

JOINT LETTER OF OPPOSITION H.1822/S.989

May 1, 2020

Joint Committee on Municipalities and Regional Government
24 Beacon Street
State House Room 540
Boston, Massachusetts 02133
The Honorable Chairwoman Rebecca Rausch
The Honorable Chairman James O'Day

Joint Committee on the Judiciary
24 Beacon Street
State House Room 136
Boston, Massachusetts 02133
The Honorable Chairman Jamie Eldridge
The Honorable Chairwoman Claire Cronin

RE: Opposition to H.1822/S.989, Civil Citations and Prohibiting Dogs Outside and Unattended

Honorable Chairs of the Joint Committee on Municipalities and Regional Government and the Joint Committee on the Judiciary:

We, the undersigned organizations, representing a diverse array of constituencies, write today to express our unified opposition to House Bill 1822 (H.1822) and Senate Bill 989 (S. 989). While we understand the well-intentioned goals of H.1822 and S.989 – to ensure proper care and humane treatment of animals, including an adequate and nutritious diet, and clean water and living conditions – our organizations have serious concerns about the extensive negative consequences of the proposed text. As such, we strongly urge the two Joint Committees to take no action on dog legislation that was recently provided Committee extensions into May.

Both H.1822 and S. 989 attempt to establish domestic animal care standards by inserting text into a section of law specifying care and conditions for dogs, which if unmet would result in civil penalties. In addition, the legislation proposes new definitions, bans the use of kennels overnight and prohibits dogs left “outside and unattended” for more than 15 minutes. Proponents testified that these measures are designed to address animal hoarding and initiate action prior to animal conditions deteriorating to an extent deserving of criminal charges. Our organizations absolutely support the strong enforcement of animal care conditions in relation to appropriate food, water, and shelter. However, there are two significant concerns with these drafts: the lack of regard for the varying abilities of different dog breeds; and, the injustice of punishing all dog owners for actions taken by those who are in need of medical attention for animal hoarding disorder.

Both pieces of legislation assume that all dogs need the same protection. The one size fits all approach to dogs “outside and unattended” is unacceptable, because it fails to acknowledge different needs for different canine breeds. Dogs, like birds and other mammals, are equipped by nature to adapt to a wide variety of temperatures and conditions. Many dog breeds, including Alaskan Malamutes and Siberian Huskies, are comfortable in temperatures below 32 degrees. Other breeds that perform various working purposes, such as search and rescue, police K9, guarding property, military, hunting and scent work are safely housed in outdoor kennels. Proper exposure to weather elements for these

breeds is necessary to ensure their health in performing the functions for which they have been bred. Inserting arbitrary restrictions into statute could result in penalties absent any harm, or even discomfort, to the dog. A dog owner who safely and temporarily leaves their dog in a secure fenced area with proper shelter when away from home or while not attending to the dog could be penalized. In our view, enforcement of already-existing law meets the state's goal of protecting dogs without unfairly penalizing other dog owners who are properly caring for their dogs according to breed-appropriate care standards.

Second, current Massachusetts law may not satisfactorily provide standards of care for domestic animals that are not dogs. Rather than insert domestic animal text into the statute that is specific to dogs, as H. 1822 and S. 989 propose, we urge the Committees to initiate a process for appropriately addressing the problem of animal hoarding disorder, as described in written testimony by the proponents of H. 1822 and S. 989. Unlike those who knowingly, willingly, or negligently commit animal cruelty, individuals suffering from a mental illness diagnosed as animal hoarding disorder do not recognize the inadequate care provided for their animals.ⁱ Removing animals from their custody and imposing financial or criminal penalties fails to address the underlying cause of animal neglect in these situations. The illness is chronic with a high recidivism rate (60-100%) that will most certainly result in future animal harm when left untreated.

Thank you for considering our significant concerns. We respectfully request no favorable action on H. 1822 or S. 989.

Sincerely,

The American Kennel Club
Stacey Ober, JD, New England Legislative Analyst and Community Outreach

The Congressional Sportsmen's Foundation

The National Animal Interest Alliance
Patti Strand, President

The New England Police Benevolent Association
Gerry J. Flynn, Executive Director

Troy Caisey, Head Trainer
Boston Police Department

CC: The Honorable Mark Montigny, Bill Sponsor SB 989
The Honorable Angelo Puppolo, Bill Sponsor HB 1822
The Honorable Karen Spilka, Senate President
The Honorable Robert DeLeo, Speaker of the House

ⁱ Frost, R., Patronek, G., Arluke, A., Steketee, G., “The Hoarding of Animals: An Update”, *Psychiatric Times*, Volume 32: Issue 4, accessed January 14, 2020 at <https://www.psychiatrytimes.com/obsessive-compulsive-disorder/hoarding-animals-update>