

SENATE No. 2375

The Commonwealth of Massachusetts

—————
In the One Hundred and Eighty-Ninth General Court
(2015-2016)
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SENATE, Thursday, June 23, 2016

The committee on Rules, to whom was referred the Senate protecting abandoned animals in vacant properties (Senate, No. 2174),-- reports, that the matter be placed in the Orders of the Day with an amendment substituting a new draft with the same title (Senate, No. 2375).

For the committee,
Mark C. Montigny

SENATE No. 2375

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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