

STATE OF NEW YORK

8684--B

Cal. No. 875

2017-2018 Regular Sessions

IN ASSEMBLY

September 25, 2017

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the real property actions and proceedings law, in relation to the presence of a companion animal when executing a warrant for eviction or dispossession of property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2 of section 749 of the real property actions
2 and proceedings law, as amended by chapter 256 of the laws of 2009, is
3 amended to read as follows:

4 2. (a) The officer to whom the warrant is directed and delivered shall
5 give at least seventy-two hours notice, excluding any period which
6 occurs on a Saturday, Sunday or a public holiday, in writing and in the
7 manner prescribed in this article for the service of a notice of peti-
8 tion, to the person or persons to be evicted or dispossessed and shall
9 execute the warrant between the hours of sunrise and sunset.

10 (b) Such officer shall check such property for the presence of a
11 companion animal prior to executing such warrant and coordinate with
12 such person or persons to be evicted or dispossessed to provide for the
13 safe and proper care of such companion animal or animals. If such
14 persons to be evicted or dispossessed cannot be found after reasonable
15 efforts are made to coordinate with such persons, or if such person is
16 found and declines to take possession of such animal or animals, such
17 officer shall promptly coordinate with the duly incorporated humane
18 society, duly incorporated society for the prevention of cruelty to
19 animals or pound maintained by or under contract or agreement with the

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

LBD13519-07-8

1 municipality in which the animal was found for the safe removal of such
2 companion animal or animals. Such officer shall make reasonable efforts
3 to provide notice to the person or persons to be evicted regarding the
4 location of such companion animal or animals. Disposition of such
5 companion animal or animals shall be in accordance with the provisions
6 of sections one hundred seventeen and three hundred seventy-four of the
7 agriculture and markets law, and all other laws, rules and regulations
8 that govern the humane treatment of animals. "Companion animal," as used
9 in this paragraph, shall have the same meaning as provided in subdivi-
10 sion five of section three hundred fifty of the agriculture and markets
11 law.

12 § 2. This act shall take effect immediately.