

**SENATE . . . . . No. 2375**

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The Commonwealth of Massachusetts

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Senate, June 23, 2016.

BILL #: S2174

BILL STATUS: Place in the OD with Recommended Amendment

DISSENTERS:

None

ACCOMPANIED BILLS:

None

For the committee,

MARK C. MONTIGNY

# SENATE . . . . . No. 2375

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SENATE, Thursday, June 23, 2016 - The committee on Rules, to whom was referred the Senate protecting abandoned animals in vacant properties (Senate, No. 2174),-- reports, that the matter be placed in the Orders of the Day with an amendment substituting a new draft with the same title.

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## The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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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 30. Within 3 days after a lessor or property 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 under this chapter or chapter 186A, the  
6 lessor, property owner or a designee shall inspect the property for the presence of abandoned  
7 animals.

8           If the lessor, property owner or designee encounters an abandoned animal, the lessor,  
9 property owner or designee shall immediately notify an animal control officer as defined in  
10 chapter 140, a police officer or other authorized agent of the presence and condition of the  
11 animal.

12           The lessor, property owner or designee who encounters an abandoned animal under this  
13 section shall not be considered the owner, possessor or person having charge or custody of the  
14 animal under section 77 of chapter 272.

15           For the purposes of this section, an animal shall be considered abandoned if it is found in  
16 a property vacated through foreclosure, termination of tenancy, abandonment or other removal or  
17 exclusion of a tenant from the premises under this chapter or said chapter 186A.

18           If the lessor, property owner or designee fails to comply with this section, the lessor or  
19 property owner shall be subject to a civil fine of not more than \$500 for a first offense and not  
20 more than \$1,000 for each subsequent offense. The money collected from this fine shall be  
21 deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of  
22 chapter 10.

23           SECTION 2. Section 4 of chapter 239 of the General Laws, as appearing in the 2014  
24 Official Edition, is hereby amended by inserting after the word “thereof”, in line 5, the following  
25 words:- ; provided, however, that if an animal is found on the land or tenement, the officer shall  
26 immediately notify an animal control officer as defined in chapter 140, a police officer or other  
27 authorized agent of the presence and condition of the animal.

28           SECTION 3. Subsection (a) of said section 4 of said chapter 239, as so appearing, is  
29 hereby amended by adding the following sentence:- This section shall not apply to an animal  
30 removed under section 30 of chapter 186, section 41 of chapter 244 or section 14.

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

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

36           If the lessor, property owner or designee encounters an abandoned animal under this  
37 section or section 4, the lessor, property owner or designee shall immediately notify an animal  
38 control officer as defined in chapter 140, a police officer or other authorized agent of the  
39 presence and condition of the animal.

40           The lessor, property owner or designee who encounters an abandoned animal pursuant to  
41 this section shall not be considered the owner, possessor or person having the charge or custody  
42 of the animal under section 77 of chapter 272.

43           For the purposes of this section, an animal shall be considered abandoned if it is found in  
44 a property vacated as a result of summary process.

45           If the lessor, property owner or designee fails to comply with this section, the lessor or  
46 property owner shall be subject to a civil fine of not more than \$500 for a first offense and not  
47 more than \$1,000 for each subsequent offense. The money collected from this fine shall be  
48 deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of  
49 chapter 10.

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

52           Section 41. Within 3 days after the lessor or property owner knew or should have known  
53 that a property was vacated through a mortgage foreclosure, the mortgagee, property owner or a

54 designee shall inspect the property for the presence of abandoned animals. If the mortgagee,  
55 property owner or designee encounters an abandoned animal under this section, the mortgagee,  
56 property owner or designee shall immediately notify an animal control officer as defined in  
57 chapter 140, a police officer or other authorized agent of the presence and condition of the  
58 animal.

59           The mortgagee, property owner or designee who encounters an abandoned animal  
60 pursuant to this section shall not be considered the owner, possessor or person having the charge  
61 or custody of the animal under section 77 of chapter 272.

62           For the purposes of this section, an animal shall be considered abandoned if it is found in  
63 a property vacated through mortgage foreclosure.

64           If the mortgagee, property owner or designee fails to comply with this section, the  
65 mortgagee or property owner shall be subject to a civil fine of not more than \$500 for a first  
66 offense and not more than \$1,000 for each subsequent offense. The money collected from this  
67 fine shall be deposited into the Homeless Animal Prevention and Care Fund established in  
68 section 35WW of chapter 10.