

LICENSE COMMISSION FOR THE CITY OF WORCESTER

RULES AND REGULATIONS

TO INNKEEPERS AND LODGING HOUSE KEEPERS

The attention of innkeepers and lodging house keepers is hereby called to the following section of the innkeepers and lodging house keepers' law and the vote of the License Commission in relation thereto:

DEFINITION: "LODGING HOUSE", as used in sections twenty-two to thirty-one inclusive, shall mean a house where lodging are let to four or more persons not within the 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. (Chapt. 140, sec.22).

LICENSING PERIOD: Licensing authorities may grant license for lodging houses which shall be for the period provided in section four. **Such license shall expire on April 30 of each year.**

LICENSE FEE: They shall charge of each license such fee as the council or selectman may establish; otherwise, the same be granted without charge, but in no event shall any fee be greater than fifty dollars. (Chapt. 140, sec. 23).

UNLICENSED KEEPERS; INJUNCTION; Whoever conducts a lodging house without a license shall be punished by a fine or not less than one hundred nor more than five hundred dollars or by imprisonment for not more than three months, or both. Upon complaint of an aggrieved party, the licensing authority or an office of the city or town wherein such unlicensed lodging house is conducted, a justice of the housing court division of the superior court division of the trial court, may enjoin the conducting of any unlicensed lodging **house** and may make such orders as the court may deem equitable to enforce the provisions of section twenty-two to thirty-one, inclusive. (Chap. 140, sect. 24).

KEEPING OF REGISTER: That all innkeepers and lodging house keepers shall keep a register in permanent form. This register shall contain the true name, or name in ordinary use, the address of each lodger who resides in the building; the address to include the street number, city or town and state: the day and time of arrival the lodger takes up residence and the day and time of departure of when the lodger no longer resides on 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 authorities, their agents and the Police.

INSPECTION OF PREMISES: Premises occupied or controlled by a licensee under sections twenty-two to thirty-one, inclusive, or under an Innholders license shall be subject to

inspection by the licensing authorities and their authorized agents, and by the Police on request from the licensing authorities. (Chap. 140, sec. 25).

**OWNERS AND MANAGERS OF PREMISES:** The owner of each licensed lodging house and the manager of each lodging house must be approved by the License Commission. Whenever the approved owner or manager changes, the new owner or manager must appear before the License Commission for a new approval. At such appearance the License Commission will ask for a recommendation on the suitability of the new owner or new manager from the Worcester Police Department based on their discretion and the criteria below. No licensed lodging house shall operate without an approved owner or approved manager.

\*No owner/manager will be allowed who has a conviction of a felony prior to ten (10) years before application being submitted to License Commission

\*No owner/manager will be allowed who has violations of parole or probation within ten (10) years of application.

\*No owner/manager will be allowed who has conviction of illegal gambling and/or lottery within ten (10) years of application.

\*No owner/manger will be allowed who has conviction of a sex offense within ten (10) years of application and/or is a currently registered sex offender

\*No owner/manager will be allowed who has conviction of assault and battery and/or any other act of violence within ten (10) years before application being submitted to License Commission.

\*No owner/manager will be allowed who has conviction of trafficking or distribution of any controlled substances

\*No owner/manager will be allowed who has conviction of firearms violations and/or any weapon violations within ten (10) years of application.

\*No owner/manager will be allowed who has open criminal complaints alleging any of the aforementioned criminal offenses in this section

\*Owner/manager must obtain a current copy of their Criminal History Probation Records from the Worcester Police Property Review Team Officer for a fee of \$25.00

\*Owner/manager must notify the License Commission upon any change of ownership or management within fourteen (14) days

\*Owner/manager must be of good character

#### COLLEGE MANAGEMENT REQUIREMENTS

Every college/university which owns a lodging house shall name a manager who shall be an employee of the educational institution having appropriate administrative responsibilities for student life and/or student housing. In addition, the educational institution shall provide the telephone number of the campus security contact(that must be a 24 hour per day/7 days per week/365 days per year operations center of the educational institution) who have shall access to the individual with knowledge of the lodging house.

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Structures housing between four and ten persons not within second degree kindred to the person conducting it, shall be required to have a manager of record who will reside in the building.

Structures housing between eleven and thirty persons not within second degree kindred of the person conducting it, shall be required to have a full time manager of record , who shall reside in the building and be available during the day, as required, to ensure the proper operation of the property.

PERMITTING IMMORAL CONDUCT, DEFENSE, EVIDENCE: Whoever, being licensed as a lodging house keeper under sections twenty-two to thirty-one, inclusive, or as an Innkeeper or being in actual charge, management or control of the premises for which the license is issued, knowingly permits the premises 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 one year or both. Evidence that a room in a hotel or lodging was 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 premises who permits its occupation of such room knowing or having a good reason to know the parties occupying such a room 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 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 women of 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. (Chap. 140, sect. 26)

REVOCATION AND SUSPENSION OF LICENSE;  
INVESTIGATION: HEARING: NOTICE

A license under sections twenty-one, inclusive, or and innholder license, shall be revoked if at any time the licensing authorities are satisfied that the licensee is unfit to hold the license. They may suspend and make inoperative, for such period of time as they may deem proper, the licenses herein for any cause deemed satisfactory to them. The revocations and suspension shall not be made until after investigation and a hearing, or after giving the licensee and opportunity to be heard; notice of the hearing shall be left at the premises of the licensee not less than three days before the time therefor

Any person aggrieved by a determination of a licensing authority pursuant to the provisions of this section or by the failure of a licensing authority to grant or act upon a renewal license shall have the right to appeal in accordance with the provisions of Chapter 31A to the Housing Court Division of the trial court having jurisdiction in the city or town wherein the lodging premises are located or if there is no housing court division having jurisdiction, the Superior Court Division of the trial court.