

SENATE No. 2174

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court
(2015-2016)
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SENATE, Monday, March 14, 2016

The committee on Municipalities and Regional Government to whom was referred the 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,- reports the accompanying bill (Senate, No. 2174).

For the committee,
Barbara A. L'Italien

SENATE No. 2174

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**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, as appearing in the 2014 Official Edition,
2 is hereby amended by adding the 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, or his or her designee, shall inspect the property for the presence of abandoned
7 animals.

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

12 Prompt reporting shall be considered evidence of sufficient regard for the suffering of the
13 animal. The lessor or owner, or his or her designee, who encounters an abandoned animal

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

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

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

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

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

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

33 If the lessor or owner, or his or her designee, encounters an abandoned animal pursuant
34 to this section or section 4, the lessor or owner, or his or her designee, shall immediately notify

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

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

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

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

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

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

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

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