

ANIMAL ABUSE STATUTE OVERHAUL



TAKES EFFECT ON AUGUST 28, 2017

1. Improved tethering conditions for outside.



- ❖ No more than 9 hours tethered in 24 hour period.
- ❖ Tether must be the longer of 3x length of dog or 10 feet.
- ❖ No more than 30 minutes in 90+ or -32 degree weather.
- ❖ Must have water and shade.
- ❖ Must be secured by an appropriate collar — no tow or log chain, nor choke, pinch, prong, or chain collars.
- ❖ Tethered space must be clear of excessive waste.
- ❖ No open sores or wounds on the dog's body.

2. Added protections for horses.



Currently, most crimes against horses are graded as summary offenses — similar to traffic and littering violations.

This law aligns penalties for crimes against horses with penalties for crimes against dogs and cats.

3. Increased penalties for animal abuse.



Neglect

Penalties: Summary offense (up to 90 days in jail and/or a \$300 fine) OR misdemeanor of the third degree (up to 1 year in jail and/or \$2,000 fine) if neglect causes bodily injury or places the animal at imminent risk.

Cruelty

Penalty: Misdemeanor of the second degree (up to 2 years in jail and/or a \$5,000 fine).

Aggravated cruelty

Penalty: Felony of the third degree (up to 7 years in jail and/or a \$15,000 fine).

4. Ensures convicted animal abusers forfeit abused.



Requires forfeiture of animal of anyone convicted of a felony violation and allows for forfeiture upon other convictions.

5. Grants civil immunity for veterinarians and veterinary technicians.



Shields licensed doctors of veterinary medicine, technicians, and assistants who report animal cruelty in good faith from lawsuits.

GOVERNOR TOM WOLF

Landlord/Tenant Act

Act 129 deals with the disposition of personal property left behind after a tenant has “relinquished possession of the real property”. The law defines this as occurring two ways, the first being by execution of an order of possession. This means the landlord must have filed a magisterial district court action for possession, gone to hearing, gotten a judgment and waited for the ten day appeal period to expire, after which the landlord has sent the constable to lock the tenant out of the property.

In this case, if the writ or order of possession contains a notice that the tenant has 10 days to contact the landlord about the tenant’s intent to come back for remaining personal property, which notice magisterial district courts will presumably be adding to their writs, then the landlord doesn’t have to give any additional notice to the tenant. The landlord simply waits ten days, and if no notice is received from the tenant, the landlord can dispose of the property left behind. However, the new law makes NO PROVISION for what a landlord must do if there is no notice to the tenant of his or her rights under Act 129 in the writ or order of possession, so make sure every order and writ you obtain has this notice in it.

If the writ or order has the notice provision, and the tenant gives notice to the landlord within ten days that the tenant is coming back for his possessions, the landlord must hold the possessions either in the property or in storage for a total of 30 days, exercising ordinary care with regard to care of those possessions. If the tenant retrieves the goods within the first ten days, the landlord cannot charge the tenant for removal or storage costs, but if the tenant retrieves the goods more than ten days after possession, but within 30 days thereof, the tenant can be charged for the landlord’s reasonable costs of both removal and storage. The Act does not specify whether the landlord can refuse to relinquish possession unless the costs are paid simultaneously by the tenant.

The second case which qualifies for “relinquished possession under Act 129 is when the tenant has physically vacated the premises, either before or after an eviction action, AND has removed substantially all personal property, AND has provided a forwarding address or written notice to the landlord stating that the tenant has vacated. Provided all three of these hurdles are met, if the landlord has provided in the lease or addendum to the lease, notice to the tenant of his or her rights under Act 129, then the landlord has to provide written notice to the tenant by regular mail, to the forwarding address provided or to the property address if no forwarding address is given, that the tenant has ten days from the date of the postmark of the notice to contact the landlord about retrieving property left behind. The notice must include an address and phone number where the landlord can be contacted, and must give notice that if the tenant does not retrieve the goods within the first ten days, he or she will be liable for costs of removal and storage incurred by the landlord.

Again, as in the first case, if the tenant does not contact the landlord within ten days (this time of the postmark on the notice), the landlord may dispose of the goods. If the tenant does contact the landlord, the landlord must allow thirty days from the postmark of the notice for the tenant to collect the goods.

A final caution to landlords who sell the items left behind. If the tenant has given a forwarding address, and the landlord sells the goods for more than the tenant owes the landlord, the excess proceeds of the sale are to be mailed by certified mail to the tenant at the forwarding address. If no forwarding address is given, the landlord must hold the proceeds for thirty days, after which the landlord may keep the excess.

ALL ANIMALS ARE CONSIDERED PROPERTY in the state of Pennsylvania, therefore, if an animal is left behind and not claimed by the original owner...the landlord is responsible for the care of the animal for the legal time limit allotted as stated above. Once the animal becomes the legal property of the landlord, they then can sign the animal over to the Beaver County Humane Society. Unfortunately since this is an owned animal, the Shelter cannot obtain legal custody of the animal until it is signed over either by the original owner or the landlord once the property becomes theirs. The reason for this process is due to the fact that the Beaver County Humane Society is not licensed as a boarding kennel and can only legally accept stray animals and owner surrendered animals. The only time the Shelter can accept an owned animal is in the case of a cruelty investigation in which the animal is impounded by a Humane Society Police Officer through a search and seizure warrant approved by the District Attorney and issued by the District Judge of the area. If the landlord refuses to care for the animal, they may be subject to animal cruelty charges.