

**SENATE . . . . . No. 1127**

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**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>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/24/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/25/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/25/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/26/2017</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/26/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/2/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/27/2017</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>1/30/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/30/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/3/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/1/2017</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>2/1/2017</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>2/2/2017</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/2/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/2/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/2/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/2/2017</i>

<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/3/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>2/3/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2017</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/3/2017</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/3/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/3/2017</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/3/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/3/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>2/3/2017</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/3/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/7/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>2/8/2017</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/14/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>3/15/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>4/11/2017</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>5/30/2017</i>

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1127) of James B. Eldridge, Jack Lewis, Thomas M. McGee, John W. Scibak and other members of the General Court for legislation to protect abandoned animals in vacant properties. Municipalities and Regional Government.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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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, 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 20142  
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.           If the  
49 mortgagee or owner, or his or her designee, encounters an abandoned animal pursuant to this  
50 section, the lessor or owner shall immediately notify an animal control officer appointed  
51 pursuant to chapter 140, a police officer or any other authorized agent of the presence and  
52 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.