

SENATE No. 1072

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>

<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>

SENATE No. 1072

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1072) of James B. Eldridge, Kathleen O'Connor Ives, Jason M. Lewis, Susan Williams Gifford and other members of the General Court for legislation to protect abandoned animals in vacant properties. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 942 OF 2013-2014.]

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 that a
4 property has been vacated through foreclosure, termination of tenancy, abandonment or other
5 removal or exclusion of a tenant from the premises pursuant to this chapter or chapter 186A, the
6 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, the lessor
8 or owner shall immediately notify an animal control officer appointed pursuant to chapter 140, a
9 police officer or any other authorized agent of the presence and condition of the animal.

10 Prompt reporting shall be considered evidence of sufficient regard for the suffering of the
11 animal. The lessor or owner who encounters an abandoned animal pursuant to this section shall
12 not be considered the owner, possessor or person having the charge or custody of an animal
13 under section 77 of chapter 272.

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

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

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

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

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

31 If the lessor or owner encounters an abandoned animal pursuant to this section or section
32 4, the lessor or owner shall immediately notify an animal control officer appointed pursuant to
33 chapter 140, a police officer or any other authorized agent of the presence and condition of the
34 animal.

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

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

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

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

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

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

52 not be considered the owner, possessor or person having the charge or custody of an animal
53 under section 77 of chapter 272.

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