SENATE DOCKET, NO. 472 FILED ON: 1/16/2013

SENATE . . . . . No. 613

The Commonwealth of Massachusetts

PRESENTED BY:

***Anthony W. Petruccelli*, (BY REQUEST)**

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 relative to prohibit landlords from requiring a cat to be declawed.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia Tacelli	*59 Washington Street Winthrop, MA 02152*

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SENATE . . . . . No. 613

By Mr. Petruccelli (by request), a petition (accompanied by bill, Senate, No. 613) of Patricia Tacelli for legislation to prohibit landlords from requiring a cat to be declawed. Housing.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to prohibit landlords from requiring a cat to be declawed.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 186 is hereby amended by adding the following new section :-

Section 23. (a) A person or corporation that occupies, owns, manages, or provides services in connection with any real property, including the individual's or corporation's agents or successors in interest, and that allows an animal on the premises, shall not do any of the following:

(1) advertise, though any means, the availability of real property for occupancy in a manner designed to discourage application for occupancy of that real property because an applicant's animal has not been declawed;

(2) refuse to allow the occupancy of any real property, refuse to negotiate the occupancy of any real property, otherwise make unavailable or deny to any other person the occupancy of any real property because of that person's refusal to declaw an animals;

(3) require any tenant or occupant of real property to declaw any animal allowed on the premises;

(4) include any provision of a lease or other rental agreement relating to real property whereby a lessee or tenant enters into a covenant, agreement or contract, by the use of any words whatsoever, the effect of which is to terminate, or to provide that the lessor or landlord may terminate, such lease or agreement if the tenant has cat that is not declawed that shall occupy the premises covered by such lease or agreement. Such lease or agreement shall be deemed to be against public policy and void.

(b) A person or corporation that occupies, owns, manages, or provides services in connection with any real property, including the individual's or corporation's agents or successors in interest, and that allows an animal on the premises, shall be punished by a fine of not less than three hundred dollars, or by imprisonment for not more than six months for a violation of this section. Such person, corporation or agent or successor who commits an act in violation of this section shall also be liable for actual and consequential damages or three month's rent, whichever is greater, and the costs of the action, including a reasonable attorney's fee, all of which may be applied in setoff to or in recoupment against any claim for rent owed or owing.

The superior and district courts shall have jurisdiction in equity to restrain violations of this section. The provisions of section 18 of chapter 186 and section 2A of chapter 239 shall apply to any act taken as a reprisal against any person for reporting or proceeding against violations of this section.

Any waiver of this provision in any lease or other rental agreement shall be void and unenforceable