

HOUSE No. 1865

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting abandoned animals in vacant properties.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>

<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Brian R. Mannel</i>	<i>2nd Barnstable</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>

<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 1865

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 1865) of David M. Rogers and others for legislation to require owners of rented or foreclosed properties to check for abandoned animals . Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act protecting abandoned animals in vacant properties.

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. Chapter 186 of the General Laws is hereby amended by adding the
2 following section:-

3 Section 23. Within 3 days after the lessor or owner knew or should have known
4 that a property has been vacated through foreclosure, termination of tenancy, abandonment or
5 other removal or exclusion of a tenant from the premises pursuant to this chapter or chapter
6 186A, the lessor or owner shall inspect the property for the presence of abandoned animals.

7 If the lessor or owner encounters an abandoned animal pursuant to this section,
8 the lessor or owner shall immediately notify an animal control officer appointed pursuant to
9 chapter 140, a police officer or any other authorized agent of the presence and condition of the
10 animal.

11 Prompt reporting shall be considered evidence of sufficient regard for the
12 suffering of the animal. The lessor or owner who encounters an abandoned animal pursuant to

13 this section shall not be considered the owner, possessor or person having the charge or custody
14 of an animal under section 77 of chapter 272.

15 For the purposes of this section, an animal shall be considered abandoned if it is
16 found in a property vacated through foreclosure, summary process, termination of tenancy or
17 abandonment.

18 SECTION 2. Section 4 of chapter 239 of the General Laws, as appearing in the
19 2012 Official Edition, is hereby amended by inserting after the word “thereof”, in line 5, the
20 following words:- , except that if an animal is found on the land or tenement, the officer shall
21 immediately notify an animal control officer appointed pursuant to chapter 140, a police officer
22 or any other authorized agent of the presence and condition of the animal.

23 SECTION 3. The first paragraph of said section 4 of said chapter 239, as so
24 appearing, is hereby further amended by adding the following sentence:- This section shall not
25 apply to animals removed in accordance with section 23 of chapter 186, section 41 of chapter
26 244 or section 14 of this chapter.

27 SECTION 4. Said chapter 239 is hereby further amended by adding the following
28 section:-

29 Section 14. Within 3 days after the lessor or owner knew or should have known
30 that a property has been vacated as a result of summary process the lessor or owner shall inspect
31 the property for the presence of abandoned animals.

32 If the lessor or owner encounters an abandoned animal pursuant to this section or
33 section 4, the lessor or owner shall immediately notify an animal control officer appointed

34 pursuant to chapter 140, a police officer or any other authorized agent of the presence and
35 condition of the animal.

36 Prompt reporting shall be considered evidence of sufficient regard for the
37 suffering of the animal. The person or entity who encounters an abandoned animal pursuant to
38 this section shall not be considered the owner, possessor or person having the charge or custody
39 of an animal under section 77 of chapter 272.

40 For the purposes of this section, an animal shall be considered abandoned if it is
41 found in a vacated property through foreclosure, summary process, termination of tenancy or
42 abandonment.

43 SECTION 5. Chapter 244 of the General Laws is hereby amended by adding the
44 following section:-

45 Section 41. Within 3 days after the lessor or owner knew or should have known
46 that a property has been vacated through mortgage foreclosure, the mortgagee or owner shall
47 inspect the property for the presence of abandoned animals.

48 If the mortgagee or owner encounters an abandoned animal pursuant to this
49 section, the lessor or owner shall immediately notify an animal control officer appointed
50 pursuant to chapter 140, a police officer or any other authorized agent of the presence and
51 condition of the animal.

52 Prompt reporting shall be considered evidence of sufficient regard for the
53 suffering of the animal. The person or entity who encounters an abandoned animal pursuant to

54 this section shall not be considered the owner, possessor or person having the charge or custody
55 of an animal under section 77 of chapter 272.

56 For the purposes of this section, an animal shall be considered abandoned if it is
57 found in a vacated property through foreclosure, summary process, termination of tenancy or
58 abandonment.