

S T A T E O F N E W Y O R K

1774--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Judiciary -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee

AN ACT to amend the real property actions and proceedings law and the
agriculture and markets law, in relation to the recovery of abandoned
animals from property that has been vacated through lease termination,
property foreclosure or abandonment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The real property actions and proceedings law is amended by
2 adding a new section 242 to read as follows:
3 S 242. RECOVERY OF ABANDONED ANIMALS. 1. NOTWITHSTANDING SECTIONS
4 THIRTEEN HUNDRED SEVEN AND NINETEEN HUNDRED SEVENTY-ONE OF THIS CHAPTER
5 OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY PERSON OR ENTITY WHO
6 ENCOUNTERS AN ABANDONED ANIMAL IN A PROPERTY THAT HAS BEEN VACATED
7 THROUGH LEASE TERMINATION, PROPERTY FORECLOSURE OR ABANDONMENT SHALL
8 IMMEDIATELY NOTIFY ANIMAL CONTROL OFFICERS OR ANY OTHER AUTHORIZED AGENT
9 FOR THE PURPOSE OF IMMEDIATELY RETRIEVING SUCH ANIMAL.
10 2. FOR PURPOSES OF THIS SECTION, THE PERSON OR PRIVATE ENTITY THAT
11 NOTIFIES ANIMAL CONTROL OFFICERS OR OTHER AUTHORIZED AGENTS TO RETRIEVE
12 THE ABANDONED ANIMAL OR THE SUCCESSOR PROPERTY OWNER SHALL NOT BE
13 CONSIDERED THE KEEPER OF THE ANIMAL OR THE AGENT OF THE ANIMAL'S OWNER.
14 3. THE ABANDONED ANIMAL RECOVERED BY THE ANIMAL CONTROL OFFICER OR ANY
15 OTHER AUTHORIZED AGENT SHALL BE SUBJECT TO THE DISPOSITION PROVISIONS
16 PROVIDED BY SECTIONS ONE HUNDRED SEVENTEEN AND THREE HUNDRED
17 SEVENTY-FOUR OF THE AGRICULTURE AND MARKETS LAW.
18 S 2. Section 331 of the agriculture and markets law, as added by chap-
19 ter 328 of the laws of 1961, is amended to read as follows:
20 S 331. Abandonment of certain animals. An animal is deemed to be aban-
21 doned when [it] :

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD01800-02-1

1 1. IT is placed in the custody of a veterinarian, veterinary hospital,
2 boarding kennel owner or operator, stable owner or operator, or any
3 other person for treatment, board, or care and:

4 [1.] (A) Having been placed in such custody for a specified period of
5 time the animal is not removed at the end of such specified period and a
6 notice to remove the animal within ten days thereafter has been given to
7 the person who placed the animal in such custody, by means of registered
8 letter mailed to the last known address of such person[, or:].

9 [2.] (B) Having been placed in such custody for an unspecified period
10 of time the animal is not removed within twenty days after notice to
11 remove the animal has been given to the person who placed the animal in
12 such custody, by means of a registered letter mailed to the last known
13 address of such person.

14 [3.] (C) The giving of notice as prescribed in this section shall be
15 deemed a waiver of any lien on the animal for the treatment, board or
16 care of the animal but shall not relieve the owner of the animal removed
17 of his contractual liability for such treatment, board or care
18 furnished.

19 2. IT IS FOUND IN A PROPERTY THAT HAS BEEN VACATED THROUGH LEASE
20 TERMINATION, PROPERTY FORECLOSURE OR ABANDONED BY THE TENANT OR OWNER.

21 S 3. This act shall take effect on the sixtieth day after it shall
22 have become a law.