

# STATE OF NEW YORK

10333

## IN ASSEMBLY

April 29, 2020

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law and the agriculture and markets law, in relation to providing for the legal ownership of a companion animal

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

1 Section 1. The domestic relations law is amended by adding a new  
2 section 256 to read as follows:

3 § 256. Order to care for companion animal pending final determination;  
4 assignment of sole or joint ownership. 1. Notwithstanding any other law  
5 to the contrary, the court, at the request of a party to proceedings for  
6 dissolution of marriage or for legal separation of the parties, may  
7 enter an order prior to the final determination of ownership of a  
8 companion animal to require a party to care for the companion animal  
9 taking into consideration the well-being of such companion animal. The  
10 existence of an order providing for the care of a companion animal  
11 during the course of proceedings shall not have any impact on the  
12 court's final determination of ownership of the companion animal.

13 2. Notwithstanding any other law, the court, at the request of a party  
14 to proceedings for dissolution of marriage or for legal separation of  
15 the parties, may assign sole or joint ownership of the companion animal  
16 taking into consideration the well-being of the companion animal.

17 3. "Companion animal," as used in this section, shall have the same  
18 meaning as in subdivision five of section three hundred fifty of the  
19 agriculture and markets law.

20 § 2. The agriculture and markets law is amended by adding a new  
21 section 382 to read as follows:

22 § 382. Order awarding legal ownership of a companion animal. 1.  
23 Notwithstanding any other law, a person may commence an action to deter-  
24 mine the legal ownership of a companion animal who resides with such  
25 person if such companion animal:

26 (a) resides with two or more persons in the same residence or dwelling  
27 unit;

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

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1 (b) was purchased collectively by all such persons who reside with  
2 such companion animal;

3 (c) is cared for collectively by all such persons; and

4 (d) has no lawful owner or lawful order of possession.

5 2. Notwithstanding any other law to the contrary, the court may enter  
6 an order prior to the final determination of ownership of a companion  
7 animal to require a party to care for the companion animal taking into  
8 consideration the well-being of such companion animal. The existence of  
9 an order providing for the care of a companion animal during the course  
10 of proceedings shall not have any impact on the court's final determi-  
11 nation of ownership of the companion animal.

12 3. Notwithstanding any other law to the contrary, the court may assign  
13 sole or joint ownership of the companion animal taking into consider-  
14 ation the well-being of the companion animal.

15 4. As used in this section, the following terms shall have the follow-  
16 ing meanings:

17 (a) "care" shall include but not be limited to the prevention of acts  
18 of torture or cruelty as defined in subdivision two of section three  
19 hundred fifty of this article.

20 (b) "companion animal" shall have the same meaning as in subdivision  
21 five of section three hundred fifty of this article.

22 (c) "joint tenant" or "co-tenant" shall mean an occupant pursuant to a  
23 lease or rental agreement for residential real property or a dwelling  
24 unit who enters into such lease or rental agreement with another person  
25 or persons other than the landlord.

26 (d) "landlord" shall mean any person who is (i) the lessor in a resi-  
27 dential real property transaction or (ii) is the lessor of a multifamily  
28 dwelling unit transaction.

29 (e) "person" shall mean either a tenant, joint tenant, co-tenant or  
30 subtenant, depending on the terms of the lease or rental agreement, who  
31 is not in a domestic relationship or marriage with the other tenant,  
32 joint tenant, co-tenant or subtenant.

33 (f) "subtenant" shall mean a person whose right to occupy and use a  
34 premise according to the terms of the lease or rental agreement is not  
35 derived from a lease or rental agreement with a landlord.

36 (g) "tenant" shall mean an occupant pursuant to a lease or rental  
37 agreement for residential real property or a dwelling unit, other than  
38 an owner.

39 § 3. This act shall take effect on the thirtieth day after it shall  
40 have become a law.