

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:

Patricia Tacelli

DISTRICT/ADDRESS:

59 Washington Street

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

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In the Year Two Thousand Thirteen
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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:

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

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

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

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

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

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

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

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

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