

City of Lowell - Law Department

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MEMORANDUM

TO: Thomas A. Golden, Jr., City Manager

FROM: Corey F. Williams, City Solicitor

DATE: March 18, 2025

SUBJECT: MOTION RESPONSE: 3/11/25 – C. Robinson – Req. the City Mgr. have the proper department examine our ordinance S 104-3 Kennels and provide any recommendation on possible adjustments to assist the pet grooming small business community operating in our city.

The basis for C. Robinson's motion, and the petitioners who spoke at the March 11, 2025, City Council meeting, both seemingly relate to a new state law passed in 2024. "Ollie's Law" provides an expanded definition of the term "Kennel" and establishes new requirements for the City, as well as the Massachusetts Department of Agricultural Resources.

The changes, in essence, state that daycare facilities, even those without an overnight option, are not defined as "Commercial Boarding and Training Kennels", which fall under the reporting and licensing requirements for Municipalities of Chap 140, sec 137A. Rather, beginning June 1, 2025, the City must report the numbers of "Kennels" to MDAR. MDAR will then begin to establish regulations for the expanded definition of kennels, which are expected in 2026.

It is not uncommon for a law in Massachusetts to pass and go into effect prior to the development of any regulations i.e. details explaining how the statute is supposed to work. For now, the City will need to license the Dog Daycares as it would for all other kennels. With that said, City Council is within its rights to amend the "Kennel" ordinance at this time without any fear of contradicting the regulations of "Ollie's Law," as essentially none have been provided to date.

Per the request of the City Council, the Law Department sought the input of Ms. Sarah Quigley of the Social Pup, Ms. Sarah Sala of Crazy Canines, and Sergeant David Kew of the Lowell Police Department, Animal Control Division.

Ms. Quigley explained that her ideal staff to dog ratio is 1 staff member to every 12 to 15 dogs. Her business typically has between 30 to 35 dogs in daycare, though it has been as many as 40 dogs. Her professional opinion is that this ratio of staff to dogs maintains a safe environment for the dogs within the space of her current location.

Similarly, Ms. Sala explained that her maximum ratio was 1 staff member to every 15 dogs. Her business typically has between 40 to 45 dogs, with 45 being the maximum number of dogs Crazy Canines currently takes in. Ms. Sala further explained that this ratio is keeping with the standards of professional organizations within her industry.

Sergeant David Kew provided that in discussing the matter with the City ACO staff, the consensus amongst the Lowell Animal Control Officers is that the 25-dog limit is low, given the size and staffing of the facilities they have inspected. They agree with the suggestions put forward by Ms. Quigley and Ms. Sala and have no objections to raising the number of dogs at daycare facilities.

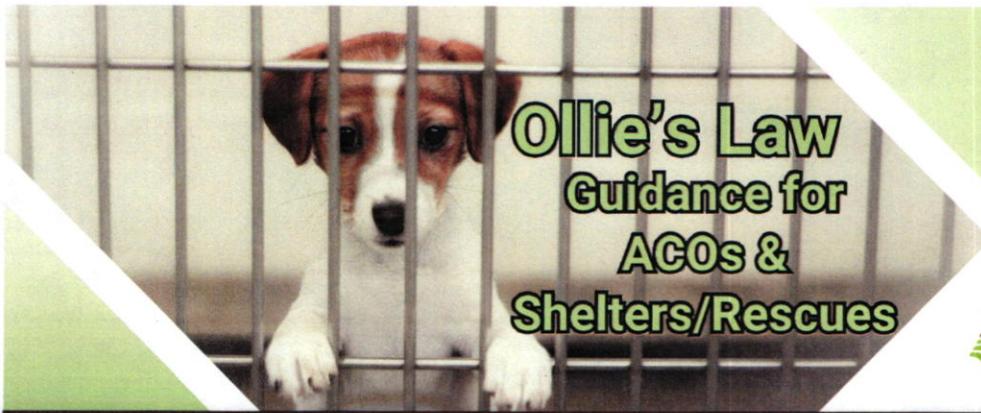
Current City Ordinance § 104-3 (F):

“All kennels shall be limited to a total of 25 dogs to be maintained on said premises. It shall be a violation of this article to have any dogs on said premises over and above said number.”

Amended City Ordinance § 104-3 (F):

“All kennels offering boarding, holding, or overnight services shall be limited to a total of 25 dogs to be maintained on said premises. Any kennel offering day care or training, without boarding, holding or overnight services, shall be limited to maximum of 15 dogs per staff member on site. It shall be a violation of this article to have any dogs on said premises over and above the outlined maximum capacity.”

If the City Council is amenable to the proposed ordinance language, the Law Department can have the amended ordinance on next week’s agenda for first reading.



Ollie's Law Guidance for ACOs & Shelters/Rescues



The Massachusetts Department of Agricultural Resources (MDAR) Division of Animal Health is responsible for licensing and inspecting shelters/rescues, inspecting municipal animal holding facilities, and for providing training and guidance to animal control officers (ACOs). We want to provide shelters/rescues and ACOs with information on the changes created by the passing of Ollie's law, how the changes will affect them, and a timeline of when the changes will take effect, so we developed this document.

In 2020, a 7-month-old labradoodle by the name of Ollie was severely mauled by other dogs at an East Longmeadow boarding facility. Ollie spent two months in a veterinary hospital before ultimately succumbing to his injuries. Ollie's death could have been prevented if proper care and safety measures were in place at the boarding facility. Unfortunately, stories like Ollie's are not unique. It was clear to advocates that there were significant gaps in kennel oversight and that legislative changes were necessary to help prevent tragedies like Ollie's.

On September 20th, 2024, an Act to Increase Kennel Safety (AKA Ollie's Law) was signed by Governor Maura Healey. The passing of Ollie's law gives the Massachusetts Department of Agricultural Resources (MDAR) the ability to work with an appointed advisory committee to create standards and enact regulations for commercial boarding and training kennels, including dog daycares. Ollie's Law also clarifies existing kennel license requirements, requires municipalities to report kennel licenses to MDAR, requires kennels to report any injuries that occur to the municipality, and establishes enforcement protocols for the municipality, which allow the state to assist when necessary.

Committee Appointment

Letters of interest currently being accepted!

The MDAR Commissioner is responsible for appointing the advisory committee that will assist the Department in developing these regulations. Among the members of the committee are an owner of a licensed boarding or training kennel with a capacity of less than 50 dogs; an owner of a licensed boarding or training kennel with a capacity of more than 50 dogs; two animal control officers; a licensing authority representative; a veterinarian; an interested member of the public; a dog owner that uses the service of a licensed boarding or training kennel; a certified animal behaviorist; a person with five years of experience in training people about dog behavior; and a representative from a licensed shelter or rescue. Because each of you are qualified to serve on the committee and may work with others who meet the descriptions above, we are asking for your recommendations for members of the advisory committee.

Anyone that is interested in participating should send an email to Commissioner Ashley Randle, at Ashley.Randle@mass.gov. We appreciate your interest and assistance.

Kennel License Requirements

Did not Change

MGL Chapter 140 Section 137A. (a) A person maintaining a kennel shall obtain a kennel license. Private kennels (more than 4 dogs), commercial kennels (1 or more dogs, held for boarding, holding, daycare, overnight stays, or training), commercial breeder kennels, domestic charitable kennels, and veterinary kennels (holding dogs for non-medical reasons) must have kennel licenses. Dogs under 3 months of age do not count for licensing purposes. Full definitions can be found in MGL Chapter 140 Section 136A.

Key Changes

Effective December 19, 2024

- A kennel license cannot be in lieu of an individual dog license. The language allowing this was stricken from Section 137A of MGL Chapter 140. **All dogs over 6 months must now have an individual license.**
 - **There are no longer kennel tags.** For example: Shelter/ Rescue dogs over 6 months of age that are held for more than 30 days must be individually licensed in the municipality they reside.
 - Commercial boarding or training kennels shall maintain records of individual dog licenses for all dogs in its care.
- All municipalities **must** have a process for issuing and revoking kennel licenses.
 - A municipality cannot choose to not issue kennel licenses, if kennels (by definition) are allowed in the municipality.

Key Changes -effective 12/19/24 continued

- A licensing authority **must** specify the type of kennel license and the maximum number of animals allowed in a kennel and this number must be on their kennel license.
 - The maximum number of animals must be determined by the ACO and the licensing authority.
- There is new language for the process for revoking commercial boarding and training kennel license/non-compliance. .
 - A licensing authority shall issue, suspend, renew, and revoke kennel licenses.
 - The issuing municipality determines the licensing period.
- There is new language about kennel inspections. **A kennel license cannot be issued until a passing kennel inspection has been completed by the ACO.** ACOs must also inspect prior to license renewal.
 - Additional kennel inspections may be done by authorized officials: Mayor, select board member, Boston Police Commissioner, Town Manager, Police Chief, or the ACO.
 - All kennels must be inspected at least annually.
- Commercial boarding or training kennels shall report to the licensing authority injuries to animals or people that occur on their premises and the licensing authority shall investigate all reports. Under the new MGLs, MDAR has the authority to assist with investigations and enforcement when necessary.
 - MDAR shall develop a form for such reporting and a time frame for submitting a report after an injury. The form shall be available on the MDAR's website for the public to report such injuries.
 - If MDAR brings enforcement action against a kennel due to an investigative report, MDAR must make the report publicly available on its website.
- All municipalities are required to submit to MDAR a list of kennels and their addresses for compliance review. First list of licensed kennels must be submitted on or before June 1, 2025. A portal for submitting information can be found at www.mass.gov/info-details/ollies-law-information

Future Key Changes

Under MGL Chapter 140 Section 174G, regulations for commercial boarding and training kennels need to be promulgated by the state (MDAR) by June 2026. Until those are promulgated there will not be specific standards that govern commercial boarding and training facilities. They are still required to be inspected – just as all other kennels are.

When regulations for commercial boarding and training kennels are developed, MDAR is required to provide notice and any education or training programs to local authorities.

Enforcement actions should be done on a municipal level but MDAR will have the authority to assist/enforce when necessary.

Future MDAR Regulations

May include

Administrative: licensing, inspection, compliance and enforcement, use of best practices and operation;

Animal Safety: provider and staff to animal ratios, fire and emergency planning, group sizes and supervision, minimum housing and care requirements, indoor and outdoor physical facility requirements, utilities;

Employee Safety and Training: body language interpretation, breed familiarity, dog handling, insurance, proper education and training of dog daycare staff, operational safety standards, risk management, and consumer education and protection.

Ollie's Law Timeline

Bill signed	September 20, 2024
Law takes effect	December 19, 2024
Committee formed	March 19, 2025
Municipalities must send kennel list to MDAR by	June 1, 2025
MDAR reports to legislature	July 1, 2025
Regulations completed by	June 2026
Committee sunsets	December 31, 2026

Information Links

For up to date information about Ollie's Law changes and resources visit:

<https://www.mass.gov/info-details/ollies-law-information>

Mass Animal Fund created an Animal Laws in Massachusetts PDF for reference. All changes from the Acts of 2024 including Ollie's Law changes are highlighted in yellow.

<https://www.mass.gov/doc/animal-laws-and-regulations-in-massachusetts-2024-edition/download>



Please reach out to MDAR if you have any questions about the Ollie Law changes!

MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES CONTACTS

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