



**SUPPORT SB1127 – An Act Protecting Abandoned Animals in Vacant Properties  
[Sen. James Eldridge (D)]**  
**SUPPORT HB2426 – An Act Protecting Abandoned Animals in Vacant Properties  
[Rep. David Rogers(D)]**

Referred to Joint Committee on Municipalities and Regional Government

**WHAT THESE BILLS DO:**

These bills would reduce animal harm and suffering by providing protection for abandoned animals in foreclosed and abandoned properties in Massachusetts. The bills clarify responsibilities of relevant parties. The bill does not make the landlord or foreclosing owner responsible for abandoned animals, but in the House version, the lessor or property owner will be subject to a \$500 fine for the first offense and \$1,000 fine for each subsequent offense with the fines deposited into the Homeless Animal Prevention and Care Fund.

**WHY YOU SHOULD SUPPORT THESE BILLS:**

Animals can be abandoned in vacated or foreclosed properties by irresponsible owners. These animals face suffering and potential starvation without authorized intervention. These bills would require landlords or foreclosing owners to inspect recently vacated or foreclosed units looking for abandoned animals within three days. If an animal is found abandoned, the foreclosing owner or landlord would be required to immediately contact an animal control officer, police or other authorized agent. Any animal found would be deemed legally abandoned.

**FOR MORE INFORMATION:**

Massachusetts Federation of Dog Clubs and Responsible Dog Owners  
Kyle Shaffer; 781-727-0775; k.shaffer@comcast.net  
John W. Seeley; 978-456-8644; acgjohn@aol.com

08/27/17

**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>

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

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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)**

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.

**HOUSE . . . . . No. 2426**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***David M. Rogers***

*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>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>



<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>

**HOUSE . . . . . No. 2426**

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 2426) of David M. Rogers and others relative to abandoned animals in vacant properties. Municipalities and Regional Government.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

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