entry therein, and shall be open to the inspection of the licensing authorities, their agents and the police. Whoever violates any provision of this section shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not more than three months, or both.

**HISTORY:**

1918, 259, §§ 5, 8; 1947, 375; 1950, 326, § 1; 1954, 134, § 1; 1964, 592, § 1; 1975, 239; 1991, 481, § 13.

**Editorial Note—**

Acts 1918, 259, §§ 5, 8, enacted this section.

The 1950 amendment in the first sentence, replaced "trailer camp" with "trailer coach park".

The 1954 amendment inserted "motel" in the first sentence of this section.

The 1964 amendment in the first sentence, changed " , or trailer coach park," to "or mobile home park".

The 1975 amendment rewrote the second sentence, adding provisions relative to pre-registration of groups.

The 1991 amendment, effective Dec 31, 1991, in the first sentence, substituted "manufactured housing community" for "mobile home park".

**CASE NOTES**

Hotel guests, having duly registered and been put in possession of a room for their exclusive use, had the right of occupation for all lawful purposes until vacated, subject only to the access of the hotel manager at reasonable times, and in a proper manner, for such purposes as might be neces-

sary in the general management of the hotel, or upon the happening of some unanticipated, controlling emergency. *Frewen v. Page* (Mass. 1921), 238 Mass. 499, 131 N.E. 475, 1921 Mass. LEXIS 1076. Where the registry disclosed the names of hotel guests its manager was not justifi-

**§ 27. Innholder — Register.**

Every innholder, and every lodging house keeper required so to do under section twenty-eight, and every person who shall conduct, control, manage or operate, directly or indirectly, any recreational camp, overnight camp or cabin, motel or manufactured housing community shall keep or cause to be kept, in permanent form, a register in which shall be recorded the true name or name in ordinary use and the