

# STATE OF NEW YORK

3412

2019-2020 Regular Sessions

## IN SENATE

February 6, 2019

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Domestic Animal Welfare

AN ACT to amend the agriculture and markets law, in relation to the care and collection of animals on vacant property

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

1 Section 1. Section 373 of the agriculture and markets law is amended  
2 by adding a new subdivision 2-a to read as follows:

3 2-a. a. Notwithstanding sections thirteen hundred seven and nineteen  
4 hundred seventy-one of the real property actions and proceedings law or  
5 any other provision of law to the contrary, any person or entity who is  
6 authorized to be on property that has been vacated as a result of an  
7 eviction, property foreclosure, forfeiture or default on a mortgage,  
8 trust deed or land sales contract, or abandonment who encounters an  
9 animal which based on its physical appearance or lack of available food  
10 or water appears abandoned on such property shall promptly, but not  
11 later than six hours after such encounter, notify the dog control offi-  
12 cer, the police, or agent or officer of a duly incorporated society for  
13 the prevention of cruelty to animals about such encounter, for the  
14 purpose of promptly retrieving or providing necessary care for such  
15 animal at the property until the animal can be retrieved. Animals  
16 removed from the premises shall be placed in the custody of a pound,  
17 duly incorporated society for the prevention of cruelty to animals, duly  
18 incorporated humane society, or duly incorporated animal protective  
19 association and cared for in accordance with the provisions of this  
20 section, section three hundred seventy-four of this article, section one  
21 hundred seventeen of this chapter, and all other laws and ordinances  
22 that govern the humane treatment of animals. Failure to provide notifi-  
23 cation as provided for in this subdivision shall be a violation.

24 b. Nothing in this section shall be construed to limit or restrict in  
25 any way agents or officers of societies for the prevention of cruelty to

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

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1 animals or the police from enforcing provisions of this article or any  
2 other law relating to abandonment of animals or the inhumane treatment  
3 of or cruelty to animals.

4 § 2. This act shall take effect on the sixtieth day after it shall  
5 have become a law.