STATE OF NEW YORK

2881

2023-2024 Regular Sessions

IN ASSEMBLY

January 31, 2023

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:

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

2-a. a. Notwithstanding sections thirteen hundred seven and nineteen hundred seventy-one of the real property actions and proceedings law or any other provision of law to the contrary, the property owner or lessor of property that has been vacated as a result of an eviction, property foreclosure, forfeiture or default on a mortgage, trust deed or land sales contract, or abandonment, or such property owner or lessor's designee, shall, not more than three days after a property owner or a lessor knew or should have known that a property has been vacated, inspect the property for the presence of abandoned animals. If the property owner, lessor, or designee encounters an animal which appears to be abandoned on such property, such owner, lessor, or designee shall immediately notify the dog control officer, the police, or agent or officer of a duly incorporated society for the prevention of cruelty to animals about such encounter, for the purpose of promptly retrieving or providing necessary care for such animal at the property until the animal can be retrieved. The property owner, lessor, or designee who encounters an abandoned animal pursuant to this paragraph shall not be deemed the owner, possessor or person having charge or custody of the animal.

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

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

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dollars for a second offense and each subsequent offense thereafter. Funds collected pursuant to this subdivision shall be deposited into the animal population control fund established pursuant to section ninety-seven-xx of the state finance law.

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

§ 2. This act shall take effect immediately.