

# STATE OF NEW YORK

1769

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to requiring property owners and lessors of certain properties that have been vacated to inspect such property for abandoned animals

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, the property owner or lessor  
6 of property that has been vacated as a result of an eviction, property  
7 foreclosure, forfeiture or default on a mortgage, trust deed or land  
8 sales contract, or abandonment, or such property owner or lessor's  
9 designee, shall, within three days of such vacancy, inspect the property  
10 for the presence of abandoned animals. If the property owner, lessor, or  
11 designee encounters an animal which appears to be abandoned on such  
12 property, such owner, lessor, or designee shall immediately notify the  
13 dog control officer, the police, or agent or officer of a duly incorpo-  
14 rated society for the prevention of cruelty to animals about such  
15 encounter, for the purpose of promptly retrieving or providing necessary  
16 care for such animal at the property until the animal can be retrieved.  
17 The property owner, lessor, or designee who encounters an abandoned  
18 animal pursuant to this paragraph shall not be deemed the owner, posses-  
19 sor or person having charge or custody of the animal.

20 b. A property owner or lessor, or such property owner or lessor's  
21 designee, who fails to comply with the requirements of paragraph a of  
22 this subdivision shall be subject to a civil penalty of not more than  
23 five hundred dollars for a first offense and not more than one thousand  
24 dollars for a second offense and each subsequent offense thereafter.

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

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1 Funds collected pursuant to this subdivision shall be deposited into the  
2 animal population control fund established pursuant to section ninety-  
3 seven-xx of the state finance law.

4 c. Nothing in this section shall be construed to limit or restrict in  
5 any way agents or officers of societies for the prevention of cruelty to  
6 animals or the police from enforcing provisions of this article or any  
7 other law relating to abandonment of animals or the inhumane treatment  
8 of or cruelty to animals.

9 § 2. This act shall take effect immediately.