

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

<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

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.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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.