

By Mr. Sears of Boston, petition of John W. Sears, Oliver F. Ames, Maurice E. Frye, Jr., and Katharine D. Kane for legislation to define dormitories and providing for the regulating and license of such dormitories. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Eight.

AN ACT DEFINING DORMITORIES, AND ESTABLISHING DORMITORY LICENSES, AND CREATING REGULATIONS FOR DORMITORY LIVING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 22 of chapter 140 of the General Laws,
2 is hereby amended by adding at the end thereof the following:—
3 If the register required by section twenty-seven of this chap-
4 ter shows that more than half of the lodgers are registered
5 as students, the building shall be regarded as a dormitory.

1 SECTION 2. Section 27 of chapter 140 of the General Laws
2 as most recently amended by chapter 592 of the acts of 1964 is
3 hereby further amended by adding, after the word “thereof”
4 in line thirteen the following:—any person who is principally
5 a student shall enter after his name and residence the word
6 “student”.

1 SECTION 3. Chapter 140 of the General Laws is hereby
2 amended by adding after section 32 the following new sec-
3 tions:—

4 DORMITORIES.

5 Section 32A. “Dormitory” as used in sections thirty-two A
6 to thirty-two K inclusive, shall mean a house where lodgings
7 are let to five or more persons not within the second degree of
8 kindred to the licensee, and more than half of whom are
9 students.

10 *Section 32B.* Licensing authorities may grant licenses for
11 dormitories which shall be for the period provided in section
12 four and shall charge for each license such fee, not exceeding
13 thirty dollars if there is adult supervision on the premises, and
14 not exceeding three hundred dollars if there is no adult super-
15 vision on the premises, as the city council or selectmen may
16 establish, otherwise the same shall be granted without charge.
17 Said authorities shall enforce sections thirty-two C to thirty-
18 two K, inclusive, and shall prosecute all violations thereof.

19 *Section 32C.* Whoever conducts a dormitory without a li-
20 cense shall be punished by a fine of not less than five hundred
21 nor more than two thousand dollars or by imprisonment for not
22 more than three months, or both.

23 *Section 32D.* Premises occupied, used or controlled by a li-
24 censee under sections thirty-two A to thirty-two J, inclusive,
25 shall be subject to inspection by the licensing authorities and
26 their authorized agents, by the police, and by the school au-
27 thorities responsible for the conduct of any student resident
28 therein.

29 *Section 32E.* Whoever, having a license to conduct a dormi-
30 tory under sections thirty-two A to thirty-two J, inclusive, or
31 being in actual charge, management or control of the premises
32 for which the license is issued, knowingly permits the premises
33 under his control to be used for the purpose of immoral solici-
34 tation, immoral bargaining, immoral conduct, use or traffic in
35 narcotics, or use of alcoholic beverages by minors, shall be
36 punished by a fine of not less than five hundred nor more than
37 one thousand dollars or by imprisonment for not less than
38 three months nor more than one year, or both. Evidence that
39 a room in a dormitory was not actually used for immoral con-
40 duct shall not prevent a conviction under this section of a
41 person in actual charge, control or management of the prem-
42 ises who permits the occupation of such room knowing or hav-
43 ing good reason to know that the parties occupying such room
44 intended to use it for immoral solicitation, immoral bargaining
45 or immoral conduct.

46 *Section 32F.* Every dormitory licensee required to do so under
47 section thirty-two G, shall keep or cause to be kept, in perman-
48 ent form, a register in which shall be recorded the true name
49 or name in ordinary use and the legal residence of every person

50 lodging therein; together with a true and accurate record of
51 the room assigned to such person and the day and hour when
52 such room is assigned. Until the entry of such name and the
53 record of the room has been made, such person shall not be
54 allowed to occupy any room within the licensed premises.
55 Such register shall be retained by the licensee for a period of
56 at least one year after the date of the last entry therein, and
57 shall be open to the inspection of the licensing authorities,
58 their agents and the police. Whoever violates any provision of
59 this section shall be punished by a fine of not less than one
60 hundred nor more than five hundred dollars or by imprison-
61 ment for not more than three months, or both.

62 *Section 32G.* Every dormitory licensee shall within twenty-
63 four hours after he is ordered to do so by the licensing authori-
64 ties keep a register.

65 *Section 32H.* No person shall write or cause to be written, or
66 if in charge of a register knowingly permit to be written, in any
67 register in any dormitory any other or different name or
68 designation than the true name or name in ordinary use of the
69 person registering or causing himself to be registered therein.
70 No person occupying a dormitory shall fail to register or fail
71 to cause himself to be registered. Whoever violates any provi-
72 sion of this section shall be punished by a fine of not less than
73 ten nor more than twenty-five dollars.

74 *Section 32I.* A license issued under sections thirty-two A to
75 thirty-two K shall be revoked if at any time the licensing au-
76 thorities are satisfied that the licensee is unfit to hold the
77 license. They may suspend and make inoperative, for such
78 period of time as they may deem proper, the licenses mentioned
79 herein for any cause deemed satisfactory to them. No licensee
80 shall be deemed fit to hold a dormitory license if it is found
81 upon reasonable investigation that any resident student has
82 less than square feet of living space. School authori-
83 ties responsible for the conduct of any student may request the
84 licensing authorities to investigate conditions in any licensed
85 dormitory, may request revocation and suspension of dormitory
86 licenses and may evict students for whom they are respon-
87 sible. Revocation and suspension shall not be effectuated
88 until after investigation and a hearing, or after giving the
89 licensee an opportunity to be heard. Notice of the hearing

90 shall be left at the premises of the licensee not less than three
91 days before the time therefor.

92 *Section 32J.* All dormitory licensees who have been ordered
93 to keep a register shall post in a conspicuous place near the
94 register a notice, to be furnished by the licensing authorities,
95 containing the provisions of sections thirty-two F and thirty-
96 two H relating to the entry of names and residences in the
97 register, together with the penalty provided for their viola-
98 tion.

99 *Section 32K.* The clerk of a court where any person is con-
100 victed of a violation of any provision of sections thirty-two A
101 to thirty-two K inclusive, shall forthwith send a copy of the
102 record of the conviction to the licensing authorities in the city
103 or town which is his legal residence.