

HOUSE No. 2426

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>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>

<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>

HOUSE No. 2426

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 2426) of David M. Rogers and others relative to abandoned animals in vacant properties. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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