

SENATE . . . . . No. 942

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:
James B. Eldridge	Middlesex and Worcester
Carlo Basile	1st Suffolk
William N. Brownsberger	Second Suffolk and Middlesex
Jason M. Lewis	Fifth Middlesex
Danielle W. Gregoire	4th Middlesex
Peter V. Kocot	1st Hampshire
Kathi-Anne Reinstein	16th Suffolk
Mark J. Cusack	5th Norfolk
Ruth B. Balsler	12th Middlesex
Gloria L. Fox	7th Suffolk
Denise Provost	27th Middlesex
Eugene L. O'Flaherty	2nd Suffolk
David M. Rogers	24th Middlesex
Tom Sannicandro	7th Middlesex
Martin J. Walsh	13th Suffolk
Lori A. Ehrlich	8th Essex
Carl M. Sciortino, Jr.	34th Middlesex
David M. Nangle	17th Middlesex

<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>James T. Welch</i>	<i>Hampden</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Steven M. Walsh</i>	<i>11th Essex</i>

**SENATE . . . . . No. 942**

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 942) of James B. Eldridge, Carlo Basile, William N. Brownsberger, Jason M. Lewis 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**

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**In the Year Two Thousand Thirteen**  
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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 2010 Official Edition,  
2 is hereby amended by inserting the following section:-

3 Section 23. Within 5 days of a property being vacated through foreclosure, termination of  
4 tenancy, abandonment or other removal or exclusion of a tenant from the premises pursuant to  
5 said chapter 186 or chapter 186A, the lessor or owner shall inspect the property for the presence  
6 of abandoned animals.

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

10 Prompt reporting shall be considered evidence of sufficient regard for the suffering of the  
11 animal. The lessor or owner who encounters an abandoned animal pursuant to this subsection  
12 shall not be considered the owner, possessor, or person having the charge or custody of an  
13 animal under Section 77 of chapter 272.

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

16 SECTION 2. Section 4 of chapter 239 of the General Laws, as so appearing, is hereby  
17 amended in subsection (a) by inserting after the first sentence the following words:- , except that  
18 if an animal is found on the land or tenement, said officer shall immediately notify an animal

19 control officer appointed pursuant to chapter 140 or police officer or any other authorized agent  
20 of the presence and condition of the animal.

21 SECTION 3. Said chapter 239 of the General Laws, as so appearing, is hereby further  
22 amended by inserting the following section:-

23 Section 14. Within 5 days of a property being vacated as a result of summary process the  
24 lessor or owner shall inspect the property for the presence of abandoned animals.

25 If the lessor or owner encounters an abandoned animal pursuant to this section or section  
26 4, the lessor or owner shall immediately notify an animal control officer appointed pursuant to  
27 chapter 140 or police officer or any other authorized agent of the presence and condition of the  
28 animal.

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

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

35 SECTION 4. Section 4 of said chapter 239, as so appearing, is hereby amended in the  
36 first paragraph by inserting after the last sentence the following sentence:- This section shall not  
37 apply to animals removed in accordance section 23 of chapter 186 or section 41 of chapter 244  
38 or section 14 of this chapter.

39 SECTION 5. Chapter 244 of the General Laws, as so appearing, is hereby amended by  
40 inserting the following section:-

41 Section 41. Within 5 days of a property being vacated through mortgage foreclosure, the  
42 mortgagee or owner shall inspect the property for the presence of abandoned animals.

43 If the mortgagee or owner encounters an abandoned animal pursuant to this section, the  
44 lessor or owner shall immediately notify an animal control officer appointed pursuant to chapter  
45 140 or police officer or any other authorized agent of the presence and condition of the animal.

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

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