

City of Cambridge

MASSACHUSETTS

Agenda # 6 Acceptance of Chapter 140 Section 22A

re: regulation of lodging houses. In City Council

May 7

1990

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mr. Kenneth E. Reeves	✓				
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan	✓ ⁽²⁾			✓ ⁽¹⁾	
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh	✓				
Mayor Alice K. Wolf	✓				

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9
Ch. Mr. C. Walsh

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City of Cambridge

Calendar Item # 2

~~-Agenda Item #6-~~

IN CITY COUNCIL

~~-May 7, 1990-~~

May 14, 1990

ORDERED: That the City Council go on record adopting the provisions of Section 22A Chapter 140, relative to regulations of lodging houses.

In City Council May 14, 1990.

Adopted by a ye and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

A handwritten signature in dark ink, appearing to read "John E. Flynn". The signature is written in a cursive style with a large, stylized "J" and "F".

John E. Flynn, Deputy City Clerk.



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Notes of Decisions

1. Definition

"Lodging house" is house in which lodgings are let, especially a house other than an inn or motel. *Selvetti v. Building Inspector of Revere* (1968) 233 N.E.2d 915, 353 Mass. 645, appeal after remand 249 N.E.2d 744, 356 Mass. 720.

Term "lodging house" under zoning ordinance implies degree of permanence in occupancy at least as distinguished from the transiency of hotel and motel accommodations. *Id.*

§ 22A. Cooking facilities

Notwithstanding any provision of law or any regulation, ordinance or by-law to the contrary, a lodging house where lodgings are let to more than five but less than twenty persons may furnish individual cooking facilities for the preparation, serving, eating and storage of food; provided that no such facility shall be furnished in a room having an area of less than one hundred fifty square feet. Such facilities shall, in a single room, consist of a gas or electric plate, a refrigerator and hot and cold running water and in a unit consisting of two adjoining rooms shall consist of a gas or electric range, a sink with hot and cold running water, a refrigerator and storage area for food. Any facilities furnished under this section shall comply with the building code applicable thereto. This section shall apply only to cities and town which accept its provisions.

Added by St.1970, c. 859, § 1.

Historical Note

St.1970, c. 859, § 1, was approved Aug. 31, 1970, and by section 2 made effective Jan. 1, 1971.

Library References

Innkeepers $\hookrightarrow$ 9.

C.J.S. Innkeepers § 8 et seq.

§ 23. Term; fee

Licensing authorities may grant licenses for lodging houses which shall be for the period provided in section four, and shall charge for each license such fee, not exceeding two dollars, as the city council or selectmen may establish, otherwise the same shall be granted without charge.

Amended by St.1952, c. 577.

Historical Note

St.1918, c. 259, §§ 2, 9.

St.1921, c. 59.

A second sentence, which provided for the enforcement of certain sections by the licensing authorities and for prose-

cution of violations thereof, was stricken out by the 1952 amendment.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

FAX. 868-8159

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

May 7, 1990

To The Honorable, The City Council:

I am transmitting a copy of M.G.L. chapter 140 section 22A which deals with the regulation of lodging house and recommending that the City Council accept the chapter. Section 22A was enacted by the Legislature as chapter 859 of the Acts of 1970. Its purpose was to permit individual cooking facilities in lodging houses where rooms are let to more than five but less than twenty persons. This act requires acceptance by the city to become effective in Cambridge.

The issue raised by this section has especial importance for the rental housing stock in our city. In light of the recent public debate over the conflict of laws properties, it has become apparent that a significant number of rent controlled building possess the characteristics of these lodging house units.

I believe that acceptance of this legislation will serve to clarify some of the issues arising from the "conflicts" cases.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/mev
enclosure

Agenda # 6

S-511 Cal#2
Acceptance of Chapter 140 Section 22A of the
MGLA regarding regulations of lodging houses.

In City Council,

May 7, 1990

*Charter Right
exercised by Councillor
Walsh.*

*5/14/90 Order adopted
9-0-0*