

STATE OF NEW YORK

5505--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property actions and proceedings law, in relation to requiring property owners of certain properties that have been vacated or abandoned to inspect such property for abandoned companion animals

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

1 Section 1. The opening paragraph and paragraph (c) of subdivision 2 of
2 section 1307 of the real property actions and proceedings law, the open-
3 ing paragraph as added by chapter 507 of the laws of 2009 and paragraph
4 (c) as added by chapter 160 of the laws of 2022, are amended and two new
5 paragraphs (e) and (f) are added to read as follows:

6 Such plaintiff shall have the right to peaceably enter upon such prop-
7 erty, or to cause others to peaceably enter upon the property for the
8 limited purpose of inspections, repairs and maintenance as required by
9 this section, inspection for the presence of abandoned companion animals
10 in accordance with paragraph (e) or (f) of this subdivision, or as
11 otherwise ordered by court; provided, however, that if the property is
12 occupied by a tenant, at least seven days notice must be given to such
13 tenant, unless emergency repairs are required in which case reasonable
14 notice shall be provided to the tenant.

15 (c) Such plaintiff shall have the right to peaceably enter upon such
16 property, or to cause others to peaceably enter upon the property for
17 the limited purpose of inspections, repairs and maintenance as required
18 by this section, inspection for the presence of abandoned companion
19 animals in accordance with paragraph (e) or (f) of this subdivision, or
20 as otherwise ordered by court; provided, however, that if the property

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

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1 is occupied by a tenant, at least seven days notice must be given to
2 such tenant, unless emergency repairs are required in which case reason-
3 able notice shall be provided to the tenant.

4 (e) If the plaintiff encounters a companion animal which appears to be
5 abandoned during an inspection performed under this subdivision, the
6 plaintiff shall immediately notify the dog control officer, the police,
7 or agent or officer of a duly incorporated humane society or duly incor-
8 porated society for the prevention of cruelty to animals about such
9 encounter, for the purpose of promptly retrieving or providing necessary
10 care for such companion animal at the property until the animal can be
11 retrieved. Any plaintiff who encounters an abandoned companion animal
12 pursuant to this paragraph shall not be deemed the owner, possessor or
13 person having charge or custody of the animal.

14 (f) Any plaintiff that fails to inspect a vacated or abandoned proper-
15 ty for abandoned companion animals in accordance with paragraph (e) of
16 this subdivision shall be subject to a civil penalty of not more than
17 five hundred dollars for a first offense and not more than one thousand
18 dollars for a second offense and each subsequent offense thereafter.
19 Funds collected pursuant to this subdivision shall be deposited into the
20 animal population control fund established pursuant to section ninety-
21 seven-xx of the state finance law. The attorney general shall have
22 authority to enforce the penalties in this paragraph.

23 § 2. Section 1971 of the real property actions and proceedings law is
24 amended by adding a new subdivision 3 to read as follows:

25 3. When the department finds that a dwelling is abandoned within the
26 meaning of this article, the department shall inspect the dwelling for
27 the presence of abandoned companion animals. If the department encount-
28 ers a companion animal which appears to be abandoned during such
29 inspection, the department shall immediately notify the dog control
30 officer, the police, or agent or officer of a duly incorporated humane
31 society or duly incorporated society for the prevention of cruelty to
32 animals about such encounter, for the purpose of promptly retrieving or
33 providing necessary care for such companion animal at the property
34 until the animal can be retrieved. The department or any department
35 employee who encounters an abandoned companion animal pursuant to this
36 subdivision shall not be deemed the owner, possessor or person having
37 charge or custody of the animal.

38 § 3. This act shall take effect immediately.