

# The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

## BILL FILING TEMPLATE

*Be It Enacted, by the Senate and House of Representatives, etc., as follows:*

SECTION 1. Section 1 of Chapter 64G of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) "Lodging house", 1) a dwelling containing 5 or more single room occupancy units, or a dwelling let to 5 or more persons who are not a family or a single housekeeping unit; or 2) a dwelling let to a person who conducts a lodging house by subletting the dwelling to 4 or more additional persons not part of the conductor's family or single housekeeping unit as defined in section 22 of chapter 140 or required to be licensed under section 23 of chapter 140.

SECTION 2. Chapter 140 of the General Laws is hereby amended by striking out section 22, as so appearing, and inserting in place thereof the following section:-

Section 22. (a) "Lodging house", as used in sections 22 to 31, inclusive, shall mean: 1) a dwelling containing 5 or more single room occupancy units, or a dwelling let to 5 or more persons who are not a family or a single housekeeping unit; or 2) a dwelling let to a person who conducts a lodging house by subletting the dwelling to 4 or more additional persons not part of the conductor's family or single housekeeping unit. A dwelling meeting either of the definitions set forth in this section shall be a lodging house for the purposes of sections 22 to 31, inclusive. A lodging house shall include fraternity houses and dormitories of educational institutions, but shall not include, nor shall the definitions provided in this section be meant to include, dormitories of charitable or philanthropic institutions or convalescent homes licensed under section 71 of chapter 111 or rest homes so licensed or group residences licensed or regulated by agencies of the commonwealth.

(b) For the purposes of this section the following words shall have the following meanings:-

"Dwelling", any portion of a house or building that is occupied, designed to be occupied, or rented, leased or hired out to be occupied, as a residence, temporary or permanent, of 1 or more persons.

"Family", 2 or more persons related by blood, marriage or adoption.

"Single housekeeping unit", 1 or more persons who are not a family but who live together voluntarily as parties to a common lease or rental agreement, that also provides for a period of tenancy common to all parties, a common right to use and enjoy the entire dwelling or dwelling unit, notwithstanding the parties' designation of certain areas as individualized sleeping quarters, and a single periodic rent payment to the owner or

owner's agent; provided that shared household living arrangements shall also be an indication that a dwelling is being occupied as a single housekeeping unit, which arrangements include but shall not be limited to the sharing of payment for utilities, groceries and common sanitary, living and cooking supplies; and provided further that, a family or single housekeeping unit shall be considered a person for the purposes of this section provided that the number of individuals does not exceed the minimum square footage requirements established by provisions of the state sanitary code or any requirements for residential uses set forth in the state building code or applicable zoning ordinances or regulations.

"Single room occupancy unit", a room individually let within a dwelling and not containing its own kitchen facilities, which may or may not include access to shared kitchen facilities.

"Subletting", the letting of single room occupancy units within a dwelling in exchange for rent or other contribution or payment for utilities or dwelling expenses.